

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

**US Department of Energy**

**MAY 26 2009**

**Electricity, Delivery and Energy Reliability**

J.P. Morgan Commodities Canada  
Corporation

)

Docket No. EA- 356

**APPLICATION OF  
J.P. MORGAN COMMODITIES CANADA CORPORATION  
FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC ENERGY TO CANADA**

Pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C. § 824a(e), and the Department of Energy's ("DOE") regulations, 10 C.F.R. §§ 205.300, *et seq.* (2008), J.P. Morgan Commodities Canada Corporation ("JPMCCC") hereby requests authorization to transmit electric energy from the United States to Canada for a period of five years, effective from the date of the order granting this Application.

**I. DESCRIPTION OF APPLICANT**

The exact legal name of the applicant is J.P. Morgan Commodities Canada Corporation. JPMCCC is a Canadian federal corporation, with its principal place of business in Calgary, Alberta. On May 15, 2009, JPMCCC filed an application with the Federal Energy Regulatory Commission ("FERC") for authorization to engage in wholesale sales of electric power in interstate commerce at negotiated (market-based) rates, under JPMCCC's proposed Rate Schedule FERC No. 1.

JPMCCC is wholly owned by J.P. Morgan Ventures Energy Corporation ("JPMVEC"), a Delaware corporation. JPMVEC is wholly owned by JPMorgan Chase Funding Inc., which is a wholly owned subsidiary of JPMorgan Chase & Co. ("JPMC"). JPMC is a publicly-traded company listed on the New York Stock Exchange. JPMVEC and several of its subsidiaries are

authorized by FERC to engage in the wholesale sales of electricity at market-based rates (together, the "J.P. Morgan Sellers").

## **II. COMMUNICATIONS**

Communications regarding this application should be addressed to the following:

Ike Gibbs  
Compliance Director &  
Assistant General Counsel  
JPMorgan Chase Bank, N.A.  
700 Louisiana Street, Suite 1000  
Houston, TX 77002  
Tel: 713-236-3322  
Email: ike.gibbs@jpmorgan.com

## **III. ORGANIZATION OF APPLICANT, AUTHORITY TO DO BUSINESS**

JPMCCC is a Canadian federal corporation with its principal place of business in Calgary, Alberta. JPMCCC is extra-provincially registered into the provinces of British Columbia, Alberta, and Ontario. JPMCCC currently is not authorized to do business in any other provinces or states.

## **IV. JURISDICTION**

JPMCCC does not know of any other Federal, State, or local government agency that has any jurisdiction over the action to be taken in this application.

## **V. FACILITIES**

JPMCCC intends to export power over existing transmission interconnections between the United States and Canada. Specifically, JPMCCC requests authority to export power over any facility determined by DOE to be appropriate for third-party use.

## **VI. TECHNICAL DISCUSSION OF PROPOSAL**

JPMCCC has no “supply system” of its own on which exports of power could have a reliability or stability impact. The electric power that JPMCCC will export, either on a firm or an interruptible basis, will be surplus to the needs of the selling entities. Neither JPMCCC nor any of the J.P. Morgan Sellers has an obligation to serve native load, and therefore the exports proposed by JPMCCC will not impair their ability to meet current and prospective power supply obligations. Further, the proposed exports will not impair or tend to impede the sufficiency of electric supplies in the United States or the regional coordination of electric utility planning or operations.

All of the electricity exported by JPMCCC 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. JPMCCC will comply with the terms and conditions contained in the authorizations issued for these cross-border facilities as well as any other export limitation that DOE may deem appropriate, consistent with DOE’s orders authorizing exports of electric energy by power marketers. JPMCCC will schedule each transaction with the appropriate balancing authority in compliance with applicable reliability standards and requirements of the North American Electric Reliability Corporation.

## **VII. PROCEDURAL MATTERS**

JPMCCC’s application is consistent with the North American Free Trade Agreement of 1993 and United States energy policy, and will foster more efficient and competitive North American energy markets. JPMCCC is seeking authorization, as a power marketer, to export electricity through existing border facilities although specific transactions have not yet been

finalized. DOE has granted export authority to similarly-situated electric power marketers. If required by DOE, JPMCCC is willing to accept general conditions consistent with DOE's previous power marketer export authorizations.

#### **VIII. EXHIBITS**

The following exhibits identified in DOE's regulations are attached hereto as follows:

- Exhibit A – Not applicable
- Exhibit B – Legal opinion of JPMCCC's counsel
- Exhibit C – Not included pursuant to guidance from DOE Staff
- Exhibit D – Not applicable
- Exhibit E – Not applicable
- Exhibit F – Not applicable
- Exhibit G – Verification

To the extent necessary, JPMCCC requests a waiver of the requirement to provide the exhibits that are not applicable to its application, as noted.

#### **IX. CONCLUSION**

JPMCCC respectfully request that DOE review and grant this application in an expeditious manner.

Respectfully submitted,



Ike Gibbs  
Compliance Director &  
Assistant General Counsel  
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May 20, 2009

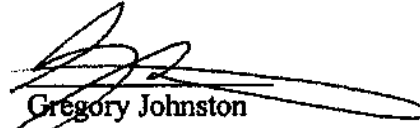
**EXHIBIT B**

**Opinion of Legal Counsel**

### **LEGAL OPINION**

The following opinion is given in support of the Application of J.P. Morgan Commodities Canada Corporation for Authorization to Transmit Electric Energy to Canada, dated May 20, 2009.

1. I am an attorney at law, authorized to practice law in the Province of Alberta;
2. I am employed as Assistant General Counsel to J.P. Morgan Commodities Canada Corporation;
3. J.P. Morgan Commodities Canada Corporation has full corporate power and authority to engage in the export of electricity as proposed in the Application; and
4. J. P. Morgan Commodities Canada Corporation will comply with all pertinent Federal and State laws.

  
Gregory Johnston  
Assistant General Counsel

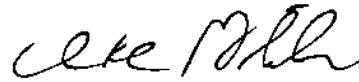
**EXHIBIT G**

**Verification**

# VERIFICATION

STATE OF TEXAS                    )  
  )  
COUNTY OF HARRIS                )

I, Ike Gibbs, an Executive Director of J.P. Morgan Commodities Canada Corporation, am authorized to provide this verification on behalf of J.P. Morgan Commodities Canada Corporation, have knowledge of the matters set forth in the foregoing Application of J.P. Morgan Commodities Canada Corporation for Authorization to Transmit Electric Energy to Canada, and hereby verify that the contents are true and correct to the best of my knowledge, information, and belief.



Ike Gibbs  
Executive Director

SIGNED AND SWORN TO before me this 20<sup>th</sup> day of May, 2009.



Notary Public

My commission expires: 5-28-2010

