

**UNITED STATES OF AMERICA  
BEFORE THE DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY**

**Lake Erie Connector Transmission, LLC**

**Docket No. PP-412**

**APPLICATION OF LAKE ERIE CONNECTOR TRANSMISSION, LLC  
FOR AMENDMENT OR, IN THE ALTERNATIVE,  
RESCISSION AND REISSUANCE OF A PRESIDENTIAL PERMIT**

**March 29, 2024**

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**APPLICATION OF LAKE ERIE CONNECTOR TRANSMISSION, LLC  
FOR AMENDMENT OR, IN THE ALTERNATIVE,  
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Pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C. § 824(a)(e), Executive Order 10485 as amended by Executive Order 12038, and applicable regulations of the United States Department of Energy (“DOE”), 10 C.F.R. §§ 205.320 *et seq*, Lake Erie Connector Transmission, LLC (“LEC Transmission,” formerly ITC Lake Erie Connector LLC (“ITC Lake Erie Connector”)) (“Applicant”) respectfully files this application to amend or, in the alternative, rescind and reissue, Presidential Permit No. 412 (PP-412) to LEC Transmission following a change in upstream ownership.<sup>1</sup>

**BACKGROUND**

On January 12, 2017, DOE issued a Presidential Permit (PP-412) authorizing ITC Lake Erie Connector to construct, own, maintain, and connect the Lake Erie Connector Project (“Project”). As set forth in PP-412, the Project is an approximately 72-mile long, 1,000

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<sup>1</sup> Article 12 of PP-412 requires the authorized entity to provide written notification to DOE of any “actual changes of a substantive nature in the circumstances on which this Order was based.” It also requires notice of any changes in the authorized entity contact information. Pursuant to this application, LEC Transmission is providing notice to DOE regarding a change in the upstream ownership of the authorized entity as well as a related change in name. The new contact information for the authorized entity is as set forth in this application.

Megawatt (“MW”) high-voltage direct current (“HVDC”) merchant transmission system that will originate in Haldimand County, Ontario, Canada and terminate in Erie County, Pennsylvania, United States. The Project will cross the United States-Canadian border in Lake Erie as a submerged cable and extend approximately 35.4 miles underwater through Lake Erie and emerge onshore in Erie County, Pennsylvania. The Project will run approximately 7 miles underground to a converter station in Conneaut Township, Erie County, Pennsylvania, and ultimately connect to the nearby Penelec Erie West Substation. The total U.S. portion of the line will be approximately 42.8 miles.

On January 31, 2024, a subsidiary of NextEra Energy, Inc. (“NextEra Energy”) acquired all of the membership interests in ITC Lake Erie Connector previously held by a subsidiary of ITC Holdings Corp. (“ITC”). Specifically, Lake Erie Holdings, LLC, a direct, wholly-owned subsidiary of NextEra Energy Transmission, LLC, acquired 100 percent of the ownership interests in ITC Project Holdings, LLC, the indirect upstream owner of ITC Lake Erie Connector (the “Transaction”). Following the Transaction, the legal name of ITC Lake Erie Connector was changed to LEC Transmission – the current Applicant.<sup>2</sup> As a result of the change in upstream ownership and related name change, LEC Transmission requests that DOE amend or otherwise reissue PP-412 to facilitate its transfer from what was formerly ITC Lake Erie Connector to LEC Transmission, the new (renamed) legal entity that will construct, own, operate, and maintain the Project. In support of this request, LEC Transmission provides the following information:

### **PERMIT TRANSFER**

The Applicant requests that PP-412 be amended to name LEC Transmission as the permittee or, in the alternative, rescinded and reissued to LEC Transmission, to reflect the

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<sup>2</sup> ITC Project Holdings, LLC was also renamed to LEC Transmission Project Holdings, LLC.

correct legal name of the project company following NextEra Energy’s acquisition of ITC Lake Erie Connector.

## **1. INFORMATION REGARDING THE APPLICANT**

### **1.1 Legal Name of Applicant**

The legal name of the Applicant is Lake Erie Connector Transmission, LLC. LEC Transmission is a limited liability company formed under the Delaware Limited Liability Company Act, and is a direct, wholly-owned subsidiary of Lake Erie Transmission Holdings, LLC,<sup>3</sup> which, in turn, is a direct, wholly-owned subsidiary of LEC Transmission Project Holdings, LLC.<sup>4</sup> LEC Transmission Project Holdings, LLC is a direct, wholly-owned subsidiary of Lake Erie US Holdings, LLC, which is a direct, wholly-owned subsidiary of NextEra Energy Transmission, LLC.<sup>5</sup> Lake Erie US Holdings, LLC was formed to acquire all of the membership interests in LEC Transmission Project Holdings, LLC from ITC pursuant to the January 30<sup>th</sup> Transaction.

### **1.2 Legal Name of All Partners**

Applicant does not have any partners in connection with the Presidential Permit.

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<sup>3</sup> Prior to the Jan. 30 Transaction, Lake Erie Transmission Holdings, LLC was formerly “ITC Lake Erie Holdings LLC.”

<sup>4</sup> Prior to the Jan. 30 Transaction, LEC Transmission Project Holdings, LLC was formerly “ITC Project Holdings LLC.”

<sup>5</sup> NextEra Energy Transmission, LLC is a wholly-owned, indirect subsidiary of NextEra Energy, whose shares are publicly traded on the New York Stock Exchange. NextEra Energy also owns NextEra Energy Resources, LLC, a competitive merchant generation facility developer, and Florida Power & Light (“FPL”), a franchised public utility that provides wholesale and retail electric service to customers in the State of Florida.

### **1.3 Communications and Correspondence**

All communications and correspondence regarding this Application should be addressed to:

Justin Moeller  
Assistant General Counsel  
NextEra Energy, Inc.  
801 Pennsylvania Avenue NW, Suite 220  
Washington, DC, 20004  
Justin.Moeller@nee.com  
(202) 349-3346

John M. Kopinski  
Director, Development  
NextEra Energy Transmission, LLC  
700 Universe Blvd.  
Juno Beach, FL, 33408  
John.Kopinski@nexteraenergy.com  
(734) 355-6088

### **1.4 Foreign Ownership and Affiliates**

Neither Applicant nor the proposed transmission facilities are owned wholly or in part by any foreign government or instrumentality thereof or directly or indirectly assisted by a foreign government or instrumentality thereof, and Applicant does not have any agreement pertaining to such ownership or assistance from any foreign government or instrumentality thereof, other than to the extent the Independent Electricity System Operator of Ontario, Canada (“IESO”) enters into a jurisdictional transmission service agreement for transmission capacity over the Project’s facilities pursuant to negotiated rate authority authorized and approved by the Federal Energy Regulatory Commission (“FERC”), as described in Section 1.5 below.

### **1.5 List of Existing Contracts with Foreign Governments or Foreign Private Concerns Relating to the Purchase, Sale or Delivery of Electric Energy**

Applicant does not currently have any existing contracts with any foreign government or any foreign private concerns relating to the purchase, sale, or delivery of electric energy. To the extent Applicant has or receives negotiated rate authority from FERC authorizing it to sell transmission capacity over the Project’s facilities at negotiated rates, the IESO may enter into a transmission service agreement pursuant to a FERC-jurisdictional open-season process, by which Applicant may solicit interest from potential subscribers for the Project’s available transmission

capacity. Any such open-season process, and any transmission service agreements resulting therefrom, must be filed with FERC for approval under Section 205 of the Federal Power Act.

### **1.6 Opinion of Counsel**

Appendix A includes a signed opinion of counsel attesting that the construction, connection, operation, and maintenance of the Project is within the Applicant's corporate powers and that the Applicant has complied with or will comply with all issued permits and pertinent Federal and State laws.

## **2. INFORMATION REGARDING THE PERMITTED FACILITIES**

The description of the Project and its facilities authorized by PP-412, as well as the maps, remains materially unchanged from what was provided by ITC Lake Erie Connector in its original application for a Presidential Permit, filed on May 29, 2015. Additionally, bulk power system information related to the Project facilities has not changed materially since the issuance of PP-412. As stated in the May 29, 2015 application, and memorialized as Article 3 of PP-412, the facilities authorized by PP-412 will be designed and operated in accordance with all policies and standards of FERC, the North American Reliability Corporation ("NERC"), Regional Entities, Reliability Coordinators, and independent system operators, including the PJM Interconnection, Inc. ("PJM") and the IESO. As also noted in the May 29, 2015 application and PP-412, PJM and the IESO previously conducted a reliability analysis of the Project, examining bidirectional energy transmission over the proposed facilities for planning year 2017, for purposes of ensuring there will be no adverse reliability impacts due to the Project's operation. Prior to interconnecting to the transmission system, the Project will undergo an updated evaluation by PJM and the IESO (as well as any other relevant independent system operator) through their respective interconnection processes to assess the potential impacts of the Project's

interconnection on the reliability of the integrated power system. The PJM and IESO processes will ensure that the Project as installed will not have any adverse impacts to system reliability. Accordingly, the Applicant respectfully seeks waiver of the requirements of 10 C.F.R. §205.322(b).

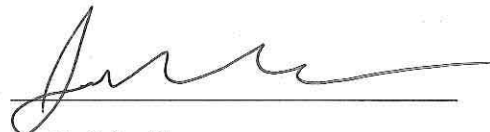
### **3. INFORMATION REGARDING POTENTIAL ENVIRONMENTAL IMPACTS**

The Applicant seeks only to transfer the existing authorization to the renamed legal entity and is not requesting authorization to construct any new facilities not already authorized by PP-412. Accordingly, the authorizations requested in this Application will not have any impact on the environment.

### **CONCLUSION**

WHEREFORE, for the reasons stated herein, Applicant respectfully requests that DOE either amend PP-412 to name Lake Erie Connector Transmission, LLC as the permittee or, in the alternative, rescind PP-412 and reissue it to LEC Transmission.

Respectfully submitted,



Justin Moeller  
Assistant General Counsel  
NextEra Energy, Inc.  
801 Pennsylvania Ave., NW, Suite 220  
Washington, DC 20004  
[Justin.Moeller@nee.com](mailto:Justin.Moeller@nee.com)  
(202) 349-3346

March 29, 2024

## VERIFICATION STATEMENT

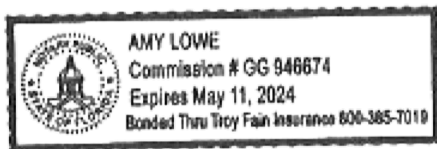
The undersigned attests that he is an officer of NextEra Energy Transmission, LLC, the upstream owner of Lake Erie Connector Transmission, LLC, and that he has read and has knowledge of the matters set forth in this application, and that the facts and representations set forth in said application are true and correct to the best of his knowledge.

  
By: Matthew Valle  
President

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to before me this 28th day of March, 2024 Matthew Valle, in his capacity as President of NextEra Energy Transmission, LLC, who is personally known to me.



  
Amy Lowe



**ATTACHMENT A**  
**OPINION OF COUNSEL**

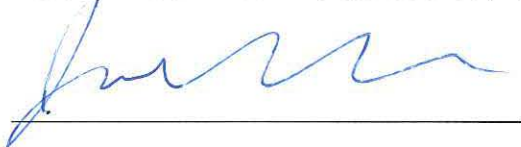
## OPINION OF COUNSEL

I, Justin P. Moeller, Assistant General Counsel, NextEra Energy, Inc., do hereby state and give my opinion, pursuant to 10 C.F.R. § 205.322(a)(6) as follows:

1. I have examined and am familiar with the Certificate of Incorporation and By-laws of Lake Erie Connector Transmission, LLC;
2. I have examined and am familiar with the content of Lake Erie Connector Transmission, LLC's Application for Amendment or, in the Alternative, Rescission and Reissuance, of a Presidential Permit to which this Opinion is attached as an Appendix; and
3. I am of the opinion that the construction, connection, operation, and maintenance of the facilities, as described in Presidential Permit No. 412 and this Application, is within the corporate power of Lake Erie Connector Transmission, LLC as set out in Lake Erie Connector Transmission, LLC's Certificate of Incorporation and By-laws, and that Lake Erie Connector Transmission, LLC has complied or will comply with all pertinent Federal and State laws.

Dated: March 29, 2024

Lake Erie Connector Transmission, LLC



Justin Moeller  
Assistant General Counsel  
NextEra Energy, Inc.  
801 Pennsylvania Ave., NW, Suite 220  
Washington, DC 20004  
[Justin.Moeller@nee.com](mailto:Justin.Moeller@nee.com)  
(202) 349-3346