

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

<i>Sierra Estrella Energy Storage LLC</i>)	Docket No. ER24-1420-000
<i>Superstition Energy Storage LLC</i>)	Docket No. ER24-1421-000

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF
SIERRA ESTRELLA ENERGY STORAGE LLC AND
SUPERSTITION ENERGY STORAGE LLC**

Pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), Sierra Estrella Energy Storage LLC (“Sierra Estrella”) and Superstition Energy Storage LLC (“Superstition”) (each, an “Applicant”) and collectively, “Applicants”) hereby move for leave to answer and answer (“Answer”)¹ the March 25, 2024 comments filed by Public Citizen, Inc.² (“Public Citizen”) relating to the application for authorization to make wholesale sales of energy, capacity, and certain ancillary services at market-based rates (“Application”) under Applicants’ proposed FERC Electric Tariffs (each a “Tariff” and together, the “Tariffs”) in the above-mentioned dockets.³

¹ Applicants respectfully request that if this Answer is deemed to be a supplement to their Application and is noticed for comment, the Commission provide for a notice period of no more than fourteen (14) days. In addition, to the extent necessary, Applicants renew their request for waiver of the 60-day prior notice requirement to allow Applicants’ proposed Tariffs to become effective **March 18, 2024**, their originally requested effective date. Good cause exists to grant such a waiver because doing so would allow Applicants to flow test energy to the grid prior to commissioning their facilities.

² See *Sierra Estrella Energy Storage LLC*, Comment of Public Citizen, Inc., Docket Nos. ER24-1420-000 and ER24-1421-000 (filed Mar. 25, 2024) (“Public Citizen Comments”).

³ See *Sierra Estrella Energy Storage LLC*, Application for Market-Based Rate Authorization and Request for Waivers and Blanket Authorizations, Waiver of Prior Notice, a Shortened Comment Period and Expedited Action, Docket Nos. ER24-1420-000 and ER24-1421-000 (filed Mar. 6, 2024) (“Application”).

I. Motion for Leave to Answer

Rule 213(a)(2) of the Commission's regulations prohibits answers to answers unless otherwise ordered by the decisional authority.⁴ Applicants respectfully move to answer the Public Citizen Comments. Good cause exists to grant this motion because this Answer clarifies the record and provides information to assist the Commission in its decision-making process.⁵

II. Answer

Public Citizen refers to an individual who owns TWG Global Holdings, LLC ("TWG Global"), Mr. Mark R. Walter.⁶ In response to Public Citizen's comment, Applicants agree that Mark R. Walter, a private individual, controls and holds all of the voting interests of TWG Global, a closely held investment company, which Applicants state in Section I.C of their Application is the indirect upstream owner of Plus Power Enterprises, LLC ("Power Plus Enterprises") which, in turn holds a passive ownership interest in Plus Power Common Holder, LLC ("Common Holder"), an indirect upstream owner of Applicants.⁷ Applicants further note that, as stated in the Application, Plus Power Enterprises' passive interests convey only limited consent rights necessary to protect the holders and their investments and do not convey control over Common

⁴ 18 C.F.R. § 385.213(a)(2) (2023).

⁵ *See, e.g., Ne. Utils. Servs. Co. v. NRG Energy, Inc.*, 101 FERC ¶ 61,327 at P 17 (2002) (accepting an answer clarifying the issues); *Sw. Power Pool, Inc.*, 172 FERC ¶ 61,179 at P 22 (2020) (accepting an answer that aided in decision-making); *Pac. Gas & Elec. Co.*, 172 FERC ¶ 61,171 at P 27 (2020) (same); *Midcontinent Indep. Sys. Operator, Inc.*, 172 FERC ¶ 61,169 at P 52 (2020) (same).

⁶ Public Citizen Comments at 1.

⁷ As described in the Application, Plus Power Enterprises owns a 40% passive ownership interest in Common Holder, an indirect upstream owner of Applicants. Plus Power Enterprises is wholly owned by Cell Power Holdings, LLC, which in turn is wholly owned by DLHPH Infrastructure Holdings, LLC ("DLHPH Infrastructure Holdings"). DLHPH Infrastructure Holdings is wholly owned by TWG Global. *See* Application at 3-4.

Holder or the Applicants,⁸ like those held by the passive tax equity investors in *AES Creative Resources, L.P.*⁹ Accordingly, due to the passive nature of TWG Global’s indirect ownership of Common Holder and Applicants, Mr. Walter is not an “affiliate” of Applicants for purposes of the Commission’s review of the Application,¹⁰ and his other affiliations are not relevant to this proceeding.

In addition, regarding Public Citizen’s comment relating to the requested effective date, Applicants affirm that they request an effective date of March 18, **2024**, not 2023, as noted elsewhere in the Application.

III. Conclusion

For the reasons set forth above, Applicants respectfully request that the Commission accept this Answer and accept the Application to be effective on March 18, 2024.

Respectfully submitted,

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⁸ See *Data Collection for Analytics & Surveillance & Mkt.-Based Rate Purposes*, Order No. 860, 168 FERC ¶ 61,039 at P 138 (2019) (“Order No. 860”), *order on reh’g*, Order No. 860-A, 170 FERC ¶ 61,129 (2020); *see also* 18 C.F.R. § 35.37(a)(2).

⁹ 129 FERC ¶ 61,239 at P 28 (2009).

¹⁰ *See id.*

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2024, I have caused to be served a copy of the foregoing upon all parties on the official service list in these proceedings in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2023).

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