

Constellation Energy Generation, LLC) **Docket No. EA-249-__**

III. APPLICATION FOR RENEWAL

A. Effective Date

Applicant requests that renewal of its export authorization be effective on August 5, 2024, the day after the current authorization expires, to avoid any lapse in Applicant's authority to export electricity to Canada. Applicant seeks to extend its current authorization to export electricity to Canada for a five-year period.

B. Description of Applicant

The legal name of Applicant is Constellation Energy Generation, LLC. Applicant is a Pennsylvania limited liability company with its principal executive offices in Baltimore, Maryland. Applicant is one of the largest competitive power generators in the U.S., with approximately 32,000 megawatts of owned capacity located in a number of organized markets. Applicant is a leading marketer of electricity and natural gas, and related products, in wholesale and retail markets. Applicant serves approximately 2 million residential and business customers in various markets throughout the United States. Applicant has a diverse generation portfolio of owned or controlled capacity nationwide. Applicant is authorized by the Federal Energy Regulatory Commission ("FERC") to sell energy, capacity, an ancillary service at market-based rates in the United States.³

Applicant is a wholly owned subsidiary of Constellation Energy Corporation ("Constellation"). Constellation is a holding company within the meaning of the Public Utility Holding Company Act of 2005. Constellation is headquartered at 1310 Point Street, Baltimore, Maryland 21231, with operations and business activities in 48 states, the District of Columbia, Canada, and the United Kingdom.

C. State of Incorporation

Applicant is a Pennsylvania limited liability company with its principal executive offices in Baltimore, Maryland. In the United States, Applicant is authorized to operate in the following states: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Texas, Utah, Vermont, Washington, West Virginia, and the District of Columbia.

³ *Exelon Generation Co.*, 93 FERC ¶ 61,140 (2000), *reh'g denied*, 95 FERC ¶ 61,309 (2001) (granting market-based rate authority).

D. Jurisdiction

Pursuant to section 202(e) of the FPA,⁴ DOE has jurisdiction over the action to be taken in this Renewal Application. Applicant does not know any other federal, state, or local government that has jurisdiction over the action to be taken in this Renewal Application.

E. Description of Transmission Facilities

Applicant seeks to renew its existing authority to transmit electricity to Canada as a power marketer over existing cross-border facilities, as well as any additional future facilities that are appropriate for third-party use. Exhibit C to this Renewal Application provides a description of these transmission facilities and their Presidential Permit numbers. Applicant may use all existing and future DOE-approved transmission facilities available over the United States-Canada border. Applicant has and will continue to comply with the terms and conditions contained in the export authorizations issued for the cross-border facilities as well as other export limitations that the DOE may deem appropriate for those facilities.

F. Technical Discussion

Applicant seeks to renew its existing authority to transmit electricity as power marketer over existing cross-border facilities identified in Exhibit C, as well as any additional future facilities that are appropriate for third-party use. Applicant does not own or operate any transmission or distribution facilities and does not have a franchised service area. Applicant's exports of power from the United States will not have any reliability, fuel use, or system stability impact. Applicant has and will continue to generate the electricity to be transmitted to Canada or purchase it from third parties, such as electric utilities and federal power marketing agencies, pursuant to voluntary agreements. By definition, such power is surplus to the system of the generator; thus, the electric power that Applicant has and will continue to export on either a firm or interruptible basis has and will not impair the sufficiency of the electric power supply within the United States. Moreover, Applicant's export of electric energy to Canada have not and will not impede or tend to impede the regional coordination of electric utility planning or operations.

Applicant has and will continue to make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to effect any power exports. All of the electricity exported by Applicant has and will continue to be transmitted pursuant to

⁴ 16 U.S.C. 824a(e).

arrangements with utilities that own or 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 those facilities. Applicant has and will continue to comply with the terms and conditions contained in the authorizations issued for these cross-border facilities as well as any other export limitations that DOE may deem appropriate, consistent with DOE's orders authorizing exports of electric energy by power marketers.⁵

Applicant has and will continue to schedule each transaction with the appropriate balancing authority in compliance with the reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation (NERC) and its Regional Entities. Applicant has and will continue to obtain all necessary transmission access for its exports over the existing facilities in Exhibit C,⁶ as well as any additional future facilities that are appropriate for third-party use, and has and will continue to comply with all applicable statutes and implementing rules, regulations, and orders of DOE and FERC. The controls inherent in any transaction that complies with NERC requirements and DOE export limits on the transmission facilities in Exhibit C, and any additional future facilities that are appropriate for third-party use, are sufficient to ensure that exports by Applicant have and will continue not to impede the coordinated use of transmission facilities within the meaning of section 202(e) of the FPA.

As noted in Order No. EA-102, DOE may utilize the reliability analyses performed in other export authorization proceedings for existing transmission facilities listed in Exhibit C in order to make the findings required for a renewal of export authority to applicant. Because the exports have and will continue to take place over existing international transmission lines, Applicant submits that the requested renewal of authorization does not require the preparation of an environmental impact statement or an environmental assessment pursuant to the National Environmental Policy Act of 1969.

⁵ See e.g. *Shell Energy N. Am. (U.S.), LP.*, Order No. EA-339-1 (May 9, 2013); *RBC Energy Servs. LP.*, Order No. EA-328-A (Sept. 28, 2012); *TransCanada Power Mktg. Ltd.*, Order No. EA-262-C (Apr. 8, 2011); *H.Q. Energy Servs. (U.S.) Inc.*, Order No. EA-182-c (July 19, 2010); *Powerex Corp.*, Order No. EA-171-B (Nov. 18, 2005); *Duke Energy Trading & Mktg., L.L.C.*, Order No. EA-163-A (Feb. 16, 2000) (granting power marketers authorization to export to Canada).

⁶ The location, voltage, owner, and the Presidential Permits under which the relevant border transmission facilities were constructed and are maintained are also set forth in Exhibit C.

G. Procedures

This Renewal Application is consistent with the United States-Mexico-Canada Agreement and United States energy policy and will foster development of a more efficient and competitive North American energy market. Applicant requests the renewal of authority for export transactions through specified border facilities even though specific transaction may or may not yet have been negotiated. DOE has granted export authority to similarly situated power marketers, and Applicant agrees to abide by the general conditions set forth in such orders.⁷

IV. EXHIBITS

In accordance with 10 C.F.R. 205.303, the following exhibits are attached hereto and made part hereof:

Exhibit A: Agreements
Not applicable.

Exhibit B: Legal Opinion

Please see Exhibit B of the Application of Exelon Generation Company, LLC for Authorization to Transmit Electric Energy from the United States to Canada filed in Docket No. EA-249-B (June 8, 2009).

Exhibit C: Transmission Facilities
Applicant will use all existing and future DOE-approved transmission facilities available over the United States-Canada border. Existing transmission facilities are identified in Exhibit C.

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 Related to the Control of Fixing of Electric Power Rates
Not applicable.

Exhibit F: Operation Procedures
No applicable.

⁷ See, e.g., *Coral Power, LLC*, FE Docket No. EA-212-B (Aug. 26, 2002).

Pursuant to 10 C.F.R. § 205.309, a copy of this Application is being provided to:

Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

V. CONCLUSIONS

In consideration of the foregoing, Applicant requests that this renewal be approved for a term of five years, effective from August 5, 2024.

Respectfully submitted,

Todd Brecher

Todd Brecher
Associate General Counsel
Constellation Energy Generation, LLC

Dated: June 6, 2024

Exhibit A
(Not Applicable)

Exhibit B

Please see Exhibit B of the Application of Exelon Generation Company, LLC for Authorization to Transmit Electric Energy from the United States to Canada filed in Docket No. EA-249-B (June 8, 2009).

Exhibit C – Transmission System Information

TRANSMISSION LINES AT THE U.S. BORDER WITH CANADA APPROPRIATE FOR OPEN ACCESS TRANSMISSION BY THIRD PARTIES

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.¹</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	2x 500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
CHPE, LLC	Champlain, NY	±230 kV DC	PP-481
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
ITC Lake Erie Connector	Erie County, PA	320-kV	PP-412 ²
Long Sault, Inc.	Massena, NY	2x 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	2x 69-kV	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-399
NECEC Transmission LLC	Beattie Twp, ME	±320 kV	PP-438 ³
New York Power Authority	Massena, NY	765-kV	PP-56

¹ These Presidential permit numbers refer to the generic DOE permit number and are intended to include any subsequent amendments to the permit authorizing the facility.

² These transition facilities have been authorized but not yet constructed or placed in operation.

³ These transition facilities have been authorized but not yet constructed or placed in operation.

**TRANSMISSION LINES AT THE U.S. BORDER WITH CANADA APPROPRIATE FOR
OPEN ACCESS TRANSMISSION BY THIRD PARTIES**

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.¹</u>
	Massena, NY	2x 230-kV	PP-25
	Niagara Falls, NY	2x 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, ND	500-kV	PP-63
	Rugby, ND	230-kV	PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	±450-kV DC	PP-299 ⁴
TDI New England	Alburgh, VT	±320 kV DC	PP-400 ⁵
Vermont Electric Power Co.	Derby Lane, VT	120-kV	PP-66
Vermont Electric Transmission Company	Norton, VT	±450-kV DC	PP-76
Vermont Transco LLC	Highgate, VT	120-kV	PP-82

⁴ These transition facilities have been authorized but not yet constructed or placed in operation.

⁵ These transition facilities have been authorized but not yet constructed or placed in operation.

Exhibit D
(Not Applicable)

Exhibit E
(Not Applicable)

Exhibit F
(Not Applicable)

Exhibit G

VERIFICATION

STATE OF TEXAS

)

)

COUNTY OF HARRIS

)

I, Brian Buck, being first duly sworn, states that he is Assistant General Counsel of Constellation Energy Generation, LLC; that he is authorized to execute this verification; that he has read the above and foregoing Application of Constellation Energy Generation, LLC for Renewal of Authorization to Export Electric to Canada and is familiar with the contents thereof; and that all the statements and facts contained therein, are true and correct to the best of his knowledge, information, and belief.

Brian Buck

Brian Buck

Subscribed and sworn to me on this 6th day of June 2024.

Tessie M. Clark

Notary Public

My commission expires: 10/23/2025

