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March 29, 2022

Mr. Christopher Lawrence
U.S. Department of Energy
Office of Electricity Delivery and Energy Reliability
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: DTE Energy Trading, Inc. – Application to Transmit Electricity to Canada

Dear Mr. Lawrence:

Enclosed for filing on behalf of DTE Energy Trading, Inc. (“DTE Energy Trading”) is a copy of the Application of DTE Energy Trading, Inc. for Authorization to Transmit Electricity to Canada (the “Application”). DTE Energy Trading also has submitted electronically the amount of \$500 via the U.S Department of Energy General Collections website, as required under 10 C.F.R. Section 205.309. The Agency Tracking ID Number for this payment is: 76218559359.

At this time, DTE Energy Trading would like to request authorization for a 10-year period. In addition, DTE Energy Trading requests expedited processing of this application.

Your assistance on this matter is greatly appreciated. If you have any questions regarding his application, please do not hesitate to contact me.

Respectfully submitted,



Geoffrey M. Goodale

Counsel to DTE Energy Trading, Inc.

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

DTE Energy Trading, Inc.)
) Docket No. EA-____
)

APPLICATION OF DTE ENERGY TRADING, INC. FOR
AUTHORITY TO TRANSMIT ELECTRIC ENERGY TO CANADA

Pursuant to Section 202(e) of the Federal Power Act ("FPA"), 16 U.S.C. § 824 a(e) and the regulations contained in 10 C.F.R. §§ 205.300, *et seq.*, DTE Energy Trading, Inc. ("DTE Energy Trading" or "Applicant") hereby submits this application to the Department of Energy, Office of Electricity Delivery and Energy Reliability (the "Department") for, and respectfully requests, blanket authorization to transmit and export electricity from the United States to Canada (the "Application") for a period of ten years or such period as the Department may authorize for similarly situated power marketers.¹ DTE Energy Trading further respectfully requests that this Application be made effective by June 1, 2022.

I. DESCRIPTION OF APPLICANT

Applicant’s exact legal name is “DTE Energy Trading, Inc.”² DTE Energy Trading does not have any partners, and it is not seeking authorization to export electricity on behalf of, or in

¹ See *BP Energy Co.*, EA-314-C (Dec. 20, 2021) (granting authorization to export electricity to Canada for a period of 10 years); *Morgan Stanley Capital Group Inc.*, No. EA-184-D (Dec. 15, 2021) (granting authorization to export electricity to Mexico for a period of 10 years).

² See 10 C.F.R. § 205.302(a).

conjunction with, any partners or partnership.³ DTE Energy Trading is a corporation organized under the laws of Michigan with its principal place of business in Detroit, Michigan.⁴

DTE Energy Trading is a wholly-owned affiliate of DTE Energy Resources, LLC d/b/a DTE Vantage, which is wholly-owned by DTE Energy Company (“DTE”), a publicly-traded corporation based in Detroit, Michigan. DTE is a diversified energy company involved in the development and management of energy-related businesses and services nationwide. Presently, DTE Energy Trading is qualified to do business in the states of California, Illinois, Indiana, Maine, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Texas, and Virginia.

Operating as a gas and power marketing company that provides expert assistance relating to energy trading and power assets, DTE Energy Trading seeks to engage in the purchase of electric energy in the United States wholesale energy markets for export into Canada pursuant to DOE Order No. EA-211-D. DTE Energy Trading does not own or control electric generation or transmission facilities and does not have a franchised electric power area within the U.S. or Canada. DTE Energy Trading is authorized by the Federal Energy Regulatory Commission to sell electric energy, capacity, and ancillary services at market-based rates.

All wholesale power sales by DTE Energy Trading are and will be at rates negotiated between DTE Energy Trading and its counterparties or set by the organized markets in which it participates. DTE Energy Trading currently is not affiliated with any entities that have authority from the Department to export electricity from the United States to Canada and none of its affiliates are seeking authorization to export electricity to Canada at this time.

³ See 10 C.F.R. § 205.302(b).

⁴ See 10 C.F.R. § 205.302(d).

II. COMMUNICATIONS

Communications and correspondence concerning this filing should be addressed to:⁷

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Duane Morris LLP
505 9th Street, N.W. - Suite 100
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Tel: (202) 776-5211
gmgoodale@duanemorris.com

Cynthia M. Klots, Esq.
DTE Energy Trading, Inc.
One Energy Plaza, 400 WCB
Detroit, MI 48226
Tel: (313)-548-8060
cynthia.klots@dteenergy.com

III. JURISDICTION

Under Section 202(e) of the FPA and the Department's regulations, 10 C.F.R. §§ 205.300, *et. seq.*, the Department has jurisdiction over the action proposed in this Application. Applicant believes that no other known federal, state or local government has jurisdiction over the actions to be taken under the authority described in this Application.⁸

⁷ See 10 C.F.R. § 205.302(c).

⁸ See 10 C.F.R. § 205.302(e). Applicant must comply with the requirements of FERC, as applicable, for wholesale sales of power within the United States.

IV. DESCRIPTION OF TRANSMISSION FACILITIES

Applicant does not own any transmission facilities, nor do any of Applicant's affiliates own any transmission facilities directly interconnecting with transmission facilities in Canada. Applicant requests authority to export electricity over any international transmission facility authorized by Presidential Permit that is appropriate for open access by third parties in accordance with export limits assessed and authorized by the Department. In particular, Applicant intends to export electric energy over the existing international transmission facilities between Canada and the United States, as identified in Attachment 2. Attachment 2 provides a description of these transmission facilities (*e.g.*, owner name, location, voltage description) and their Presidential Permit numbers.

V. TECHNICAL DISCUSSION OF PROPOSAL

Section 202(e) of the FPA and the Department's regulations promulgated thereunder provide that exports of electric energy should be authorized unless the proposed export would impair the sufficiency of electric power supply within the United States or would impede or tend to impede the coordinated use (from an operational reliability and security perspective) of the United States electric transmission system.⁹

Applicant is a power marketer that does not own or control electric generation facilities or transmission facilities. Applicant does not have a power supply system on which its exports of power could have reliability, fuel use or system stability impact, nor does it have an obligation to serve native load within a franchised service area.

Applicant will purchase the power it plans to export voluntarily from electric utilities, wholesale generators, power marketers and other parties and thus such power will be surplus to

⁹ 16 U.S.C. § 824a(e).

the needs of the selling parties. Applicant's export of power will not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operation.

Applicant will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to carry out any power exports. This will include: (i) scheduling each transaction with the appropriate balancing authority area in compliance with all reliability criteria, standards and guidelines of the North American Reliability Corporation and applicable Regional Entities in effect at the time of the export, and (ii) obtaining all necessary transmission access over the existing transmission facilities listed in Attachment 2. Applicant agrees to comply with the export limits contained in the relevant export authorization and Presidential Permit associated with the transmission facilities over which Applicant exports electric power to Canada.

In previous orders granting export authorizations to electric power marketers, the Department declined to rigidly apply the information filing requirements contained in its regulations and instead used a flexible approach that takes into consideration the unique nature of power marketers and previously authorized export limits of cross-border facilities.¹⁰ These same considerations demonstrate that Applicant's proposed electricity exports will not impair or tend

¹⁰ See, e.g., *NorAm Energy Services, Inc.*, No. EA-105-CN (Aug. 16, 1996); *MidCon Power Services Corp.*, No. EA-114 (July 15, 1996); *USGen Power Services*, No. EA-112 (June 27, 1996); *CNG Power Services Corp.*, No. EA-110 (June 20, 1996); *Destec Power Services, Inc.*, No. EA-113 (May 31, 1996); *North American Energy Conservation, Inc.*, No. EA-103 (May 30, 1996); *NorAm Energy Services, Inc.*, No. EA-105-MX (May 30, 1996); *Enron Power Marketing, Inc.*, No. EA-102 (Feb. 6, 1996); *Morgan Stanley Capital Group Inc.*, No. EA-185-A-CN (Aug. 14, 2000); *Saracen Energy Partners, LP*, No. EA-340 (June 18, 2008); *Castleton Commodities Merchant Trading L.P.*, No. EA-359-B (Oct. 2, 2014); *Morgan Stanley Capital Group Inc.*, No. EA-185-D (July 8, 2015); *Northland Power Energy Marketing (US) Inc.*, No. EA-473 (June 18, 2019); *Macquarie Energy LLC*, Np. EA-479 (Nov. 21, 2019).

to impede the sufficiency of electric supplies in the United States or the regional coordination of electric utility planning or operations.

VI. COMPLIANCE WITH LAWS AND CONDITIONS

Applicant will conduct its operations in compliance with any authorization conditions imposed by the Department consistent with its prior orders authorizing power marketers blanket authority to export power and in accordance with the provisions of the FPA and applicable rules, regulations and orders adopted or issued thereunder. When scheduling the delivery of power, Applicant also will comply with the applicable reliability criteria, standards and guidelines of NERC, reliability coordinators and balancing authority area operators, including any applicable regional transmission organizations or independent system operators.

Because the proposed exports will occur over existing transmission facilities, Applicant respectfully submits that the Application qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 such that neither an Environmental Agreement nor an Environmental Impact Statement is required because the exports of power proposed by Applicant will occur over existing transmission lines.

Finally, Applicant will continue to comply with such requirements as may be imposed by the Department on other power marketers with blanket electricity export authorization, including making periodic reports to the Department regarding exports, as may be applicable or required.

VII. EXHIBITS

In accordance with the requirements of the Department's regulations (10 C.F.R. § 205.303), Applicant includes the following Exhibits and Attachments with this Application:

- Exhibit A (10 C.F.R. § 205.303(a)) – Export Agreements. Not Applicable. Currently there is no agreement with any Canadian utilities to export electricity.
- Exhibit B (10 C.F.R. § 205.303(b)) – Opinion of Counsel. Attached as Exhibit B is the legal opinion of counsel that the proposed exports are within DTE Energy Trading’s corporate power and that DTE Energy Trading will comply with all pertinent federal and state laws.
- Exhibit C (10 C.F.R. § 205.303(c)) – Maps. Not Applicable. DTE Energy Trading has no “system” of its own to export electricity. Therefore, no maps are available to include as Exhibit C. Additionally, as described above, DTE Energy Trading requests authorization to export energy to Canada over any international transmission facility authorized by Presidential Permit that is appropriate for open access transmission by third parties in accordance with the assessment made by the Department of the transmission limits for operation in the export mode.
- Exhibit D (10 C.F.R. § 205.303(d)) – Agent for Foreign Entities. Not Applicable. DTE Energy Trading has offices in the United States and therefore no designated agent residing within the United States is required.
- Exhibit E (10 C.F.R. § 205.303(e)) – Statement of Corporate Relationship. Not Applicable. DTE Energy Trading does not have any corporate relationship or existing contract between it and any other person, corporation, or foreign government, which in anyway relates to the control or fixing of rates for the purchase, sale, or transmission of electric energy.
- Exhibit F (10 C.F.R. § 205.303(f)) – Operating Procedures. Not Applicable. Neighboring utilities may be informed of any excess capacity and energy by participating in the competitive wholesale markets in the relevant areas.
- Attachment 1 – Verification. DTE Energy Trading has attached as Attachment 1 a signed verification of the factual representations in this Application.¹²
- Attachment 2 – Export Facilities. DTE Energy Trading has attached as Attachment 2 a list of international transmission lines at the U.S.-Canadian border authorized for third-party use.

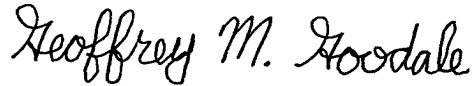
To the extent necessary, DTE Energy Trading requests a waiver of the requirement to provide the exhibits that are noted as not applicable to this Application.

¹² See 10 C.F.R. § 205.302(h); 28 U.S.C. § 1746.

VIII. CONCLUSION

In consideration of the foregoing, DTE Energy Trading, Inc. requests that this Application be expeditiously considered and approved for a term of ten years, effective from the date of its issuance.

Respectfully submitted,



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Counsel to DTE Energy Trading, Inc.

Dated: March 28, 2022

EXHIBITS A, C, D, E, and F

(Not Applicable)

EXHIBIT B

Opinion of Counsel

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March 28, 2022

U.S. Department of Energy
Office of Electricity
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: DTE Energy Trading, Inc. – Application for Authorization to Transmit Electric Energy from the United States to Canada (Docket No. EA-)

Ladies and Gentlemen:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate power of DTE Energy Trading, Inc. (“DTE Energy Trading”) to export electricity to Canada. I am counsel to DTE Energy Trading and represent DTE Energy Trading in connection with the Application of DTE Energy Trading, Inc. for Authorization to Transmit Electricity from the United States to Canada (the “Application”). I am an attorney-at-law, authorized to practice law in Washington, DC.

I have examined such corporate records, certificates and other documents, and such questions of law, as I have considered necessary or appropriate for the purposes of this opinion. Upon the basis of such examination and as of the date hereof, it is my opinion that:

- (1) DTE Energy Trading is duly formed, validly existing, and in good standing under the laws of the State of Michigan.
- (2) The export of electricity contemplated by the Application is within the corporate powers of DTE Energy Trading and
- (3) To the best of my knowledge, DTE Energy Trading has directed its officers and agents to take all necessary steps to comply with all applicable state and federal laws in connection with the actions to be taken under the Application.

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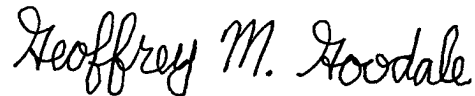
U.S. Department of Energy
March 28, 2022
Page 2

The foregoing opinion is limited to the Federal laws of the United States and the Michigan Business Corporation Law as of the date hereof, and I am expressing no opinion as to the effect of the laws of any other jurisdiction.

In rendering this opinion, I have relied as to certain matters on information obtained from public officials, officers of DTE Energy Trading, and other sources believed by me to be responsible, and I have assumed that the signatures on all documents examined by me are genuine, assumptions which I have not independently verified.

I am furnishing this opinion solely for your benefit in connection with the Application. This opinion may not be relied upon by you for any other purpose or relied upon by or furnished to any other person without my express written consent.

Respectfully submitted,



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Counsel to DTE Energy Trading, Inc.

ATTACHMENT 1

Verification



March 28, 2022

U.S. Department of Energy
Office of Electricity Delivery and Energy Reliability
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0350

RE: Verification Relating to Application of DTE Energy Trading, Inc.

To Whom It May Concern:

I hereby provide this verification and declaration relating to the foregoing Application of DTE Energy Trading, Inc. for Authorization to Transmit Electricity from the United States to Canada.

Declaration Under Penalty of Perjury

(28 U.S.C. § 1746)

I, Cynthia M. Klots, as General Counsel of DTE Energy Trading, Inc., am authorized to provide this verification on behalf of DTE Energy Trading, Inc. and have knowledge of the matters set forth in the foregoing Application of DTE Energy Trading, Inc. for Authorization to Transmit Electricity from the United States to Canada. I hereby verify under penalty of perjury under the laws of the United States of America that the foregoing Application is true and correct.

Respectfully submitted,



Cynthia M. Klots
General Counsel

Executed on March 28, 2022

ATTACHMENT 2

ATTACHMENT 2

**Transmission Lines
at the U.S.- Canada Border
Authorized for Third-Party Use**

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.</u>
Bangor Hydro-Electric Company	Baileyville, ME	345-KV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administrative	Blaine, WA Nelway, WA Nelway, WA	2-500-kV 230-kV 230-kV	PP-10 PP-36 PP-46
CHPE LLC	Champlain, NY	±230-kV DC	PP-481
Eastern Maine Electric Cooperative	Calais, ME	69-kV	PP-32
International Transmission Company	Detroit, MI Marysville, MI St. Claire, MI St. Claire, MI	230-kV 230-kV 230-kV 345-kV	PP-230 PP-230 PP-230 PP-230
ITC Lake Erie Connector	Erie County, PA	320-kV	PP-412*
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 Fort Fairfield, ME Madawaska, ME Aroostook, ME	69-kV 69-kV 138-kV 2-69-kV	PP-12 PP-12 PP-29 PP-29
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnesota Power, Inc.	Roseau County, MN	500-kV	PP-398*
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
NECEC Transmission, LLC	Beattie Township, ME	±320-kV	PP-438*
New York Power Authority	Massena, NY Massena, NY Niagara Falls, NY Devils Hole, NY	765-kV 2-230-kV 2-345-kV 230-kV	PP-56 PP-25 PP-74 PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Company	Red River, ND Roseau County, MN Rugby, ND	230-kV 500-kV 230-kV	PP-45 PP-63 PP-231

Sea Breeze Olympic Converter LP	Port Angeles, WA	±450-kV DC	PP-299*
TDI New England	Alburgh, VT	±320-kV DC	PP-400*
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76

* These facilities have been authorized but not yet constructed or placed.