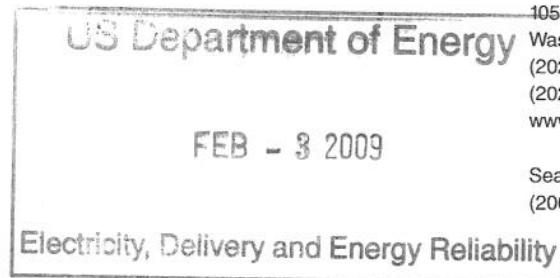


**VanNess
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ATTORNEYS AT LAW



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Margaret A. Moore
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February 2, 2009

Mr. Anthony J. Como
Director
Office of Policy and Siting, OE-20
Office of Electricity Delivery & Energy Reliability
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

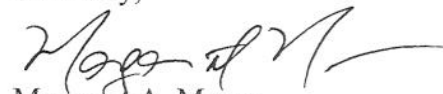
**Re: Application of Bruce Power Inc. for Authorization to Export
Electricity to Canada, Docket No. EA - 349**

Dear Mr. Como:

Enclosed for filing are an original and 15 conformed copies of the Application of Bruce Power Inc. Also enclosed are three additional copies, which we request you date stamp and return.

In accordance with 10 C.F.R. § 205.309 (2008), also enclosed is a check in the amount of \$500 payable to the Treasurer of the United States. A copy of the Application has been served upon the Secretary of the Federal Energy Regulatory Commission.

Sincerely,


Margaret A. Moore
Attorney for Bruce Power Inc.

Enclosures

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

Bruce Power Inc.

)

Docket No. EA_____

**APPLICATION OF BRUCE POWER INC. FOR
AUTHORIZATION TO EXPORT ELECTRICITY TO CANADA**

Bruce Power Inc. (Applicant), pursuant to section 202(e) of the Federal Power Act (FPA), 16 U.S.C. § 824a(e), and the Department of Energy (DOE) regulations contained in 10 C.F.R. § 205.300, *et seq.* (2008), hereby files its Application for blanket authorization to export electricity from the United States to Canada for a term of five years, effective from the date of the order granting this Application.

I. DESCRIPTION OF APPLICANT

The exact legal name of Applicant is Bruce Power Inc. Applicant is incorporated under the *Business Corporations Act* (Ontario) and has its principal place of business in Tiverton, Ontario, Canada. The shares of Applicant are held equally by each of: (1) BPC Generation Infrastructure Trust (BPC); (2) Cameco Corporation (Cameco); and (3) TransCanada Energy Management Inc. (TEMI).

Applicant operates as a power marketer in the United States and received authorization from the Federal Energy Regulatory Commission (FERC) to sell energy, capacity, and ancillary services at market-based rates in the United States.¹ Applicant is the licensed operator of the Bruce A and Bruce B nuclear generating stations, located on Lake Huron, approximately 250 kilometers northwest of Toronto. Applicant does not own any electric generation, transmission, or distribution facilities in the United States.

¹ Bruce Power Inc., Letter Order, FERC Docket No. ER07-907-000 (June 29, 2007).

II. COMMUNICATIONS

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Vice President of Power Marketing
Bruce Power L.P.
177 Tie Road, R.R. #2
P.O. Box 1540, Building B10
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Tel: (519) 361-6561
Fax: (519) 361-1845
Email: richard.horrobin@brucepower.com

Margaret A. Moore
Vincenzo Franco
Van Ness Feldman, P.C.
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Washington, D.C. 20007
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Brian Armstrong
Executive Vice President & General Counsel
Bruce Power L.P.
177 Tie Road, R.R. #2
P.O. Box 1540, Building B10
Tiverton, ON N0G 2T0
Tel: (519) 361-6566
Fax: (519) 361-4333
Email: brian.armstrong@brucepower.com

III. PROVINCE OF INCORPORATION

Applicant is incorporated under the *Business Corporations Act* (Ontario) and has its principal place of business in Tiverton, Ontario, Canada. Applicant is not currently registered to do business in any U.S. States.

IV. JURISDICTION

Pursuant to section 202(e) of the FPA, DOE has jurisdiction over the action to be taken in this Application. No other known federal, state, or local government has jurisdiction over the action to be taken in this Application.

V. DESCRIPTION OF TRANSMISSION FACILITIES

Applicant seeks authority to transmit electricity to Canada as a power marketer over existing cross-border facilities. Exhibit C to this Application provides a description of these transmission facilities and their Presidential Permit numbers.

VI. TECHNICAL DISCUSSION

As noted above, Applicant does not currently own or control electric generation or transmission facilities in any wholesale market in interstate commerce in the United States or have a power supply system of its own in the United States on which its exports of power could have a reliability, fuel use, or system stability impact. Applicant will purchase the power to be exported from electric utilities and federal power marketing agencies pursuant to voluntary agreements. By definition, such power is surplus to the system of the generator and, thus, the electric power that Applicant will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the United States. Moreover, Applicant's exports of electric energy to Canada will not impede or tend to impede the regional coordination of electric utility planning or operations.

Applicant will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to effect any power exports. All of the electricity exported by Applicant will be transmitted pursuant to arrangements with utilities that own or operate existing transmission facilities and will be consistent with the export limitations and other terms and conditions contained in the existing Presidential Permits and electricity export authorizations associated with those facilities. Applicant will comply with the terms and conditions contained in the authorizations issued for these

cross-border facilities as well as any other export limitations that DOE may deem appropriate, consistent with DOE's orders authorizing exports of electric energy by power marketers.

Applicant will schedule each transaction with the appropriate balancing authority in compliance with the reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation (NERC) and its Regional Entities. Applicant will obtain all necessary transmission access over the existing facilities listed in Exhibit C² for its exports and will comply with all applicable statutes and implementing rules, regulations, and orders of DOE and FERC. The controls inherent in any transaction that complies with NERC requirements and DOE export limits on the transmission facilities listed in Exhibit C are sufficient to ensure that exports by Applicant will not impede the coordinated use of transmission facilities within the meaning of section 202(e) of the FPA.

As noted in Order No. EA-102,³ DOE may utilize the reliability analyses performed in other export authorization proceedings for the transmission facilities listed in Exhibit C in order to make the findings required for a grant of export authority to Applicant. Because the proposed exports will take place over existing international transmission lines, Applicant submits that the requested authorization does not require the preparation of an environmental impact statement or an environmental assessment pursuant to the National Environmental Policy Act of 1969.

² The location, voltage, owner, and the Presidential Permits under which the relevant border transmission facilities were constructed and are maintained are also set forth in Exhibit C.

³ *Enron Power Marketing Inc.*, FE Docket No. EA-102 (February 6, 1996).

VII. PROCEDURES

This Application is consistent with the North American Free Trade Agreement and U.S. energy policy, and will foster development of a more efficient and competitive North American energy market. Applicant requests authority for export transactions through specified border facilities even though specific transactions may not yet have been negotiated.

VIII. EXHIBITS AND ATTACHMENTS

The signed verification of Richard Horrobin is attached to this Application.

In accordance with 10 C.F.R. § 205.303, the following exhibits are attached hereto and made part hereof:

Exhibit A	Not Applicable
Exhibit B	Legal Opinion
Exhibit C	Transmission Facilities (submitted in lieu of Maps)
Exhibit D	Power of Attorney with Agent Residing within the United States
Exhibit E	Not Applicable
Exhibit F	Not Applicable

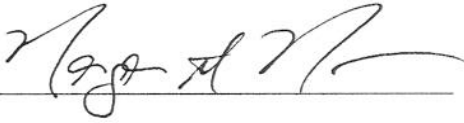
Pursuant to 10 C.F.R. § 205.309, a copy of this Application is being provided to:

Federal Energy Regulatory Commission
Office of the Secretary
888 First St., N.E.
Washington, D.C. 20426

IX. CONCLUSION

In consideration of the foregoing, Applicant requests approval of this Application for authorization to export electricity to Canada for a term of five years, effective from the date of the order granting this Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marg A Moore", is written over a horizontal line.

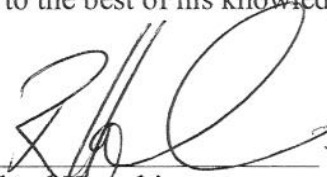
Margaret A. Moore
Attorney for Bruce Power Inc.

Dated: February 2, 2009

VERIFICATION


PROVINCE OF ONTARIO)
) ss:
MUNICIPALITY OF KINCARDINE)

Richard Horrobin, being duly sworn, states that he is the Vice President, Power Marketing of Bruce Power Inc., that he is authorized to execute this Verification, that he has read the above and foregoing document and is familiar with the contents thereof, and that all allegations of fact therein contained are true and correct to the best of his knowledge and belief.



Richard Horrobin
Vice President, Power Marketing
Bruce Power Inc.

Sworn to me this 27th day
Of January 2009



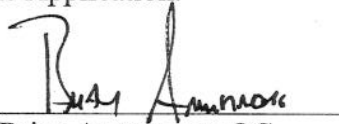
William A. Schnurr
Notary Public

EXHIBIT B
Legal Opinion

Legal Opinion

The following is given in support of the Application of Bruce Power Inc. (Applicant) to Export Electricity to Canada, dated ~~January~~ February 2, 2009.

- 1) I am a barrister and solicitor authorized to practice law in the Province of Ontario.
- 2) I am employed as the Executive Vice President and General Counsel of Bruce Power Inc.
- 3) Applicant is a corporation incorporated under the laws of Province of Ontario.
- 4) On June 29, 2007, Applicant received from the Federal Energy Regulatory Commission authorization to make wholesale sales of electricity in interstate commerce in the United States.
- 5) Applicant has the corporate power and capacity to execute and deliver the Application, and has taken all corporate action required to be taken by Applicant to authorize the execution and delivery of the Application.
- 6) To the best of my knowledge and belief, Applicant has complied with all pertinent federal and state laws related to the Application.



Brian Armstrong, QC
Executive Vice President & General Counsel
Bruce Power Inc.

BRUCE POWER
LAW DIVISION

Approved: WJ

Date: Jan 23/09

EXHIBIT C

Transmission Facilities

CROSS-BORDER TRANSMISSION FACILITIES

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.</u> ⁴
Bangor Hydro-Electric Company	Baileyville, ME	345-kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administration	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
Eastern Maine Electric Cooperative	Calais, ME	69-kV	PP-32
International Transmission Company	Detroit, MI	230-kV	PP-230
	Marysville, MI	230-kV	PP-230
	St. Claire, MI	230-kV	PP-230
	St. Claire, MI	345-kV	PP-230
Joint Owners of the Highgate Project	Highgate, VT	120-kV	PP-82
Long Sault, Inc.	Massena, NY	2-115-kV	PP-24
Maine Electric Power Company	Houlton, ME	345-kV	PP-43
Maine Public Service Company	Limestone, ME	69-kV	PP-12
	Fort Fairfield, ME	69-kV	PP-12
	Madawaska, ME	138-kV	PP-29
	Aroostook, ME	2-69-kV	PP-29
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61
New York Power Authority	Massena, NY	765-kV	PP-56
	Massena, NY	2-230-kV	PP-25
	Niagara Falls, NY	2-345-kV	PP-74

⁴ These Presidential permit numbers refer to the generic DOE permit number and are intended to include any subsequent amendments to the permit authorizing the facility.

	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Company	Red River, ND	230-kV	PP-45
	Roseau County, MN	500-kV	PP-63
	Rugby, ND	230-kV	PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	±150-kV DC	PP-299
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76
	Millbury, MA	345-kV	
	Medway, MA	345-kV	

EXHIBIT D
Power of Attorney with Agent
Residing Within the United States

**IRREVOCABLE LIMITED
POWER OF ATTORNEY**

This IRREVOCABLE POWER OF ATTORNEY is made 26th January 2009 by Bruce Power Inc. (the Principal), a corporation incorporated under the laws of the Province of Ontario, with its executive offices located in Tiverton, Ontario, Canada.

1. Appointment. The Principal does hereby appoint Margaret A. Moore, whose principle place of business is at Van Ness Feldman, P.C., 1050 Thomas Jefferson St., N.W., Seventh Floor, Washington, D.C. 20007, as the Principal's true and lawful agent and attorney-in-fact (Attorney-in-Fact) for the limited purpose hereinafter set out.
2. Scope of Authority. The Attorney-in-Fact shall have the limited power and authority to receive service of process for any and all matters relating to Principal's reporting requirements to the Department of Energy pursuant to Principal's authority to transmit electric energy to Canada.
3. Irrevocability. This Power of Attorney is irrevocable by the Principal for the five year term of the authorization to export electricity to Canada.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be duly executed on this 26th day of January 2009.

Bruce Power Inc.

By: [Signature]

Name: Brian Armstrong, QC

Title: Executive Vice President & General Counsel

This instrument was acknowledged before me on the 26th day of January 2009 by William Schnurr at Tiverton, Ontario, Canada.

[Signature]
William A. Schnurr
Notary Public

BRUCE POWER
LAW DIVISION

Approved: WA

Date: Jan 23/09