

ORIGINAL

US Department of Energy

THE UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

DEC 20 2013

Electricity Delivery and  
Energy Reliability

NEXTERA ENERGY POWER  
MARKETING, LLC

)  
)

Docket No. EA-348-B

**RENEWAL APPLICATION OF NEXTERA ENERGY POWER MARKETING, LLC  
FOR AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO CANADA**

NextEra Energy Power Marketing, LLC (f/k/a FPL Energy Power Marketing, Inc. – See OE Docket No. EA-348-A) (“NEPM”), pursuant to Section 202(e) of the Federal Power Act (16 U.S.C. §824a(e)) and 10 C.F.R. §205.300 *et seq.* (2008), hereby submits a renewal application of its authorization from the Department of Energy (“the Department or DOE”) to transmit electric energy from the United States to Canada for an additional period of five years from the date the DOE grants this application or such other period as the Department deems appropriate.

In support of this application, NEPM respectfully shows as follows:

**I. DESCRIPTION OF APPLICANT**

The exact name of the applicant is NextEra Energy Power Marketing, LLC (f/k/a FPL Energy Power Marketing, Inc. – See OE Docket No. EA-348-A). Its principal place of business is 700 Universe Boulevard, Juno Beach, Florida, 33408. NEPM is a limited liability company engaged in the purchase and sale of physical and financial energy commodities. NEPM is a wholly owned subsidiary of NextEra Energy Resources, LLC, and a subsidiary of NextEra Energy, Inc., a Florida corporation.

**II. PARTNERS**

NEPM is not seeking authorization to export power on behalf of, or in conjunction, with, any partners or partnerships.

### **III. COMMUNICATIONS**

Communications regarding this application should be addressed to the following:

Marty Jo Rogers  
Senior Counsel  
NextEra Energy Power Marketing, LLC  
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Senior Attorney  
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Washington, DC 20004  
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### **IV. ORGANIZATION OF APPLICANT, AUTHORITY TO DO BUSINESS**

NEPM is a formed pursuant to the laws of the State of Delaware, with its principal place of business in Juno Beach, Florida. NEPM is authorized by the Federal Energy Regulatory Commission ("FERC") to make wholesale sales of electric power and related products at market-based rates. *See FPL Energy Maine Hydro, Inc.*, 85 FERC ¶ 61,214 (1998). If the Department requests, then NEPM will provide the Department a list of states in which it has registered to do business.

### **V. JURISDICTION**

NEPM does not know of any other federal, state or local government other than DOE that has jurisdiction over the actions to be taken under the authority sought in this Application.

### **VI. FACILITIES**

NEPM does not own any transmission facilities, nor do any of NEPM's affiliates own any transmission facilities directly interconnecting with transmission facilities in Canada. NEPM intends to export power over existing transmission interconnections between the United States and Canada. Exhibit C to this renewal application provides the location and description of the

transmission facilities through which the electric energy may be delivered into Canada, and includes the name of the facility owners as well as the Presidential Permit numbers.

## **VII. TECHNICAL DISCUSSION OF PROPOSAL**

Through this renewal application, NEPM seeks to renew its authority to engage in open-ended transactions to export electricity to Canada under terms and conditions to be negotiated in the future. DOE has granted such renewed authority to export electricity to Canada previously for other entities, such as Tenaska Power Services and Transalta Energy Marketing (U.S.) Inc. NEPM is submitting this renewal application under Order No. 348-A at this time in order to ensure that the Department may act upon NEPM's application in sufficient time to prevent a lapse in NEPM's authorization. The electric power NEPM will continue to export, on either a firm or interruptible basis, will generally be purchased from others voluntarily and will, therefore, be surplus to the needs of the selling entities. Because NEPM does not have native load obligations, its exports will not impair its ability to meet current or prospective power supply obligations. In addition, NEPM's proposed exports will not impair or impede sufficient electric supplies in the United States or the regional coordination of electric utility planning or operations.

## **VIII. PROCEDURES**

NEPM's Renewal Application is consistent with the United States energy policy in the Energy Policy Act of 1992, the North American Free Trade Agreement of 1993, the Energy Policy Act of 2005, and FERC Order No. 890, which foster more efficient and competitive North American energy markets.

NEPM is seeking renewal, as a power marketer, to export electricity through existing U.S.-Canadian border facilities. NEPM will accept general conditions in its export authorization

consistent with those included in the Department's previous export authorizations and renewal applications granted to power marketers, including compliance with applicable export limits for the transmission facilities utilized by NEPM. In addition, if requested by the Commission NEPM will provide written evidence to the Department that it has secured sufficient transmission service for the delivery of power to the U.S.-Canada border. When scheduling the delivery of power, NEPM will comply with the applicable North American Electric Reliability Corporation ("NERC") reliability criteria, standards, and guidelines. For each calendar quarter, NEPM will provide the Department with reports regarding the gross amount of electricity delivered to Canada, consideration received during each month, and the maximum hourly rate of transmission, and other data requested by the Department.

## **IX. EXHIBITS**

The following exhibits are attached hereto:

- Exhibit A: Agreements – There are currently no formal agreements in place for sales of energy from the United States to Canada that are related to this application.
- Exhibit B: Legal Opinion of NEPM's counsel.
- Exhibit C: Transmission Facilities (submitted in lieu of maps).
- Exhibit D: Non-U.S. Applicant's Power of Attorney – Not applicable.
- Exhibit E: Not applicable.
- Exhibit F: Not applicable.

To the extent necessary, NEPM requests a waiver of the requirement to include the above exhibits that are not applicable to its renewal application as a power marketer.

**X. EXPEDITED PROCESSING**

NEPM respectfully requests that the Department expedite processing of this application to the extent possible. NEPM respectfully requests that the Department issue an order granting the requested authorization by February 10, 2014.

## **XI. CONCLUSION**

WHEREFORE, NEPM respectfully requests that the Department review and expeditiously grant this application for authorization to transmit electric energy to Canada.

Respectfully submitted,

NEXTERA ENERGY POWER MARKETING, LLC

By:



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Attorneys for Applicant,  
NextEra Energy Power Marketing, LLC

Dated this 18th day of December, 2013

**EXHIBIT B**  
**OPINION OF COUNSEL**

NEXTERA ENERGY RESOURCES, LLC  
700 UNIVERSE BOULEVARD  
JUNO BEACH, FL 33408

December 19, 2013

The Department of Energy  
Office of Electricity Delivery and Energy Reliability  
OE-20, Room 6H-034  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Re: NextEra Energy Power Marketing, LLC  
(f/k/a FPL Energy Power Marketing, Inc.)  
Renewal Application for Authorization to Transmit Electric Energy to Canada

Dear Sirs/Mesdames:

I am General Counsel of NextEra Energy Resources, LLC, a Delaware limited liability company ("NER"), and in such capacity, I have acted as counsel to NER subsidiary NextEra Energy Power Marketing, LLC ("Applicant"). I am a member of the bar of the state of Florida and the District of Columbia.


This opinion (the "**Opinion**") is given in support of the Renewal Application of NextEra Energy Power Marketing, LLC for Authorization to Transmit Electric Energy to Canada dated December 18, 2013 (the "**Application**"), which Renewal Application is being submitted by Applicant to the Department of Energy pursuant to 10 C.F.R. 2005.300 (the "**Applicable Regulations**").

For purposes of rendering the opinions expressed herein, I have been furnished and have reviewed a copy of the Renewal Application. I have also made such examinations of U.S. federal and state laws as I have deemed relevant for purposes of this Opinion, and the opinions expressed herein are expressly limited solely to U.S. federal and state laws insofar as such laws bear on the matters covered hereby.

Based upon the foregoing, and subject to the limitations, qualifications and assumptions expressed herein, I am of the opinion that:

1. As required by the Applicable Regulations, Applicant has full corporate power and authority to buy and sell, or act as a marketer/broker in connection with the sale and exportation of, electric energy.
2. Applicant has complied with all pertinent U.S. federal and state laws.

This Opinion speaks as of the time of its delivery on the date first set forth above, and the undersigned undertakes no obligation to update this Opinion at any time thereafter. This Opinion is rendered solely in connection with the Renewal Application, is solely for the benefit of the recipient named above, and is not to be used, circulated, quoted or otherwise referred to for any other purpose or relied upon by any other person or entity for any purpose without Applicant's prior written consent.

  
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Mitchell S. Ross  
Vice President & General Counsel



## EXHIBIT C

### LIST OF FACILITIES

#### List of Electric Transmission Facilities Interconnecting with Canada

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit</u>
Bangor Hydro-Electric Company	Baileyville, ME	345-kV	PP-89
Basin Electric Power Coop.	Tioga, ND	230-kV	PP-64
Bonneville Power Adm.	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
Eastern Main Electric Coop.	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.	Massesna, NY	2-115-kV	PP-24
Maine Electric Power Co.	Houlton, ME	345-kV	PP-43
Maine Public Service Co.	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 Coop.	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
NY Power Authority	Massena, NY	765-kV	PP-56

	Massena, NY	2-230-kV	PP-25
	Niagara Falls, NY	2-345-kV	PP-74
	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Co.	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	±450-kV DC	PP-299
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	+/-450kV-DC	PP-76

## VERIFICATION

STATE OF FLORIDA )

COUNTY OF PALM BEACH )

I, Lawrence Silverstein, Senior Vice President, of NextEra Energy Power Marketing, LLC, am authorized to provide this verification on behalf of NextEra Energy Power Marketing, LLC, have knowledge of the matters set forth in the foregoing Application of NextEra Energy Power Marketing, LLC for Authorization to Transmit Electric Energy to Canada, and hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.



Lawrence Silverstein  
Senior Vice President

SIGNED and SWORN TO before me this 10<sup>th</sup> day of December, 2013.



Notary Public

My commission expires: \_\_\_\_\_

