PIERCE ATWOOD LLP

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Admitted in: CA, DC

June 21, 2023

Via Electronic Filing (electricity.exports@hq.doe.gov)

Maria Robinson
Department of Energy
Director, Grid Deployment Office
1000 Independence Avenue, S.W.
Washington, DC 20585

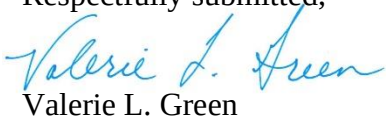
Re: Application of In Commodities US LLC for Authority to Transmit Electric Energy to Canada

Dear Director Robinson:

Pursuant to 10 C.F.R. § 205.300, *et seq.* of the regulations of the Department of Energy, enclosed for filing on behalf of In Commodities US LLC ("In Commodities") 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 21, 2023 via Pay.gov.

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

Respectfully submitted,



Valerie L. Green
Nicholas Salalayko
Pierce Atwood LLP
1875 K St., NW Suite 700
Washington, D.C. 20006
Telephone: (202) 530-6415
Vgreen@pierceatwood.com

Counsel for In Commodities US LLC

cc: Divna Gavric
Senior Market Access Specialist
In Commodities US LLC

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
GRID DEPLOYMENT OFFICE

In Commodities US LLC	)	Docket No. _____

APPLICATION OF IN COMMODITIES US LLC
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., In Commodities US, LLC ("In Commodities" or "Applicant") hereby submits this application for a blanket authorization to export electricity from the United States to Canada ("Application"). In Commodities respectfully requests authorization to transmit electric energy from the United States to Canada for a period of five (5) years.

In order to have all necessary authorizations in place to be able to start trading activities at the earliest possible time, In Commodities further respectfully requests that the Department act expeditiously on this Application and make the authority sought by this application effective no later than 90 days after the date of this Application, or September 19, 2023. To the extent necessary, In Commodities respectfully requests wavier of the requirement to file this Application six (6) months in advance of the authorization requested herein.

I. COMMUNICATIONS

Communications and correspondence concerning this filing should be addressed to:

Divna Gavric
In Commodities US LLC
251 Little Falls Drive
Wilmington, DE 19808
Tel. (732) 394-6040
marketsetup@in-commodities.com

Valerie L. Green
Pierce Atwood LLP
1875 K St., NW Suite 700
Washington, DC 20006
Tel. (202) 530-6415
Vgreen@pierceatwood.com

II. DESCRIPTION OF APPLICANT

Applicant's exact legal name is "In Commodities US LLC."[1] Applicant is a Delaware limited liability company with a registered address of 251 Little Falls Drive, Wilmington, Delaware 19808, with its headquarters at Tangen 6, 8200 Aarhus N, Denmark.[2] Applicant is also registered as a foreign limited liability company in the states of New Jersey, New York, and Texas. In Commodities does not have any partners, and is not seeking authorization to export power on behalf of, or in conjunction with, any partners or partnership.[3]

Applicant is a direct, wholly owned subsidiary of In Commodities US ApS, a corporation organized under the laws of Denmark. In Commodities US ApS is wholly owned by Incomas Global ApS, also organized under the laws of Denmark. In Commodities Global ApS is wholly owned by Incomas Holdings ApS, also organized under the laws of Denmark.

In Commodities is a Federal Energy Regulatory Commission ("FERC") authorized power marketer engaging in the purchase and sale of physical and/or virtual energy in the Day-ahead and Real-time Markets of the various Independent System Operators and Regional Transmission

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1 *See* 10 C.F.R. § 205.302(a) (2023).

2 *See* 10 C.F.R. § 205.302(d) (2023).

3 *See* 10 C.F.R. § 205.302(b) (2023).

Organizations. In 2021, FERC authorized In Commodities to engage in wholesale sales of electric energy, capacity and ancillary services at market-based rates.[4] A copy of the FERC order is attached as Exhibit G.

III. JURISDICTION

In Commodities 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

In Commodities intends to export electricity over existing international transmission facilities between Canada and the United States, as identified in Exhibit C. In Commodities 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.

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.[5] In Commodities seeks blanket authority to transmit electric power to Canada as a power marketer. In Commodities has no electric power supply system on which the proposed exports could have a reliability, fuel use system, or stability impact. In Commodities

[4] *See In Commodities US LLC,* Docket No. ER21-2441-000 (delegated letter order issued September 1, 2021).

[5] 16 U.S.C. § 824a(e).

also has no obligation to serve native load usually associated with a franchised service area, and, thus, the exports proposed by In Commodities will not impair its ability to meet current and prospective power supply obligations.

In Commodities 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 In Commodities will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the U.S.[6]

In Commodities 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 In Commodities 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 electricity export authorizations associated with these transmission facilities. In Commodities 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 has 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

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

cross-border facilities.[7] These same considerations applied to the instant situation demonstrate that the exports proposed by In Commodities 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

In Commodities 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, In Commodities will enter into agreements with third parties which involve the export of electric power from the United States into Canada. Exports made by In Commodities 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. When scheduling the delivery of power, In Commodities will comply with the applicable NERC reliability standards. For each calendar year, In Commodities 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 In Commodities' authorized representative in accordance with 10 C.F.R. § 205.302(h) is enclosed with the Application. Pursuant to direction provided by Department personnel, this Application is being submitted to the Department in electronic form.

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[7] *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); *Saracen Energy Partners, LP*, Order No. EA-340 (June 17, 2008).

In accordance with the requirements of 10 C.F.R. § 205.309, a copy of this application will also be provided to the Secretary of the Federal Energy Regulatory Commission.

Payment in the amount of $500.00, the fee specified in 10 C.F.R. § 205.309, has been submitted through Pay.gov on June 21, 2023.

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	FERC order granting Market-Based Rate Authorization, Docket No. ER21-2441-000, issued September 1, 2021

IX. CONCLUSION

WHEREFORE, In Commodities respectfully requests that DOE expeditiously consider this Application for blanket authorization to export power from the United States to Canada, for a term of five (5) years, granting the requested approvals on substantially similar terms as are generally applicable to other power marketers, with such authorization to be effective within 90 days of the date of this Application, or as of September 19, 2023.

Respectfully submitted,



Valerie L. Green
Nicholas Salalayko
Pierce Atwood LLP
1875 K St., NW Suite 700
Washington, D.C. 20006
Telephone: (202) 530-6415
Vgreen@pierceatwood.com

Counsel for In Commodities US LLC

June 21, 2023

VERIFICATION

I, Jeppe Højgaard and Christian Bach, being authorized to execute this verification and having knowledge of the matters set forth in this Application of In Commodities US LLC hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.

In Commodities US LLC
By: In Commodities US ApS
Its: Manager

Jeppe Højgaard
Jeppe Højgaard (Jun 20, 2023 14:31 GMT+2)

Jeppe Højgaard
Head of US Trading

Christian Bach
Christian Bach (Jun 20, 2023 14:33 GMT+2)

Christian Bach
Chief Financial Officer

This forgoing instrument was acknowledged by Jeppe Højgaard and Christian Bach on June 20th, 2023

Heather Adams
Heather Marie Adams
Name of Notary Public (*printed name)*
Notary Public, Chesterfield County, Va
My commission expires: April 30, 2026
Commission # : 7999977

HEATHER MARIE ADAMS
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7999977
My Commission Expires Apr 30, 2026

COMPLETED VIA REMOTE ONLINE NOTARIZATION USING TWO WAY AUDIO/VIDEO TECHNOLOGY

Proof of Payment

From: notification@pay.gov
Sent: Wednesday, June 21, 2023 2:46 PM
To: Nicholas Salalayko
Subject: https://protect-us.mimecast.com/s/IW1GCOYEELh23Or8fEl5g9 Payment Confirmation: DOE General Collections Form

This message originated outside your organization



Your payment has been submitted to the designated government agency through Pay.gov and the details are below. Please note that this is just a confirmation of transaction submission. To confirm that the payment processed as expected, you may refer to your bank statement on the scheduled payment date. If you have any questions or wish to cancel this payment, you will need to contact the agency you paid at your earliest convenience.

Application Name: DOE General Collections Form
Pay.gov Tracking ID: 2765R37F
Agency Tracking ID: 76443178378

Account Holder Name: Pierce Atwood LLP
Transaction Type: ACH Debit
Transaction Amount: $500.00
Payment Date: 06/22/2023

Account Type: Business Checking
Routing Number: 011200608
Account Number: **********6970

Transaction Date: 06/21/2023 02:46:29 PM EDT
Total Payments Scheduled: 1
Frequency: OneTime

Payment Type : Other
Bill Number:
PO Number :

WFO Number:
Other : Fee For Application of In Commodities US LLC for Authority to Transmit Electric Energy To Canada
Comments:

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.



Pay.gov is a program of the U.S. Department of the Treasury, Bureau of the Fiscal Service

EXHIBIT A – TRANSMISSION AGREEMENTS

In Commodities US LLC has not entered into any transmission agreements at this time.

EXHIBIT B – OPINION OF COUNSEL

PIERCE ATWOOD LLP

VALERIE L. GREEN
1875 K Street NW
Suite 700
Washington, DC 20006
PH 202.530.6415
FX 888.847.9228

vgreen@pierceatwood.com
pierceatwood.com

Admitted in: CA, DC

June 21, 2023

Department of Energy
Grid Deployment Office
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: Application of In Commodities US LLC for Authority to Transmit Electric Energy to Canada

Dear Sir or Madam:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of In Commodities US LLC ("In Commodities") to export electricity to Canada. I have examined the Certificate of Formation of In Commodities and the Operating Agreement of In Commodities. Based on my review of those documents and representations provided to me by authorized representatives of In Commodities, it is my opinion that:

1. The import and export of electricity contemplated by this Application is within the corporate powers of In Commodities; and

2. To the best of my knowledge and belief, In Commodities 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 pertinent federal laws of the United States, and applicable 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 relevant law or existing facts or circumstances change. This opinion is provided by me as counsel to In Commodities 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,



Valerie L. Green
Counsel for In Commodities US LLC

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 Company	Baileyville, ME	345-KV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administrative	Blaine, WA Nelway, WA Nelway, WA	2-500-kV 230-kV 230-kV	PP-10 PP-36 PP-46
CHPE LLC	Champlain, NY	±230-kV DC	PP-481-1
Eastern Maine Electric Cooperative	Calais, ME	69-kV	PP-32
International Transmission Company	Detroit, MI Marysville, MI St. Claire, MI St. Claire, MI	230-kV 230-kV 230-kV 345-kV	PP-230 PP-230 PP-230 PP-230
ITC Lake Erie Connector	Erie County, PA	320-kV	PP-412**
Highgate Joint Owners	Highgate, VT	120-kV	PP-82
Long Sault, Inc.	Massena, NY	2-115-kV	PP-24
Maine Electric Power Company	Houlton, ME	345-kV	PP-43
Maine Public Service Company	Limestone, ME Fort Fairfield, ME Madawaska, ME Aroostook, ME	69-kV 69-kV 138-kV 2-69-kV	PP-12 PP-12 PP-29 PP-29
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnesota Power, Inc.	Roseau County, MN	500-kV	PP-398
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
NECEC Transmission LLC	Beattie Township, ME	±320-kV	PP-438**
New York Power Authority	Massena, NY Massena, NY Niagara Falls, NY Devils Hole, NY	765-kV 2-230-kV 2-345-kV 230-kV	PP-56 PP-25 PP-74 PP-30

Present Owner	**Location**	**Voltage**	**Presidential Permit No.**
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Company	Red River, ND Roseau County, MN Rugby, ND	230-kV 500-kV 230-kV	PP-45 PP-63 PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	±450-kV DC	PP-299**
TDI New England	Alburgh, VT	±320-kV DC	PP-400**
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76

*As described in the Application, In Commodities requests authority to export electricity over any authorized international transmission facility, including but not limited to those set forth in this Exhibit C.

** These 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 20 , 2023 by In Commodities US LLC (the "Principal"), a corporation organized and existing under the Delaware Limited Liability Company Act, with its headquarters at Tangen 6, 8200 Aarhus N, Denmark.

1. Appointment. The Principal hereby appoints Dzmitry Shatsila, of In Commodities US LLC, located at 600 Congress Ave., WeWork Office #15017, Austin, Texas 78701, 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), Mr. Shatsila 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 20th day of June, 2023.

In Commodities US LLC
By: In Commodities US ApS
Its: Manager

Jeppe Højgaard
Jeppe Højgaard (Jun 20, 2023 14:32 GMT+2)

Jeppe Højgaard
Head of US Trading

Christian Bach
Christian Bach (Jun 20, 2023 14:33 GMT+2)

Christian Bach
Chief Financial Officer

SUBSCRIBED AND SWORN BEFORE ME, this 20th day of June, 2023.

Heather Adams
Heather Marie Adams
Name of Notary Public (*printed name)*
Notary Public, Chesterfield County, Va
My commission expires: April 30, 2026
Commission # : 7999977

HEATHER MARIE ADAMS
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7999977
My Commission Expires Apr 30, 2026

COMPLETED VIA REMOTE ONLINE NOTARIZATION USING TWO WAY AUDIO/VIDEO TECHNOLOGY

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.ER21-2441-000

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
In Commodities US LLC
Docket No. ER21-2441-000

Issued: September 1, 2021

Valerie Green
Pierce Atwood LLP
1875 K Street, N.W.
Suite 700
Washington, D.C. 20006

Reference: Market-Based Rate Authorization

On July 16, 2021, as amended on August 9, 2021, you filed on behalf of In Commodities US LLC (InCommodities) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.[1] You request on behalf of InCommodities waivers commonly granted to similar market-based rate applicants. InCommodities' market-based rate tariff is accepted for filing, effective August 1, 2021, as requested.[2] Based on your representations, InCommodities meets the criteria for a

[1] InCommodities requests authorization to sell ancillary services in all of the regional transmission organization or independent system operator markets for which the Commission has approved sales of specific ancillary services. InCommodities also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

[2] In Commodities US LLC, FERC FPA Electric Tariff, FERC Electric Tariff; Section 1, Market Based Rates, 0.0.0. The next time InCommodities makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295, at P 916 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.

Category 1 seller in all regions and is so designated.[3]

Your filing was noticed on July 16, 2021 and August 10, 2021, with comments, protests, or interventions due on or before August 6, 2021 and August 30, 2021, respectively. None was filed.

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.[4]

You represent that InCommodities is owned by In Commodities US ApS and is a power marketer. You represent that InCommodities and its affiliates do not own or control any generation capacity. Based on your representations, InCommodities satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.[5]

With respect to vertical market power, you represent that InCommodities and its affiliates either do not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).[6] Further, you

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[3] *See Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 816, 153 FERC ¶ 61,065, at P 320 (2015). Order No. 697, 119 FERC ¶ 61,295 at PP 848-850.

[4] Order No. 697, 119 FERC ¶ 61,295 at PP 62, 399, 408, 440.

[5] We note that InCommodities is not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If InCommodities seeks such authority, it must make the required showing and receive Commission authorization prior to making such sales. *See Third-Party Provision of Ancillary Servs.; Accounting and Financial Reporting for New Elec. Storage Technologies*, Order No. 784, 144 FERC ¶ 61,056, at PP 200-202 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

[6] *See Open Access and Priority Rights on Interconnection Customer's*

affirmatively state that InCommodities and its affiliates have not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, InCommodities satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

Waivers, Authorizations, and Reporting Requirements

InCommodities' 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. InCommodities' request for waiver of Part 41 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.[7] InCommodities' request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.[8] Notwithstanding the waiver of the accounting and reporting requirements here, InCommodities is expected to keep its accounting records in accordance with generally accepted accounting principles.

InCommodities 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 during which protests could be filed. None was filed. InCommodities 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 InCommodities, compatible with the public

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Interconnection Facilities, Order No. 807, 150 FERC ¶ 61,211, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

[7] *See* Order No. 697, 119 FERC ¶ 61,295 at PP 984-985.

[8] Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 C.F.R. Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. *See* Order No. 816, 153 FERC ¶ 61,065 at PP 345-350; *Seneca Gen., LLC,* 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.,* 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities under [s]ections 4(b), 10(d) and 14 of the FPA")).

interest, and reasonably necessary or appropriate for such purposes.[9]

InCommodities must file Electric Quarterly Reports (EQRs) with the Commission, consistent with Order Nos. 2001[10] and 768.[11] InCommodities must file EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.[12] InCommodities 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.[13]

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 any of the applicant(s).

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30

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[9] *See* Order No. 697, 119 FERC ¶ 61,295 at PP 999-1000.

[10] *Revised Pub. Util. Filing Requirements,* Order No. 2001, 99 FERC ¶ 61,107, *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, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 125 FERC ¶ 61,103 (2008).

[11] *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, 140 FERC ¶ 61,232 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

[12] *See Revisions to Elec. Quarterly Report Filing Process*, Order No. 770, 141 FERC ¶ 61,120, at P 3 (2012) (citing Order No. 2001, 99 FERC ¶ 61,107 at P 31).

[13] 18 C.F.R. § 35.42 (2020); *see also Reporting Requirement for Changes in Status for Pub. Utils. with Market-Based Rate Auth.*, Order No. 652, 110 FERC ¶ 61,097, *order on reh'g*, Order No. 652-A, 111 FERC ¶ 61,413 (2005).

days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Issued by: Steven T. Wellner, Director, Division of Electric Power Regulation - West

Document Content(s)

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