

June 7, 2022

Ruta Kalvaitis Skučas
Ruta.skucas@klgates.com

T +1 202 778 9210
F +1 202 778 9100

Mr. Christopher Lawrence
Department of Energy
Office of Electricity Deliverability and Energy
Reliability
OE-20, Room 8G-024
1000 Independence Avenue, S.W.
Washington, DC 20585


**Re: Application of Command Power Corp. for Authorization to Transmit Electric
Energy to Canada**

Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.300, et seq. of the regulations of the Department of Energy, enclosed for filing on behalf of Command Power Corp. ("Command Power") is an original copy of an Application for Authority to Transmit Electric Energy to Canada. Additionally, please find enclosed proof of payment for the cost of the application in the amount of \$500 paid on June 2, 2022 via Pay.gov.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,



Ruta Kalvaitis Skučas, Esq.
Maeve C. Tibbetts, Esq.
K&L Gates LLP
1601 K St. NW
Washington, DC 20006
Counsel for Command Power Corp.

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

Command Power Corp.

)
)

Docket No. EA-____

**APPLICATION OF COMMAND POWER CORP
FOR AUTHORITY TO TRANSMIT ELECTRIC ENERGY TO CANADA**

Pursuant to Section 202(e) of the Federal Power Act (“FPA”), 16 U.S.C. § 824a(e) and 10 C.F.R. § 205.300, *et seq.*, Command Power Corp. (“Command Power” or “Applicant”) hereby submits this application for blanket authorization to export electricity from the United States to Canada (“Application”). Command Power requests that this application be made effective no later than August 31, 2022, so that the company may begin transacting on September 1, 2022. Command Power respectfully requests authorization for authority to transmit electric energy from the United States to Canada for a period of five (5) years.

I. COMMUNICATIONS

Communications and correspondence concerning this filing should be addressed to:

Ruta Kalvaitis Skučas
Maeve C. Tibbetts
K&L Gates LLP
1601 K St., NW
Washington, DC 20006
Tel. (202) 530-6428
ruta.skucas@klgates.com
maeve.tibbetts@klgates.com

Jonathan Nikkel
President, Command Power Corp.
293 Douro Second Line
Douro-Dummer, ON, K0L2B0 Canada
Tel. (647) 746-9720
jnikkel@commandpower.ca

II. DESCRIPTION OF APPLICANT

Command Power is a Canadian company with its principal place of business in Douro-Dummer, Ontario. Command Power is a private corporation organized under the Business

Corporations Act (Ontario, Canada). The company is a direct, wholly owned subsidiary of HJ&J Enterprises Ltd., which is 100 percent owned by an individual, Jonathan Nikkel. Command Power operates as a power marketer across the United States and Canada. Command Power does not have any affiliates or upstream owners that possess any ownership interest or involvement in any other company that is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities. The company's upstream private owner, Jonathan Nikkel, does not have any direct involvement with the energy industry other than through the ownership of Command Power. The U.S. Federal Energy Regulatory Commission ("FERC") authorized Command Power to engage in the wholesale sales of electric power and capacity at market-based rates.¹ A copy of this order is attached as Exhibit G.

III. JURISDICTION

Command Power believes that the U.S. Department of Energy ("DOE") is the only governmental agency that has jurisdiction over this application.

IV. DESCRIPTION OF TRANSMISSION FACILITIES

Command Power intends to export electricity over existing international transmission facilities between Canada and the United States, as identified in Exhibit C. Accordingly, Command Power requests authority to export electricity to Canada over any international transmission facility authorized by Presidential Permit that is appropriate for open access by third parties in accordance with the assessment made by DOE of the transmission limits for operation in the export mode.

¹ See *Command Power Corp*, Docket No. ER11-3336-001 (June 28, 2011) (delegated letter order).

V. TECHNICAL DISCUSSION OF PROPOSAL

Section 202(e) of the Federal Power Act (“FPA”) and DOE’s regulations provide that exports should be allowed unless the proposed export would impair the sufficiency of electric power supply within the United States or would tend to impede the coordinated use of the United States power supply network.² Command Power seeks blanket authority to transmit electric power to Canada as a power marketer. Command Power has no electric power supply system on which the proposed exports could have a reliability, fuel use system or stability impact. Command Power also has no obligation to serve native load usually associated with a franchised service area, and, thus, the exports proposed by Command Power will not impair its ability to meet current and prospective power supply obligations.

Command Power will purchase power to be exported from a variety of sources such as power marketers, independent power producers, or U.S. electric utilities and federal power marketing entities as those terms are defined in Sections 3(22) and 3(19) of the FPA. By definition, such power is surplus to the system of the generator and, therefore, the electric power that Command Power will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the U.S.³

Command Power will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to schedule and deliver power exports. All of the electricity exported by Command Power will be transmitted pursuant to arrangements with utilities that own and operate existing transmission facilities and will be consistent with the export limitations and other terms and conditions contained in the existing Presidential Permits and

² 16 U.S.C. § 824a(e).

³ See *Enron Power Marketing, Inc.*, Order EA-102 (1996).

electricity export authorizations associated with these transmission facilities. Command Power will schedule its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American Reliability Corporation (“NERC”) and its member Regional Entities in effect at the time of the export.

In previous orders granting export authorization to electric power marketers, DOE declined to rigidly apply the information filing requirements contained in its regulations and instead used a flexible approach which takes into consideration the unique nature of power marketers, the requirements of FERC Order No. 888 and previously authorized export limit of cross-border facilities.⁴ These same considerations demonstrate that the exports proposed by Command Power will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.

VI. COMPLIANCE WITH CONDITIONS AND PROCEDURES

Command Power proposes to abide by the general conditions consistent with DOE’s previous grants of authorizations to power marketers as set forth in its previous orders, as described herein. From time to time, Command Power will enter into agreements with third parties which involve the export of electric power from the United States into Canada. Exports made by Command Power will not exceed the export limits for the facilities, or otherwise cause a violation of the terms and conditions set forth in the export authorizations for each. With regard to specific transactions, Command Power will provide written evidence to DOE that it has secured sufficient transmission service for the delivery of power to the border. When scheduling the delivery of

⁴ See e.g. *NorAm Energy Services, Inc.*, Order No. EA-105-CN (Aug. 16, 1996); *MidCon Power Services Corp.*, Order No. EA-114 (July 15, 1996); *USGen Power Services*, No. EA-112 (June 27, 1996); *CNG Power Services Corp.*, Order No. EA-110 (June 20, 1996); *North American Energy Conservation, Inc.*, Order No. EA-103 (May 30, 1996).

power, Command Power will comply with the applicable NERC reliability standards. For each calendar year, Command Power will provide DOE with reports indicating the gross amount of electricity delivered to Canada, consideration received during each month, and the maximum hourly rate of transmission, as well as any additional annual reports.

VII. VERIFICATION, REQUIRED COPIES, AND FEE

Verification executed by authorized representatives of Command Power in accordance with 10 C.F.R. § 205.302(h) is enclosed with the Application. In accordance with the requirements of 10 C.F.R. § 205.307, and DOE’s directions, copies of the Application are being provided to the Department. In accordance with the requirements of 10 C.F.R. § 205.309, a copy of this application will be provided to the Secretary of the Federal Energy Regulatory Commission. Payment in the amount of \$500.00 has been submitted through Pay.gov on June 2, 2022.

VIII. REQUIRED EXHIBITS

The following information is provided pursuant to the required exhibits as set forth in DOE regulations 10 C.F.R. § 205.303:

Exhibit A	Transmission Agreements	Not Applicable
Exhibit B	Opinion of Counsel	Attached
Exhibit C	Transmission Facilities	List of international transmission facilities submitted in lieu of a map
Exhibit D	Designation of Agent	Attached
Exhibit E	Statement of Corporate Relationship	Not Applicable
Exhibit F	Operating Procedures	Not Applicable
Exhibit G	FERC Market Based Rate Authority	Attached – FERC order granting Command Power Market-Based Rate Authorization under Docket No. ER11-

X. CONCLUSION

WHEREFORE, Command Power respectfully requests that DOE grant this application for blanket authorization to export power from the United States to Canada, for a period of five (5) years, with such authorization to be effective as of August 31, 2022.

Respectfully submitted,




Ruta Kalvaitis Skučas, Esq.
Maeve C. Tibbetts, Esq.
K&L Gates LLP
1601 K St N.W.
Washington, D.C. 20006
Telephone: (202) 778-9210
ruta.skucas@klgates.com
maeve.tibbetts@klgates.com

Attorneys for Command Power Corp.

June 7, 2022

VERIFICATION

I, Jonathan Nikkel, being authorized to execute this verification and having knowledge of the matters set forth in this Application of Command Power Corp., hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.


Jonathan Nikkel
President
Command Power Corp.

Jaspreet S. Jauhal
Name of Notary Public (*printed name*)
Notary Public, J.S.J.
My commission expires: (commission does not expire)

Sworn (or Affirmed or Declared) before me at
Peterborough in the Province of Ontario,
This 2nd day of May, 20 22

J.S.J. (Jaspreet S. Jauhal)
Jaspreet S. Jauhal, LSO# 78381J
A Notary Public in & for the Province of Ontario

Jaspreet S. Jauhal, Ontario Notary Public &
Lawyer - commission does not expire
Law Society of Ontario License# 78381J
T: (705) 559-0859 E: jaspreet.s.jauhal@gmail.com



EXHIBIT A – TRANSMISSION AGREEMENTS

Command Power has not entered into any transmission agreements at this time.

EXHIBIT B – OPINION OF COUNSEL

June 7, 2022

Ruta Kalvaitis Skučas
Ruta.skucas@klgates.com

T +1 202 778 9210
F +1 202 778 9100

Mr. Christopher Lawrence
Department of Energy
Office of Electricity Deliverability and Energy
Reliability
OE-20, Room 8G-024
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: Application of Command Power Corp. for of Authorization to Export Electricity to Canada

Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of Command Power Corp. to export electricity to Canada. I have examined the Certificate of Incorporation of Command Power Corp. ("Command Power" or "Applicant"), as well as relevant amendments thereto. Based on my review of those documents and representations provided to me by authorized representatives of Command Power, it is my opinion that:

1. The import and export of electricity contemplated by this Application is within the corporate powers of the Applicant; and
2. To the best of my knowledge and belief, the Applicant. 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.

I am opining here only as to the federal laws of the United States, and laws of relevant states within the United States. I express no opinion as to the laws of any other jurisdiction. I am not assuming any obligation to review or update this opinion should the law or existing facts or circumstances change. This opinion is provided by me as counsel to Command Power solely to you for your exclusive use and is not to be made available or relied upon by any other person or entity without my prior written authorization.

Respectfully submitted,



Ruta Kalvaitis Skučas
Counsel for Command Power Corp.

EXHIBIT C – INTERNATIONAL TRANSMISSION FACILITIES

At the U.S.-Canada Border Authorized for Use by Third Party Transmitters

Present Owner	Location	Voltage	Presidential Permit No.
Bangor Hydro Electric Co.	Baileyville, ME	345 kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230 kV	PP-64
Bonneville Power Administration	Blaine, WA	2x 500 kV	PP-10
	Nelway, WA	230 kV	PP-36
	Nelway, WA	230 kV	PP-46
CHPE LLC	Champlain, NY	±230 kV DC	PP-481-2
Eastern Maine Electric Cooperative	Calais, ME	69 kV	PP-32
International Transmission Co.	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
ITC Lake Erie Connector	Erie County, PA	320 kV	PP-412 ⁵
Joint Owners of the Highgate Project	Highgate, VT	120 kV	PP-82
Long Sault, Inc.	Massena, NY	2x 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
	Aroostock, ME	2x 69 kV	PP-29
Minnesota Power Inc.	International Falls, MN	115 kV	PP-78

⁵ These transmission facilities have been authorized but not yet constructed or placed into operation.

Minnesota Power Inc.	Roseau County, MN	500 kV	PP-398 ⁶
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 ⁷
New York Power Authority	Massena, NY	765 kV	PP-56
	Massena, NY	2x 230 kV	PP-25
	Niagara Falls, NY	2x 345 kV	PP-74
	Devil's Hole, NY	230 kV	PP-30
Niagara Mohawk Power Corp.	Devil's 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 ⁸
TDI New England	Alburgh, VT	±320 kV DC	PP-400 ⁹
Vermont Electric Power Co.	Derby Line, VT	120 kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450 kV DC	PP-76

⁶ These transmission facilities have been authorized but not yet constructed or placed into operation.

⁷ These transmission facilities have been authorized but not yet constructed or placed into operation.

⁸ These transmission facilities have been authorized but not yet constructed or placed into operation.

⁹ These transmission facilities have been authorized but not yet constructed or placed into operation.

EXHIBIT D – DESIGNATION OF AGENT AND POWER OF ATTORNEY

IRREVOCABLE LIMITED POWER OF ATTORNEY

This IRREVOCABLE LIMITED POWER OF ATTORNEY is made on June 2, 2022 by Command Power Corp. (the "Principal"), a corporation organized and existing under the Canadian Business Corporations Act, with its headquarters at 293 Douro Second Line, Douro-Dummer, Ontario, Canada, K0L 2B0.

1. Appointment. The Principal hereby appoints Ruta Kalvaitis Skučas of K&L Gates LLP, as the Principal's true and lawful agent for the limited purpose set forth below.
2. Scope of Authority. Pursuant to 10 C.F.R. § 205.303(d), Attorney Skučas shall have the limited power and authority to serve as the agent for the Principal regarding all matters related to the Principal's authorization to export electricity to Canada as issued by the U.S. Department of Energy ("DOE"). This appointment will remain in effect for the duration of the authorization, a five-year period, and will terminate simultaneously with the expiration of the authorization granted by DOE.
3. Irrevocability. This Power of Attorney is irrevocable by the Principal.

IN WITNESS HEREOF, the Principal has caused this Power of Attorney to be duly executed on this 2nd day of June, 2022.

Sworn (or Affirmed or Declared) before me at

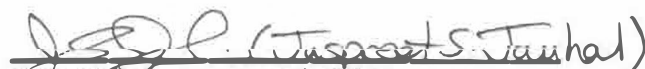
Peterborough in the Province of Ontario,

This 2nd day of June, 20 22

By:



Jonathan Nikkel
President

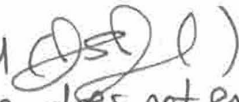

(Jaspreet S. Jauhal)

Jaspreet S. Jauhal, LSO# 78381J

A Notary Public In & for the Province of Ontario

SUBSCRIBED AND SWORN BEFORE ME, this 2nd day of June, 2022.

Name of Notary Public (printed name)

Notary Public, Jaspreet S. Jauhal 

My commission expires: (Commission does not expire)



Jaspreet S. Jauhal, Ontario Notary Public &
Lawyer - commission does not expire
Law Society of Ontario Licensee# 78381J
T: (705) 559-0859 E: jaspreet.s.jauhal@gmail.com

**EXHIBIT E – STATEMENT OF ANY CORPORATE RELATIONSHIP
OR EXISTING CONTRACT**

Not Applicable

EXHIBIT F – OPERATING PROCEDURES

Not Applicable

EXHIBIT G – FERC MARKET BASED RATE AUTHORITY

*FERC order granting Market-Based Rate Authorization
Docket No.ER11-3336-001, issued on June 28, 2011*

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Command Power Corp.
Docket Nos. ER11-3336-000, and
ER11-3336-001

June 28, 2011

Mr. Jonathan Nikkel
Command Power Corp.
156 Sussex Mews
Toronto, Ontario
M5S 2K1

Reference: Market-Based Rate Authorization

Dear Mr. Nikkel:

On April 12, 2011, as amended on May 17, 2011, you filed on behalf of Command Power Corp. (Command Power) an application for market-based rate authority with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. Command Power requests waivers commonly granted to similar market-based rate applicants.

Your filings were noticed on April 13, 2011 and May 18, 2011, with comments, protests or interventions due on or before May 3, 2011 and June 7, 2011, respectively. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, your submittal filed in Docket No. ER11-3336-000 is rejected as overtaken by events. Your submittal filed in Docket No. ER11-3336-001 is accepted for filing, effective June 11, 2011, as requested. Based on your representations, Command Power meets the criteria for a Category 1 seller in all regions and is so designated.¹

¹ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 848-50, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B,

You state that Command Power is located in Ontario, Canada, and intends to act as a power marketer. You further represent that Command Power is wholly owned by an individual, and is not affiliated with any entity that owns or controls generation or transmission facilities. Further, you affirmatively state that Command Power has not erected barriers to entry and will not erect barriers to entry into the relevant market.

Command Power states that it meets the criteria for Category 1 seller status in all regions. Command Power states that it neither owns nor is affiliated with any generation or transmission facilities in any region. Command Power further states that it is not affiliated with a franchised public utility and does not raise any other vertical market power issues.

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.²

Based on your representations, Command Power's submittal satisfies the Commission's requirements for market-based rate authority regarding horizontal and vertical market power.

Command Power's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Command Power's request for waiver of Part 41, Part 101, and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.³ Notwithstanding the waiver of the accounting and reporting requirements here, Command Power is expected to keep its accounting records in accordance with generally accepted accounting principles.

Command Power requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period

FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010).

² Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 62, 399, 408, 440.

³ *Citizens Energy Corp.*, 35 FERC ¶ 61,198 (1986); *Citizens Power and Light Corp.*, 48 FERC ¶ 61,210 (1989) (*Citizens Power*); *Enron Power Marketing, Inc.*, 65 FERC ¶ 61,305 (1993), *order on reh'g*, 66 FERC ¶ 61,244 (1994) (*Enron*).

during which protests could be filed. None was filed. Command Power is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Command Power, compatible with the public interest, and reasonably necessary or appropriate for such purposes.⁴

Command Power must file electronically with the Commission Electric Quarterly Reports.⁵ Command Power further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority in accordance with Order No. 697.⁶

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicant.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

⁴ *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

⁵ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit Electric Quarterly Reports to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

⁶ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18 C.F.R. § 35.42 (2010).

Docket Nos. ER11-3336-000 and ER11-3336-001

- 4 -

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission

Attn: Valerie Gill

Phone: (202) 502-8527

Office of Energy Market Regulation

888 First Street, N.E.

Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Electric Power
Regulation - West