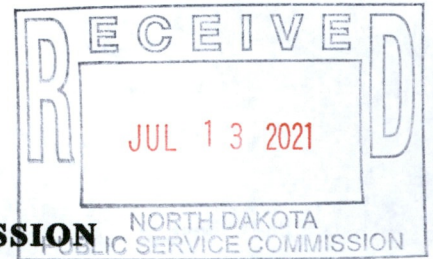


**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**



Rainbow Energy Center, LLC)

Docket No. EG21-____-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted pursuant to the Energy Policy Act of 2005, §§ 1261-77, Pub. L. No. 109-58, 119 Stat. 594 (2005), and Section 366.7, 18 C.F.R. § 366.7 (2021) of the regulations of the Federal Energy Regulatory Commission (“Commission”), Rainbow Energy Center, LLC (“REC” or “Applicant”) hereby submits this notice of self-certification (“Notice”) of its status as an exempt wholesale generator (“EWG”), as defined in Section 366.1 of the Commission’s rules, 18 C.F.R. § 366.1.¹ In support of this Notice, Applicant hereby states as follows:

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this notice should be sent to the following persons who are authorized to receive service:

¹ This filing is one of a series of filings made today or which will be made in the coming days by REC and Nexus Line, LLC (“Nexus”) (as well as the Midcontinent Independent System Operator (“MISO”) and Great River Energy (“GRE”)) required to complete a transaction in which REC and Nexus will acquire certain facilities from GRE. In addition to this notice of self-certification of EWG status for REC, the filings include a filing (i) under FPA Section 203 for REC to acquire the Coal Creek Generating Station and the associated interconnection rights into the MISO grid and Nexus to acquire certain interconnection customer interconnection facilities from GRE, (ii) under FPA Section 205 so that Nexus can provide transmission service over interconnection customers interconnection facilities under FERC Order No. 807, (iii) under FPA Section 205 so that REC can make wholesale sales at market based rates, and (iv) a filing by the MISO and GRE under Section 205 to revise the current Generator Interconnection Agreement between MISO and GRE to conform the point of interconnection – of the Coal Creek Generating Station to the MISO grid -- to the historic (and current) interconnection of the Coal Creek Generating Station to the MISO grid.

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II. DESCRIPTION OF THE COMPANY

REC, a newly-formed North Dakota limited liability company, was formed for the purpose of acquiring an existing 1,151 MW coal-fired generation facility, Coal Creek Generation Station, (the “Plant”) located in McLean County, North Dakota, from Great River Energy.² The Plant will be interconnected with the transmission system operated by the Midcontinent Independent System Operator, Inc, in part through Interconnection Customer Interconnection Facilities owned by its affiliate Nexus Line, LLC. REC is a subsidiary of United Energy Corporation (“UEC”), a North Dakota corporation engaged in several aspects of the energy industry including oil and gas production and exploration, natural gas and power marketing, crude oil marketing and oil and gas midstream projects.

REC will not own or control transmission. With respect to physical energy commodities, REC may engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates sales in the MISO region. In connection with the operation of the Plant, REC also may engage in activities incidental to the sale of electric energy at wholesale that are consistent with the Commission’s EWG precedent.

² Great River Energy (“GRE”) is a not-for-profit wholesale electric power cooperative. GRE’s rates are not subject to regulation by any state, including North Dakota and Minnesota.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

Consistent with Section 366.1 of the Commission's regulations, REC makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. REC represents that it will be engaged directly and exclusively in the business of owning and operating the Plant and selling electric energy at wholesale. Consistent with the Commission's EWG precedent, to the extent that REC engages in activities incidental to the wholesale generation business, the activities will not violate the EWG exclusivity requirement. The Plant, as described above, will satisfy the definition of Eligible Facilities as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 and as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.
2. The Plant is an "eligible facility" because (i) it is used for the generation of electric energy exclusively for sale at wholesale and (ii) does not own transmission facilities.
3. REC will not make sales of power at retail.
4. No rate or charge for, or in connection with, the construction of the Plant, or for electric energy produced by the Plant, was in effect under the laws of any State on October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of the Plant as an EWG.
5. No portion of the Plant will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant that is not itself an EWG, as defined in Section 366.1 of the Commission's regulations.
6. There are no leasing arrangements involving the Plant and any public utility company or any affiliate or associate company of any public utility company.

IV. CONCLUSION

For the reasons set forth in this notice of self-certification, REC satisfies the requirements of EWG status.

July 8, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Robert C. Fallon, hereby certify that I have this day caused the foregoing Notice of Self- Certification of Exempt Wholesale Generator Status of Rainbow Energy Center, LLC to be served by first-class mail upon the North Dakota Public Service Commission and the Minnesota Public Utilities Commission.

Dated at Washington, D.C. this 8th day of July, 2021.

/s/ Robert C. Fallon
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