

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

In Reply Refer To:

CalPeak Power LLC	Docket Nos. ER11-2602-000
	ER11-2602-001
CalPeak Power – Panoche LLC	ER11-2597-000
	ER11-2597-001
CalPeak Power – Vaca Dixon LLC	ER11-2600-000
	ER11-2600-001
CalPeak Power – El Cajon LLC	ER11-2596-000
	ER11-2596-001
CalPeak Power – Enterprise LLC	ER11-2608-000
	ER11-2608-001
CalPeak Power – Border LLC	ER11-2595-000
	ER11-2595-001
Tyr Energy, LLC	ER11-2605-000
	ER11-2605-001
Commonwealth Chesapeake Company, LLC	ER11-2604-000
	ER11-2604-001
Fox Energy Company, LLC	ER10-2578-002
	ER10-2578-004

(collectively, Tyr Entities)

April 13, 2011

Mr. Jonathan W. Gottlieb
Attorney for the Tyr Entities
Leonard, Street and Deinard, PA
1350 I Street, NW
Suite 800
Washington, D.C. 20005

Reference: Notice of Change in Status, Request for Category 1 Status and Tariff
Revisions

Dear Mr. Gottlieb:

On January 3, 2011 and January 4, 2011, as amended on February 22, 2011, you filed on behalf of the Tyr Entities, a notice of change in status. You state that Tyr Acquisition Company, LLC acquired interests in Kiowa Power Partners, LLC, Tenaska

Alabama II Partners, L.P., Tenaska Gateway Partners, Ltd., Tenaska Georgia Partners, L.P., and Tenaska Virginia Partners, L.P.¹ Additionally, Tyr Keenan II, LLC (Tyr Keenan), acquired a 42 percent interest in CPV Keenan II Renewable Energy Company, LLC (CPV Keenan).² As a result of these acquisitions, the Tyr Entities have become affiliated with additional generation in the Southern Power Pool (SPP) and Southern Company, Inc. balance authority areas and the PJM Interconnection, L.L.C. market. You further represent that Tyr Keenan's 42 percent interest in CPV Keenan has been found to be a passive interest. You state that the acquisitions do not affect the conditions the Commission relied upon when granting the Tyr Entities market-based rate authority.

Additionally, you filed on behalf of CalPeak Power LLC, CalPeak Power – Panoche LLC, CalPeak Power – Vaca Dixon LLC, CalPeak Power – El Cajon LLC, CalPeak Power – Enterprise LLC, and CalPeak Power – Border LLC (collectively, CalPeak Entities) a request for category 1 Status representing that each meets the criteria for Category 1 Status in the Northeast, Southeast, Central, SPP and Northwest regions. You also filed on behalf of Fox Energy Company, LLC (Fox Energy) a request for Category 1 status representing it meets the criteria for Category 1 status in the Northeast, Southeast, SPP, Southwest and Northwest regions.

You filed revised market-based rate tariffs which reflect the following change: 1) CalPeak Entities remain Category 2 sellers in the Southwest region and changes to a Category 1 sellers in all other regions; 2) Commonwealth Chesapeake Company, LLC (Commonwealth Chesapeake) changes to a Category 2 seller in the Northeast region and remains a Category 1 seller in all other regions; 3) Tyr Energy, LLC changes to a Category 2 seller in the Northeast, Southeast, Central and SPP regions and remains a Category 1 seller in the Southwest and Northwest regions; and 4) Fox Energy remains a Category 2 seller in the Central region and changes to a Category 1 seller in all other regions.³

¹ The related disposition of jurisdictional facilities was authorized by the Commission in *Tenaska Energy, Inc.*, 133 FERC ¶ 62,189 (2010).

² The related disposition of jurisdictional facilities was authorized by the Commission in *EFS Keenan II, LLC*, 132 FERC ¶ 62,202 (2010).

³ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 62, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055 (2008), *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010). Applicants must file an updated market power analysis in compliance

You state that CalPeak Entities do not own or control over 500 megawatts of generation in aggregate in the Northeast, Southeast, Central, SPP and Northwest regions. You also state that neither CalPeak Entities nor any of their affiliates own or control transmission facilities in those regions. You add that CalPeak Entities and their affiliates are not affiliated with a franchised public utility in those regions, and that neither CalPeak Entities nor their affiliates raise any other vertical market power issues.

You also state that Fox Energy does not own or control over 500 megawatts of generation in aggregate in the Northeast, Southeast, SPP, Southwest and Northwest regions. You state that neither Fox Energy nor any of its affiliates own or control transmission facilities in those regions. You add that Fox Energy and its affiliates are not affiliated with a franchised public utility in those regions, and that neither Fox Energy nor its affiliates raise any other vertical market power issues.

Your filings were noticed on January 3, 2011, January 5, 2011, February 22, 2011 and March 18, 2011, with comments, protests or interventions due on or before January 24, 2011, January 25, 2011, March 15, 2011 and March 25, 2011, respectively. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing, effective March 4, 2011, as requested. Based on your representations, the CalPeak Entities meet the criteria for Category 1 sellers in the Northeast, Southeast, Central, SPP and Northwest regions and are so designated, and Fox Energy meets the criteria for Category 1 seller in the Northeast, Southeast, Southwest, SPP and Northwest regions and is so designated.⁴ Based on your representations, the notice of change in status is also accepted for filing.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

with the regional reporting schedule adopted in Order No. 697. Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 882.

⁴ Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 848-50.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Ryan Anderson
Phone: (202) 502-8122
Office of Energy Market Regulation
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development - West