

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

NS Power Energy Marketing Incorporated

Docket No. EA-_____

**APPLICATION OF NS POWER ENERGY MARKETING INCORPORATED
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.*, NS Power Energy Marketing Incorporated (“NSP Marketing”) 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 issued Order No. EA-455, effective August 30, 2018, authorizing NSP Marketing to export electric energy to Canada as a power marketer for a term of five years. NSP Marketing 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 NS Power Energy Marketing Incorporated. NSP Marketing is incorporated under the Nova Scotia Companies Act, with its principal place of business at 1223 Lower Water Street, Halifax, Nova Scotia B3J 3S8. NSP Marketing is a wholly-owned subsidiary of Nova Scotia Power Inc. (“NSPI”), a company that provides electric service to customers located in Nova Scotia, Canada. NSPI, in turn, is a wholly-owned subsidiary of Emera Incorporated (“Emera”), a Nova Scotia company that is a publicly-traded diversified energy and services company. NSP Marketing is authorized to export electric energy from the United

States to Canada¹ and to export natural gas from the United States to Canada.² NSP Marketing has also received market-based rate authority from the Federal Energy Regulatory Commission (“FERC”).³

Emera owns other energy concerns. Emera Energy Services, Inc. (“EES”) is a Delaware corporation, an indirect wholly-owned subsidiary of Emera, and has received market-based rate authority from FERC.⁴ 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.⁵ Emera Energy U.S. Subsidiary No. 1, Inc. (“EE US No. 1”) and Emera Energy U.S. Subsidiary No. 2, Inc. (“EE US No. 2”), indirect wholly-owned subsidiaries of Emera, are Delaware corporations. EE US No. 1 and EE US No. 2 have received market-based rate authority from FERC⁶ and EE US No. 1 and EE US No. 2 have DOE authorizations to transmit electric Energy from the United States to Canada.⁷

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. 1-13, Emera Energy LNG, LLC,⁸ and Emera Energy Services Subsidiary No. 15 are authorized to export

¹ The electric energy export authorization for NSP Marketing was effective as of August 30, 2018 (Order EA-455).

² The natural gas export authorization for NSP Marketing was effective as of September 3, 2022 (DOE/FECM Order No. 4843).

³ *NS Power Energy Marketing Inc.*, Letter Order, Docket No. ER18-1404-000 (July 25, 2018).

⁴ *Emera Energy Services, Inc.*, Letter Order, Docket No. ER02-723-000 (Mar. 1, 2002).

⁵ Order No. EA-257-E.

⁶ *Emera Energy U.S. Subsidiary No. 1, Inc.*, Letter Order, Docket No. ER04-359-000 (Feb. 24, 2004); *Emera Energy U.S. Subsidiary No. 2, Inc.*, Letter Order, Docket Nos. ER06-796-000, *et al.* (June 20, 2006).

⁷ See Order Nos. EA-287-C and EA-312-B.

⁸ The name of Emera Energy Services Subsidiary No. 14 was changed to Emera Energy LNG, LLC. DOE was notified of this fact on June 28, 2019.

electric energy from the United States to Canada.⁹ In addition, Emera Energy Services Subsidiary Nos. 1-13, Emera Energy LNG, LLC, and Emera Energy Services Subsidiary No. 15 have all received market-based rate authority from the FERC.¹⁰

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.

Emera has a 12.92% indirect 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.

⁹ See Orders EA-321-B, EA-322-B, EA-323-B, EA-324-B, and- EA-325-B, effective on September 18, 2018, Orders EA-391-A, EA-392-A, and EA-393-A, effective on May 13, 2019, and Orders EA-444, EA-445, EA_446, EA-447, EA-448-, EA-449, and EA-450, effective June 22, 2018. On March 17, 2023, Emera Energy Services Subsidiary Nos. 1-5 filed applications seeking renewal of their authority to export under section 202(e) of the Federal Power Act. Similarly, on February 7, 2023, Emera Energy Services Subsidiary Nos. 9-13, EES Energy LNG, LLC, and EES Subsidiary No. 15 filed applications seeking renewal of their authority to export under section 202(e) of the Federal Power Act.

¹⁰ *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 Energy Servs. 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).

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 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 1100 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 660 MW Bear Swamp Pumped Storage Hydroelectric Facility located on the Deerfield River in northern Massachusetts and the nearby 10 MW Fife Brook run-of-river hydroelectric facility. Bear Swamp holds authorization to sell power at market-based rates from FERC.¹¹

Tampa Electric Co. 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.¹² 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.¹³

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

¹¹ *Bear Swamp Power Co., LLC*, 110 FERC ¶ 61,208 at P 23 (2005).

¹² *Tampa Elec. Co.*, Docket No. ER99-2342-000, Letter Order, May 27, 1999.

¹³ *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 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 three interstate natural gas pipelines, including approximately 14,500 miles of delivery mains and 6,200 miles of service lines, to provide service to approximately 450,000 customers.

NSP Marketing does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area. NSP Marketing 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:

NS Power Energy Marketing Inc.

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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

NSP Marketing seeks renewal of its authority to transmit electric energy to Canada. NSP Marketing 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.

NSP Marketing 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. NSP Marketing’s export of power will not impair the sufficiency of electric power supply in the U.S.

NSP Marketing 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, NSP Marketing 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. NSP Marketing 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 NSP Marketing 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

NSP Marketing 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 NSP Marketing will not exceed the export limits for the transmission facilities utilized by NSP Marketing, or otherwise cause a violation of the terms and conditions set forth in the export authorization. When scheduling the delivery of power, NSP Marketing will comply with the applicable NERC reliability criteria, standards, and guidelines. NSP Marketing 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, copies 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, David Pickles, 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, NSP Marketing respectfully requests that this Application for Authorization to Transmit Electric Energy to Canada be considered and approved.

Respectfully Submitted,

/s/ Jeffrey M. Jakubiak

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*Attorneys for
NS Power Energy Marketing Incorporated*

Dated: June 30, 2023

VERIFICATION

I, David Pickles, Chief Operating Officer and Director of NS Power Energy Marketing Incorporated, 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.



David Pickles

SUBSCRIBED AND SWORN before me, a notary public this 29th day of June, 2023.



Matthew J. Clarke

A Notary Public in and for the Province of
Nova Scotia

My Commission does not expire.

EXHIBIT A – TRANSMISSION AGREEMENTS

Currently, NSP Marketing 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 NS Power Energy Marketing Incorporated (“NSP Marketing”) for Authorization to Transmit Electric Energy to Canada, dated June 30, 2023, and pursuant to 10 C.F.R. Section 205.303(b).

Based on my understanding and review of NSP Marketing, my knowledge of the corporate powers of NSP Marketing, 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 NSP Marketing; and
2. NSP Marketing 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 NSP Marketing 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: June 29, 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 Nelway, WA Nelway, WA | 2-500-kV 230kV 230-kV | PP-10 PP-36 PP-46 |
| 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 |
| 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 |
| 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 Massena, NY Niagara Falls, NY Devil's Hole, NY | 765-kV 2-230-kV 2-345-kV 230-kV | PP-56 PP-25 PP-74 PP-30 |
| Niagara Mohawk Power Corp. | Devil's 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 |
| 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 |
|-----------------------------------|-----------------------------------|---------------------------|----------------|

**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 29th of June, 2023, by NS Power Energy Marketing Incorporated, a company incorporated under the laws of the Province of Nova Scotia, with its executive offices in Halifax, Nova Scotia, Canada.

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 29th day of June, 2023.

NS Power Energy Marketing Incorporated

By: 

Name: David Pickles

Title: Director and Chief Operating Officer

SUBSCRIBED AND SWORN before me, a notary public this 29th day of June, 2023.



Matthew J. Clarke
Notary Public in and for the Province of
Nova Scotia

My Commission does not expire.

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

Not Applicable

EXHIBIT F – OPERATING PROCEDURES

Not Applicable