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September 16, 2022

**VIA E-MAIL**

Mr. Steven Blazek  
U.S. Department of Energy  
Office of Electricity Delivery and Energy  
Reliability OE-20  
1000 Independence Ave., SW  
Washington, DC 20585

Re: *Rainbow Energy Marketing Corporation, Docket No. EA-\_\_\_\_-\_\_ Application for  
Renewal of Authorization to Export Electricity to Canada*

Dear Mr. Blazek:

Enclosed please find Rainbow Energy Marketing Corporation's "Renewal Application of Rainbow Energy Marketing Corporation for Authorization to Transmit Electric Energy to Canada" as required by 10 C.F.R. § 205.309. Rainbow is also submitting its \$500 filing fee electronically via Pay.gov payment. Rainbow is furnishing a copy of this application upon the Federal Energy Regulatory Commission and the affected state commissions of North Dakota, Maine, Michigan, Minnesota, Montana, New York, Vermont, Washington, and California.

Rainbow's current electricity export authorization expires pursuant to the terms of Order No. EA-296-C on September 18, 2022. Rainbow understands that authorization under paragraph "K" of Order No. EA-296-C will expire on September 18, 2022. *Accordingly, Rainbow respectfully requests expeditious action on this application and issuance of an order granting Rainbow renewed export authority to Canada for an additional five-year term as soon as reasonably practicable.* Rainbow inadvertently overlooked the need to file this renewal application. To help ensure this oversight does not occur again, Rainbow's counsel is establishing a protocol whereby Rainbow's counsel will be reminded of the due date for Rainbow's authorization well in advance of the expiration of the authorization so that the application can be timely filed in the future.



Mr. Steven Blazek  
September 16, 2022  
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Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions regarding this filing.

Sincerely,

DORSEY & WHITNEY LLP

Brian B. Bell  
Partner

BB:mr

Encls.

cc: Federal Energy Regulatory Commission and affected State public utility regulatory agencies

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

Rainbow Energy Marketing Corporation        )        Docket No. EA-\_\_\_\_-\_\_

**RENEWAL APPLICATION OF  
RAINBOW ENERGY  
MARKETING CORPORATION  
FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC  
ENERGY TO CANADA**

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Rainbow Energy Marketing Corporation (“Rainbow”), pursuant to Section 202(e) of the Federal Power Act (“FPA”), 16 U.S.C. § 824a(e), the Department of Energy (“DOE”) regulations set forth in 10 C.F.R. §§ 205.300, *et seq.* (the “Regulations”), and paragraph “K” of Order No. EA-296-C hereby files this “Renewal Application” for blanket authority to transmit electric energy from the United States to Canada. Rainbow’s current electricity export authorization expires pursuant to the terms of Order No. EA-296-C on September 18, 2022. Rainbow understands that authorization under paragraph “K” of Order No. EA-296-C will expire on September 18, 2022. **Accordingly, Rainbow respectfully requests expeditious action on this application and issuance of an order granting Rainbow renewed export authority to Canada for an additional five-year term as soon as reasonably practicable.** Rainbow inadvertently overlooked the need to file this renewal application. In order to ensure this oversight does not occur again, Rainbow’s counsel is establishing a protocol whereby Rainbow’s counsel will be reminded of the due date for Rainbow’s authorization well in advance of the expiration of the authorization so that the application can be timely filed in the future.

## **CONTENTS OF APPLICATION**

In accordance with § 205.302 of the Regulations, Rainbow states as follows:

a.     **Legal Name of Applicant.** The legal name of the applicant is Rainbow Energy Marketing Corporation.

b.     **Legal Name of All Partners.** Rainbow is a privately owned corporation and is part of a corporate family of companies that comprise United Energy Corporation, that is, Rainbow is related by virtue of a common ownership group with United Energy Corporation. Peak Energy Ltd., a Canadian limited liability company, is a wholly owned subsidiary of Rainbow, which sells natural gas at retail in Saskatchewan, Canada. Rainbow also owns a 50% interest in a joint venture in Mexico, RC ENERGY, S. DE R.L. DE C.V., which sells electric energy, natural gas, and related energy products in Mexico. United Energy Corporation is also affiliated through common ownership and control to Nexus Line, LLC and its affiliate, Rainbow Energy Center, LLC, which are in turn subsidiaries of REMC Assets, LP and REMC Group, LLC. These entities were formed to acquire generation and interconnection facilities in North Dakota and Minnesota. Rainbow is not seeking authorization to export power on behalf of any other entity.

c.     **Person to Whom Correspondence Shall be Addressed:**

**Contact:**     Joseph A. Wolfe  
**Title:**        Executive Vice President  
**Name:**       Rainbow Energy Marketing Corporation  
**Address:**    Kirkwood Office Tower  
                  919 South 7<sup>th</sup> Street Suite 405  
                  Bismarck, ND 58504  
**Telephone:** (701) 222-2290  
**Facsimile:**  (701) 255-7952  
**E-mail:**      j.wolfe@rainbowenergy.com

d.     **State or Territory of Incorporation.** Rainbow, which is related by virtue of a

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common ownership group with United Energy Corporation, is incorporated in the State of North Dakota. Rainbow is authorized to do business in the State of North Dakota and such other states as required by the current nature of its business. Rainbow does not own or control any physical electric generation or transmission facilities in the U.S. and does not have any franchised service territory in the U.S. Rainbow is a power marketer authorized by the Federal Energy Regulatory Commission (“FERC”) to sell energy, capacity and specified ancillary services at market-based rates.

e. **Governmental Agencies Having Jurisdiction.** Rainbow is unaware of any U.S. federal, state or local government agency, other than DOE, that has jurisdiction over the action to be taken under the authority sought in this application.

f. **Description of the Transmission Facilities.** Rainbow intends to export electricity over the international interconnection facilities as set forth in Exhibit C, which lists the identities, the owners, the locations, and the Presidential Permit numbers of those facilities.

g. **Technical Discussion of the Proposed Export of Electricity.** Through this Renewal Application, Rainbow 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 BP Energy Company. Rainbow is submitting this Renewal Application under Order No. EA-296-C, which granted Rainbow the authority to export electricity to Canada until September 18, 2022.

With regard to reliability requirements for transmission of electric power to be exported to Canada both within the U.S. and crossing the border into Canada, DOE has adopted a flexible approach, taking into consideration the unique nature of power marketers in terms of DOE’s assessment of any reliability analysis. DOE has concluded that existing technical analyses

supporting the present export authorization via international border transmission facilities are sound and will be applied to power marketers seeking to use these facilities. Rainbow respectfully requests that DOE continue to apply this standard to this Renewal Application.

All electricity exported by Rainbow will be transmitted pursuant to arrangements with utilities that own and operate existing transmission facilities and will be consistent with all applicable export limits on transmitting facilities, including those of the border facilities used, and with other terms and conditions contained in existing Presidential Permits and electricity export authorizations associated with these transmission facilities. Rainbow 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 and its member Regional Entities in effect at the time of the export. In Order EA-296-C, DOE found that “the existing industry procedures for obtaining transmission capacity on the domestic transmission system . . . provide adequate assurances that any particular export will not cause an operational reliability problem.” Rainbow continues to commit to the standards set in DOE previous authorization orders and commits to comply fully with the terms and conditions of any export authorization granted to it by DOE.

With regard to sufficiency of electric power within the U.S., because Rainbow has no franchised service territory and owns no generation facilities, the proposed electric power exports under this Renewal Application are, by definition, surplus to the needs of those entities selling electric power to Rainbow. Therefore, the proposed export of electricity will not impair the sufficiency of electric supply within the U.S. or impede regional coordination of electric utility planning or operation.

Because the proposed exports will take place over existing international transmission lines, Rainbow submits that the requested authorization does not require the preparation of an environmental impact statement or an environmental assessment pursuant to the National Environmental Policy Act of 1969 (“NEPA”). Rainbow’s activity qualifies for DOE’s categorical exclusion for exports of electric energy under NEPA, codified at 10 C.F.R. Part 1021, App. B to Subpart D, § B4.2. Section B4.2 specifically excludes the “[e]xport of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission system changes that are themselves categorically excluded.” In Order No. EA-296-C, DOE found that Rainbow’s electric energy exports fit “squarely within B4.2.”

h. **Verification.** The signed verification of Joseph A. Wolfe, Rainbow’s Vice President, is attached to this Application as Exhibit G.

### **REQUIRED EXHIBITS**

The following Exhibits and Attachments are attached hereto:

**Exhibit A:** Agreements—Not Applicable

**Exhibit B:** Legal opinion of Rainbow’s counsel

**Exhibit C:** Transfer Points (submitted in place of maps)

**Exhibit D:** Non-U.S. Applicant’s power of attorney—Not Applicable

**Exhibit E:** Statement of any corporate relationship or existing contract which in any way relates to the control or fixing of electric power rates—Not Applicable

**Exhibit F:** Operating procedures relating to available capacity and energy—Not applicable

**Exhibit G:** Verification

**SIGNATURE**

THEREFORE, Rainbow respectfully requests that the Department of Energy grant this Renewal Application as expeditiously as reasonably possible on substantially the same terms and conditions as applied to similarly situated electric power marketers. Rainbow asks that this authorization last for five (5) years.

September 16, 2022

DORSEY & WHITNEY, LLP

A handwritten signature in black ink, appearing to read "B. Bell", is written over a horizontal line.

Brian B. Bell

Partner

50 South Sixth Street

Suite 1500

Minneapolis, MN 55402-1498

*Attorney for Rainbow Energy Marketing Corporation*



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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC ENERGY TO CANADA**

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**EXHIBIT A**

**AGREEMENTS**

Rainbow is seeking a blanket approval for export-related agreements to be negotiated and entered into in the future. No particular export transactions are currently under consideration pursuant to this Renewal Application. Accordingly, no existing agreement or proposed agreement is attached herein to this Renewal Application.

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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
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**EXHIBIT B**

**OPINION OF COUNSEL**

September 16, 2022

The Department of Energy  
Office of Electricity Delivery and Energy Reliability  
OE-20, Room 6H-034  
1000 Independence Avenue, S.W.  
Washington, D.C. 2085

Dear Sir or Madam:

I am legal counsel for Rainbow Energy Marketing Corporation, a North Dakota corporation ("Rainbow"). As required by 10 C.F.R. § 205.303(b), I provide this Opinion Letter in connection with the renewal application of Rainbow for authorization from the Department of Energy (the "DOE") to export energy to Canada (the "DOE Renewal Application").

This Opinion Letter is rendered only to you and is solely for your benefit in connection with the DOE Renewal Application. This Opinion Letter may not be relied upon by you for any other purpose; nor may it be quoted, circulated, referred to or delivered to or relied upon by any other person, firm or entity for any purpose without my prior express written consent.

Rainbow is proposing to export electricity to Canada. I am providing this Opinion Letter regarding Rainbow's corporate authority to export electricity to Canada and its compliance with pertinent federal and state laws.

**I. Limitations and Exclusions.** This Opinion Letter is subject to the following limitations and exclusions:

1. It is limited in scope to (a) the material federal permits, registrations, notifications, certifications and other regulatory approvals that are necessary pursuant to any law, rule, regulation, judgment, order, consent decree, or other instrument known to me and which are required of Rainbow to export electricity to Canada; and (b) Rainbow's corporate authority to engage in the sale of electricity to entities located in Canada. I did not examine, and this Opinion Letter specifically excludes from coverage, any other federal, state, and local permits, registrations, notifications, certifications, governmental approvals or regulatory authorizations that Rainbow may be required to obtain;
2. It specifically excludes from coverage all approvals required to be obtained by the owners of the transmission facilities and interconnecting utilities;
3. Any ongoing reporting requirements arising after Rainbow commences the export of electricity to Canada, such as those typically detailed in agency permits and rules (*e.g.*, self-reporting, record keeping, and permit renewals), are also excluded; and
4. Future changes in applicable laws, regulations and programs, or in their implementation, may require approvals different from or in addition to those discussed herein. Future legal requirements are beyond the scope of this Opinion Letter and excluded from coverage.

**II. Reliance.** As to the factual and technical matters arising in connection with our examination of the DOE Renewal Application and relevant to the opinions expressed herein, I have assumed the truth and veracity of the representations and documents provided by Rainbow's officers without independent investigation, verification or analysis. I have examined and are familiar with the following documents.

1. The authority of Rainbow under its Articles of Incorporation and By-Laws; and
2. The DOE Renewal Application to which this Opinion Letter is attached as an exhibit.

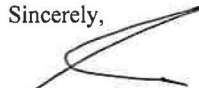
**III. Assumptions.** In preparing this Opinion Letter, I assume the following:

1. The authenticity of original documents and the genuineness of all signatures;
2. The conformity to the originals of all documents as copies;
3. The due authorization, execution, and delivery of documents on behalf of the parties to such documents and the legal, valid, and binding effect of such documents on the parties;
4. The absence of any extrinsic evidence that the parties to a document intended a meaning contrary to that expressed by the provisions of the document; and
5. The truth and accuracy of all statements and certifications made by Rainbow and by any person on behalf of Rainbow, and of all documents and other factual and technical matters furnished by Rainbow or on behalf of Rainbow, and that none of such entities or persons have made, and that none of such documents or other factual and technical matters contain, an untrue statement of any material fact or omit a material fact necessary to make such statements or certifications, in light of the circumstances in which they were made, not misleading.

**IV. Opinions.** Based upon and subject to the foregoing, and the other limitations and qualifications set forth in this Letter, I am of the opinion that:

1. Rainbow has full corporate power and authority to export electric energy to Canada as requested in the DOE Renewal Application; and
2. To the best of my knowledge, Rainbow has complied with all pertinent federal and state laws regarding the matters contemplated in the DOE Renewal Application.

Sincerely,



Sander R. Kopseng  
Director/Legal Counsel

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**RAINBOW ENERGY MARKETING CORPORATION****DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC ENERGY TO CANADA**

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**EXHIBIT C****TRANSMISSION SYSTEM INFORMATION****UNITED STATES INTERCONNECTIONS WITH CANADA**

<b>Owner</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit<sup>1</sup></b>
Bangor Hydro-Electric Co.	Baileyville, ME	345-kV	PP-89
Basin Electric Power Coop.	Tioga, ND	230-kV	PP-64
BPA	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230-kV	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,	230-kV	PP-230
	MI St. Claire,	230-kV	PP-230
	MI St. Claire, MI	345-kV	PP-230
Joint Owners of 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
Maine Public Service Company	Madawaska, ME	138-kV	PP-29
	Aroostook, ME	2-69-kV	PP-29

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<sup>1</sup> These Presidential permit numbers are intended to include any subsequent amendments to the permit authorizing the facility.  
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<b>Owner</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit<sup>1</sup></b>
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnkota Power Cooperative, Inc.	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305 <sup>2</sup>
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
	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils 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	±450kV	PP-299 <sup>3</sup>
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kVDC	PP-76
	Imperial Valley, CA	230-kV	PP-79

<sup>2</sup> These facilities have been authorized but have not yet been constructed or completed.

<sup>3</sup> These facilities have been authorized but have not yet been constructed or completed.

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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC ENERGY TO CANADA**

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**EXHIBIT D**

**Non-U.S. Applicant's Power of Attorney**

Not applicable.

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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
TRANSMIT ELECTRIC ENERGY TO CANADA**

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**EXHIBIT E**

**Existing Relationship or Existing Contract Relating to Control or Fixing of  
Rates**

Not applicable.



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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO  
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**EXHIBIT F**

**Operating Procedures Relating to Available Capacity and Energy**

Because all of the electricity to be exported from the U.S. by Rainbow is surplus energy purchased from other electric utilities, Rainbow requests a waiver of the requirement set forth in § 205.303(f) of the Regulations that it explain the Operating Procedures for informing neighboring electric utilities in the U.S. that capacity or electricity in excess of the requirements of Rainbow is available prior to its delivery to the export purchaser.

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**RAINBOW ENERGY MARKETING CORPORATION**

**DOE RENEWAL APPLICATION FOR AUTHORIZATION TO TRANSMIT ELECTRIC  
ENERGY TO CANADA**

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**EXHIBIT G**

**Verification**

I, Joseph A. Wolfe, state that I am the Executive Vice President of Rainbow Energy Marketing Corporation; that I am authorized to execute this verification; that I have read the above and foregoing document and its exhibits and attachments and am familiar with the contents thereof; and that, to the best of my knowledge and belief, all allegations of fact contained therein are true and correct.

I verify under penalty of perjury that the foregoing is true and correct. Executed on September 16, 2022.

  
\_\_\_\_\_  
Joseph A. Wolfe