

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

Emera Energy U.S. Subsidiary No. 1, Inc.

Docket No. EA-_____

**APPLICATION OF EMERA ENERGY U.S. SUBSIDIARY NO. 1, INC.
FOR AUTHORIZATION 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.*, Emera Energy U.S. Subsidiary No. 1, Inc. (“EE US No. 1”) hereby files with the Department of Energy (“DOE” or the “Department”) an original and two (2) copies of the instant application (“Application”) for blanket authority to transmit electric energy from the United States to Canada. The Office of Electricity originally granted EE US No. 1 the authority to export electric energy to Canada as a power marketer in April 2004 in Docket No. EA-287, and renewed in 2009, 2014, and 2019 in Docket Nos. EA-287-A, EA-287-B, and EA-287-C, respectively. EE US No. 1 respectfully requests renewal of its authorization to transmit electricity from the United States to Canada for a term of five years.

I. DESCRIPTION OF THE APPLICANT

The exact legal name of the applicant is Emera Energy U.S. Subsidiary No. 1, Inc. EE US No. 1 is a Delaware corporation formed under Delaware law with its principal place of business in Kittery, Maine. EE US No. 1 is a wholly-owned subsidiary of Emera Incorporated (“Emera”), a Nova Scotia company that is a publicly-traded diversified energy and services company. EE US No. 1 is currently authorized to export electric energy from the United States to Canada¹ and has

¹ The present electric energy export authorization for EE US No. 1 was effective as of April 17, 2019 (Order EA-287-C).

also received market-based rate authority from the Federal Energy Regulatory Commission (“FERC”)² to provide wholesale and retail marketing services as a power marketer.

Emera owns other energy concerns. Emera Energy Services, Inc. (“EES”) is a Delaware corporation and has received market-based rate authority from FERC.³ EES is a licensed Competitive Electric Provider in Maine, but has not offered to serve or served any retail load under that license. EES has DOE authorization to transmit electric energy from the United States to Canada.⁴ Emera Energy U.S. Subsidiary No. 2, Inc. (“EE US No. 2”), an indirect wholly-owned subsidiary of Emera, is a Delaware corporation. EE US No. 2 has received market-based rate authority from FERC⁵ and DOE authorization to transmit electric energy from the United States to Canada.⁶

Emera owns fifteen LLCs that were created under the laws of Delaware and are indirect wholly-owned subsidiaries of Emera. Emera Energy Services Subsidiary Nos. 1 through 13, Emera Energy LNG, LLC,⁷ and Emera Energy Services Subsidiary No. 15 are authorized to export electric energy from the United States to Canada.⁸ In addition, Emera Energy Services Subsidiary Nos. 1 through 13, LLC, Emera Energy LNG, LLC, and Emera Energy Services Subsidiary No. 15, LLC have all received market-based rate authority from the FERC.⁹

² *Emera Energy U.S. Subsidiary No. 1, Inc.*, Letter Order, Docket No. ER04-359-000 (Feb. 24, 2004).

³ *Emera Energy Services, Inc.*, Letter Order, Docket No. ER02-723-000 (Mar. 1, 2002).

⁴ Order No. 257-E. EES is applying for renewal of this authorization concurrently with the present application.

⁵ *Emera Energy U.S. Subsidiary No. 2, Inc.*, Letter Order, Docket Nos. ER06-796-000, *et al.* (June 20, 2006).

⁶ *See* Order No. EA-312-B.

⁷ The name of Emera Energy Services Subsidiary No. 14, LLC was changed to Emera Energy LNG, LLC. DOE was notified of this fact on June 28, 2019.

⁸ *See* Orders EA-321-C, EA-322-C, EA-323-C, EA-324-C, and- EA-325-C, effective on August 24, 2023, Orders EA-391-A, EA-392-A, and EA-393-A, effective on May 13, 2019, and Orders EA-444-A, EA-445-A, EA_446-A, EA-447-A, EA-448-A, EA-449-A, and EA-450-A, effective June 21, 2023.

⁹ *Emera Energy Servs. Subsidiary No. 1, LLC*, Letter Order, Docket Nos. ER07-553-000, *et al.* (Mar. 21, 2007) (accepting market based rate tariffs of EES Nos. 1 to 5); *Emera Energy Servs. Subsidiary No. 6 LLC*, Letter Order, Docket Nos. ER12-2492-000, *et al.* (Dec. 19, 2012) (accepting market-based rate tariffs of EES Nos. 6 to 10); *Emera*

Emera Energy Limited Partnership (“EELP”) is a limited partnership formed under the laws of Nova Scotia. Emera is the limited partner of EELP, and Emera Energy General Partner Inc. (“EEGP”) is the general partner of EELP. EEGP is incorporated under the laws of Nova Scotia, and is a wholly-owned subsidiary of Emera. EELP provides energy management services to Canadian clients and customers, as well as conducting proprietary natural gas and electricity trading and marketing in the Canadian marketplace.

Nova Scotia Power Inc. is a wholly-owned subsidiary of Emera that provides service to customers located in Nova Scotia, Canada. NS Power Energy Marketing Inc. (“NSP Marketing”) is a wholly-owned subsidiary of Nova Scotia Power Inc. that operates as a marketing company involved in, among other things, the purchase and sale of electricity in the United States as a power marketer. NSP Marketing is authorized to export electric energy from the United States to Canada.¹⁰ NSP Marketing has also received market-based rate authority from the FERC.¹¹

Emera has a 12.9% ownership in the Maritimes and Northeast Pipeline, a natural gas pipeline that originates in Goldboro, Nova Scotia, and terminates at a point of interconnection with the United States pipeline grid at Dracut, Massachusetts.

Emera has an indirect wholly-owned subsidiary, Emera Brunswick Pipeline Company Ltd., which owns the Brunswick Pipeline, a 145 kilometer pipeline that connects the Canaport LNG (liquefied natural gas) terminal in Saint John, New Brunswick, Canada to the United States portion of the Maritimes and Northeast Pipeline near St. Stephen, New Brunswick, Canada.

Emera Energy Services Subsidiary No. 11 LLC, Letter Order, Docket Nos. ER16-2455-000, *et al.* (Oct. 26, 2016) (accepting market-based rate tariffs of EES Nos. 11-15); *Emera Energy LNG, LLC*, Letter Order, Docket No. ER19-2096-000 (July 26, 2019) (accepting revised market-based rate tariff reflecting the name change of Emera Energy Services Subsidiary No. 14 LLC to Emera Energy LNG, LLC).

¹⁰ See Order EA-455 effective August 30, 2018. On June 30, 2023, NSPEM filed an application seeking renewal of its authority to export electric energy under section 202(e) of the Federal Power Act.

¹¹ *NS Power Energy Marketing Inc.*, Letter Order, Docket No. ER18-1404-000 (July 25, 2018).

Emera has an indirect wholly-owned subsidiary, NSP Maritime Link Inc. which owns and operates the Maritime Link Project, consisting of overhead transmission in Newfoundland & Labrador and Nova Scotia and a 170 kilometer subsea DC transmission cable between Newfoundland & Labrador and Nova Scotia. Emera also has an indirect 31.9% investment through its indirect wholly-owned subsidiary, Emera Newfoundland & Labrador Island Link Inc., in the Labrador-Island Link Limited Partnership, which owns and operates the Labrador-Island Link Transmission Project consisting of 1,100 kilometers of transmission connecting the Muskrat Falls hydroelectric generation facility in Labrador to Newfoundland.

Emera's indirect wholly-owned subsidiary Emera (Caribbean) Inc. (formerly Light & Power Holdings Ltd.), owns 100% of the Barbados Light & Power Company Limited ("BLPC"), a 20% indirect interest in St. Lucia Electricity Services Limited ("Lucelec"), and a 100% indirect interest in Grand Bahama Power Company Limited ("GBPC"). BLPC is the sole electricity provider on the island of Barbados and has been granted a franchise to produce, transmit and distribute electricity on the island until 2028. Lucelec is an electric utility with exclusive license to generate, transmit and distribute electricity on the island of St. Lucia until 2045. GBPC is the sole licensed and regulated utility operator on Grand Bahama Island with an exclusive franchise to produce, transmit and distribute electricity on Grand Bahama Island until 2054.

Emera also owns a 2.2 % interest in OpenHydro Group Limited, an Irish technology business that designs and manufactures marine turbines to generate renewable energy from tidal streams.

Emera indirectly owns Emera Technologies Holding LLC, which in turn owns 100% of Block Energy LLC. Each entity is formed under the laws of Delaware. Block Energy LLC developed and markets a microgrid platform called BlockEnergy, which involves putting rooftop

solar, energy storage and smart distributed controls throughout new build communities, joining the homes together in a network to create microgrids that are able to independently power homes without disruption.

Emera owns a 50% indirect interest in Bear Swamp Power Company LLC (“Bear Swamp”), a Delaware limited liability company that owns and operates the 664.5 MW Bear Swamp Pumped Storage Hydroelectric Facility located on the Deerfield River in northern Massachusetts and the nearby 11.2 MW Fife Brook run-of-river hydroelectric facility. Bear Swamp holds authorization to sell power at market-based rates from FERC.¹²

Tampa Electric Co. (“Tampa Electric”) is a public utility operating within Florida and an indirect wholly-owned subsidiary of Emera. Tampa Electric is engaged in the generation, purchase, transmission, distribution and wholesale and retail sale of electric energy. The retail territory served comprises an area of approximately 2,000 square miles in west central Florida, with over 800,000 customers. In addition, Tampa Electric engages in wholesale sales to utilities and other resellers of electricity, and has received market-based rate authority from FERC.¹³ Tampa Electric has three electric generating stations, along with several solar generating facilities for more than 7,000 MW (nameplate) of generating capacity. Open access to Tampa Electric’s transmission system in West Central Florida is provided pursuant to the company’s Open Access Transmission Tariff, which is on file with FERC.¹⁴

Emera indirectly owns New Mexico Gas Company (“NMGC”), which is based in Albuquerque, New Mexico. NMGC maintains 12,000 miles of natural gas pipeline to provide

¹² *Bear Swamp Power Co., LLC*, 110 FERC ¶ 61,208 at P 23 (2005).

¹³ *Tampa Elec. Co.*, Docket No. ER99-2342-000, Letter Order, May 27, 1999.

¹⁴ *Tampa Elec. Co.*, Docket No. ER10-1508-000, Letter Order dated Aug. 12, 2010.

service to more than 540,000 residential, commercial, and transportation customers. The company's service area encompasses approximately 60% of the population of New Mexico.

Emera indirectly owns Peoples Gas System, Inc. ("Peoples Gas"), which is based in the State of Florida. Peoples Gas maintains approximately 14,500 miles of delivery mains and 6,200 miles of service lines, to provide service to approximately 450,000 customers.

EE US No. 1 does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area. EE US No. 1 operates as a marketing company involved in, among other things, the purchase and sale of electricity in the United States as a power marketer.

II. COMMUNICATIONS.

Communications regarding this Application should be addressed to the following persons:

Emera Energy U.S. Subsidiary No. 1, Inc.

Keith Sutherland
Vice President, Legal & Regulatory Affairs
Emera Energy Inc.
5151 Terminal Road
Halifax, NS B3J 1A1 Canada
keith.sutherland@emeraenergy.com

Vinson & Elkins LLP

Jeffrey M. Jakubiak
Vinson & Elkins LLP
1114 Avenue of the Americas
32nd Floor
New York, NY 10036
JJakubiak@velaw.com
(212) 237-0082

Jennifer C. Mansh
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037
JMansh@velaw.com
(202) 639-6557

III. JURISDICTION

Under Section 202(e) of the FPA, 16 U.S.C. § 824a(e), and DOE's regulations, 10 C.F.R. § 205.300 *et seq.*, any person seeking to transmit electric energy from the United States to a foreign

country must first secure an order from DOE authorizing the export. No other known federal, state or local government has jurisdiction over the actions to be taken under the authority set out in this application.

IV. TECHNICAL DISCUSSION OF PROPOSAL

EE US No. 1 seeks renewal of its authority to transmit electric energy to Canada. EE US No. 1 intends to export power over existing transmission interconnections between the United States and Canada. Exhibit C to this 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.

EE US No. 1 will purchase surplus electric energy from electric utilities and other suppliers within the United States and will export this energy to Canada over the international electric transmission facilities. The present owners of the transmission facilities are listed in Exhibit C. Because this electric energy will be purchased from others voluntarily, it will be surplus to the needs of the selling entities. EE US No. 1's export of power will not impair the sufficiency of electric power supply in the U.S.

EE US No. 1 will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to effect any power exports. This will include: (1) scheduling each transaction with the appropriate control area in compliance with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation ("NERC") and applicable Regional Entities in effect at the time of export; (2) obtaining all necessary transmission access over the existing facilities listed in Exhibit C; and (3) providing evidence of the agreements with transmission owners to DOE.

Consistent with past DOE precedent, EE US No. 1 requests that DOE use the reliability analyses performed in the most recent export authorization proceedings that rely upon the border

transmission facilities referenced in Exhibit C. EE US No. 1 agrees to abide by the export limits of these transmission facilities. The controls that are inherent in any transaction that complies with all NERC requirements and the export limits imposed by DOE on the referenced transmission facilities are sufficient to ensure that exports by EE US No. 1 will not impede or tend to impede the coordinated use of transmission facilities within the meaning of Section 202(e) of the FPA.

V. PROCEDURES

EE US No. 1 is willing to accept all conditions imposed by the Department of Energy on its authorization to export power. In particular, if required by DOE, exports made by EE US No. 1 will not exceed the export limits for the transmission facilities utilized by EE US No. 1, or otherwise cause a violation of the terms and conditions set forth in the export authorization. When scheduling the delivery of power, EE US No. 1 will comply with the applicable NERC reliability criteria, standards, and guidelines. EE US No. 1 will provide DOE with all required 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 required.

VI. SERVICE AND FEE.

In accordance with the requirements of 10 C.F.R. § 205.309, a copy of this application will be provided to the following:

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.W.
Washington, D.C. 20426

An electronic check payment in the amount of \$500.00 has been made in payment of the fee specified in 10 C.F.R. § 205.309.

VII. VERIFICATION

Verification executed by Applicant's authorized representative, A. Michael Burnell, in accordance with 10 C.F.R. § 205.302(h) is enclosed with this Application.

VIII. EXHIBITS.

In accordance with the requirements of 10 C.F.R. § 205.303, the following exhibits are attached hereto:

Exhibit A	Transmission Agreements
Exhibit B	Opinion of Counsel
Exhibit C	International Transmission Facilities (Submitted in lieu of Maps)
Exhibit D	Power of Attorney
Exhibit E	Statement of Any Corporate Relationship or Existing Contract
Exhibit F	Operating Procedures

IX. CONCLUSION

WHEREFORE, EE US No. 1 respectfully requests that this Application for Authorization to Transmit Electric Energy to Canada be considered and approved.

Respectfully Submitted,

/s/ Jeffrey M. Jakubiak

Jeffrey M. Jakubiak
Vinson & Elkins LLP
1114 Avenue of the Americas
32nd Floor
New York, NY 10036
JJakubiak@velaw.com
(212) 237-0082

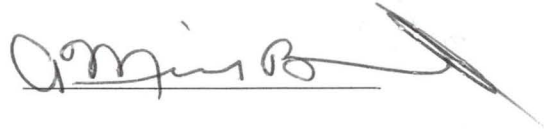
Jennifer C. Mansh
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037
JMansh@velaw.com
(202) 639-6557

*Attorneys for Emera Energy U.S. Subsidiary
No. 1, Inc.*

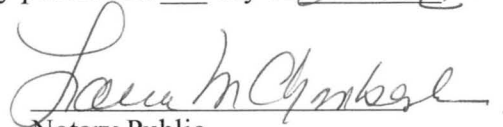
Dated: October 11, 2023

VERIFICATION

I, A. Michael Burnell, President of Emera Energy U.S. Subsidiary No. 1, Inc., having knowledge of the matters set forth in the above Application for Authorization to Transmit Energy to Canada, hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.



SUBSCRIBED AND SWORN before me, a notary public this 10th day of October, 2023.


Notary Public

My Commission Expires: 10/12/2026

EXHIBIT A – TRANSMISSION AGREEMENTS

Currently, EE US No. 1 has no transmission reservations or transmission agreements within the United States.

EXHIBIT B – STATEMENT OF OPINION OF COUNSEL

This opinion is rendered in connection with the Application of Emera Energy U.S. Subsidiary No. 1, Inc. (“EE US No. 1”) for Authorization to Transmit Electric Energy to Canada, dated October 10, 2023, and pursuant to 10 C.F.R. Section 205.303(b).

Based on my understanding and review of EE US No. 1, my knowledge of the corporate powers of EE US No. 1, and my examination of such documents, records and matters of laws as I have considered to be relevant, it is my opinion that:

1. The proposed exports of electrical power described in the Application are within the corporate powers of EE US No. 1; and
2. EE US No. 1 has complied and will comply with all pertinent Federal and State laws.

I am opining herein only as to federal laws of the United States and laws of relevant States within the United States, and 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 for EE US No. 1 solely to you for your exclusive use and is not to be made available to or relied upon by any other person or entity without my prior written consent.

Respectfully Submitted,



Jeffrey M. Jakubiak

Dated: October 10, 2023

EXHIBIT C

International Transmission Facilities At the U.S.-Canada Authorized for Use by Third-Party Transmitters

<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 Administration	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230kV	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
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
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
	Devil's Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devil's 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	±450-kV DC	PP-299
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66

Vermont Electric Transmission Co.	Norton, VT Imperial Valley, CA	\pm 450-kV DC 230-kV	PP-76 PP-79
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**EXHIBIT D – POWER OF ATTORNEY
WITH AGENT RESIDING WITHIN THE UNITED STATES**

IRREVOCABLE LIMITED POWER OF ATTORNEY

This IRREVOCABLE POWER OF ATTORNEY is made this 10th of OCT, 2023, by Emera Energy U.S. Subsidiary No. 1, Inc., a company incorporated under the laws of the state of Delaware with its principal place of business in Kittery, Maine.

1. Appointment. The Principal does hereby appoint Jennifer Mansh, whose principal place of business is Vinson & Elkins LLP, 2200 Pennsylvania Avenue, NW, Suite 500 West, Washington, DC 20037, 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 electric energy to Canada.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be duly executed this 10th day of OCT, 2023.

Emera Energy U.S. Subsidiary No. 1, Inc.

By: 

Name: A. Michael Burnell

Title: PRESIDENT

SUBSCRIBED AND SWORN before me, a notary public this 10th day of October, 2023.


Notary Public

My Commission Expires: 10/2/2024

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

Not Applicable

EXHIBIT F – OPERATING PROCEDURES

Not Applicable