

APPENDIX B TO SUBPART H OF PART 35

This is an example of the required appendix listing the filing entity and all its energy affiliates and their associated assets which should be submitted with all market-based rate filings.

MARKET-BASED RATE AUTHORITY AND GENERATION ASSETS

| Filing entity and its energy affiliates | Docket No. where MBR authority was granted | Generation name | Owned by | Controlled by | Date control transferred | Location | | In-service date | Nameplate and/or seasonal rating |
|---|--|--------------------|-----------|---------------|--------------------------|---------------------------------|------------------------------------|-----------------|----------------------------------|
| | | | | | | Balancing authority area | Geographic region (per Appendix D) | | |
| ABC Corp. | ER05-23X-000 | ABC falls plant #1 | ABC Corp | ABC Corp | NA* | ABC balancing authority area. | Central | 8/12/1981 | 153.5 MW (seasonal). |
| xyz Inc. | ER94-79XX-000 | NA | NA | NA | NA | NA | NA | NA | NA. |
| RST LLC | ER01-2XX5-000 | Green CoGen | WWW Corp. | RST LLC | 5/23/2005 | New York ISO. | Northeast | 12/20/2003 | 2000 MW (nameplate). |
| Sample Co. | ER03-XX45-000 | Sample Co. 3 | Sample Co | YYY Corp | 2/1/1982 | Sample Co. balancing authority. | Southwest | 5/13/1973 | 10 MW (seasonal). |

*If an entity has no assets or the field is not applicable please indicate so by inputting (NA).

§ 35.43

18 CFR Ch. I (4–1–10 Edition)

ELECTRIC TRANSMISSION ASSETS AND/OR NATURAL GAS INTRASTATE PIPELINES AND/OR GAS STORAGE FACILITIES

| Filing entity and its energy affiliates | Asset name and use | Owned by | Controlled by | Date control transferred | Location | | Size |
|---|---|-------------|---------------|--------------------------|-------------------------------|------------------------------------|---|
| | | | | | Balancing authority area | Geographic region (per Appendix D) | |
| ABC Corp | CBA Line, used to interconnect Green Cogen to New York ISO transmission system. | ABC Corp | ABC Corp | NA* | New York ISO | Northeast | approximately five-mile, 500 kV line. |
| Etc. LP | Nowhere Pipeline, used to connect Storage LLC's—Longway Pipeline to ABC falls plant #1. | Etc. LP ... | Etc. LP ... | NA | ABC balancing authority area. | Central ... | approximately 14 miles of natural gas pipeline and related equipment with 50 MMcf/d capacity. |

*If the field is not applicable please indicate so by inputting (NA).

Subpart I—Cross-Subsidization Restrictions on Affiliate Transactions

SOURCE: 73 FR 11025, Feb. 29, 2008, unless otherwise noted.

§ 35.43 Generally.

(a) For purposes of this subpart:

(1) *Affiliate* of a specified company means:

(i) For any person other than an exempt wholesale generator:

(A) Any person that directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of the specified company;

(B) Any company 10 percent or more of whose outstanding voting securities are owned, controlled, or held with power to vote, directly or indirectly, by the specified company;

(C) Any person or class of persons that the Commission determines, after appropriate notice and opportunity for hearing, to stand in such relation to the specified company that there is liable to be an absence of arm's-length bargaining in transactions between them as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the person be treated as an affiliate; and

(D) Any person that is under common control with the specified company.

(E) For purposes of paragraph (a)(1)(i) of this section, owning, controlling or holding with power to vote, less than 10 percent of the outstanding voting securities of a specified company creates a rebuttable presumption of lack of control.

(ii) For any exempt wholesale generator (as defined under §366.1 of this chapter), consistent with section 214 of the Federal Power Act (16 U.S.C. 824m), which provides that "affiliate" will have the same meaning as provided in section 2(a) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b(a)(11)):

(A) Any person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the specified company;

(B) Any company 5 percent or more of whose outstanding voting securities are owned, controlled, or held with power to vote, directly or indirectly, by the specified company;

(C) Any individual who is an officer or director of the specified company, or of any company which is an affiliate thereof under paragraph (a)(1)(ii)(A) of this section; and

(D) Any person or class of persons that the Commission determines, after appropriate notice and opportunity for hearing, to stand in such relation to the specified company that there is liable to be an absence of arm's-length