

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

**NORTHLAND POWER ENERGY  
MARKETING (US) INC.**

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**Docket No. EA-473-\_\_**

**RENEWAL APPLICATION OF NORTHLAND POWER ENERGY MARKETING (US)  
INC. FOR AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO CANADA  
AND REQUEST FOR EXPEDITED TREATMENT**

Northland Power Energy Marketing (US) Inc. (“NPEMUS”), pursuant to Section 202(e) of the Federal Power Act (the “FPA”; 16 U.S.C. § 842a(e)) and 10 C.F.R. § 205.300 *et seq.* (2018), hereby submits a renewal application (this “Application”) of its authorization from the Department of Energy (the “Department” or “DOE”) to transmit electric energy from the United States to Canada for an additional period of five years from June 18, 2024 or the date on which the DOE grants this Application or such other period as the Department deems appropriate.

In support of this Application, NPEMUS respectfully shows as follows:

**I. DESCRIPTION OF APPLICANT**

The exact name of the applicant is Northland Power Energy Marketing (US) Inc., and its principal place of business is 30 St. Clair Avenue West, 3rd Floor, Toronto, Ontario, M4V 3A1, Canada. NPEMUS is a corporation engaged in the purchase and sale of physical and financial energy commodities. NPEMUS is a wholly-owned direct subsidiary of the holding company NP Energy Services Holdings Inc., an Ontario corporation. The sole shareholder of this holding company is Northland Power Inc. (“Northland Power”). Northland Power is a Canadian independent power producer founded in 1987, and publicly traded on the Toronto stock exchange since 1997. BMO Asset Management, Inc. owns approximately 10.1% of the voting interests in

Northland Power, and no other person or “company” (as that term is defined under the FPA) owns, holds, or controls ten percent or more of the voting or equivalent interests in Northland Power nor in NPEMUS.

## **II. PARTNERS**

NPEMUS is not seeking authorization to export power on behalf of, or in conjunction with, any partners or partnerships.

## **III. COMMUNICATIONS**

All correspondence and communications regarding this Application should be directed to the following persons:

Elizabeth W. Whittle  
 Gregory N. Hom  
 Nixon Peabody, LLP  
 799 Ninth Street, N.W., Suite 500  
 Washington, DC 20001  
 (202) 585-8338  
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Yonni Fushman  
 c/o Northland Power Inc.  
 30 St. Clair Avenue West, 3rd Floor  
 Toronto, Ontario, Canada  
 M4V 3A1  
 legal@northlandpower.com

## **IV. ORGANIZATION OF APPLICANT, AUTHORITY TO DO BUSINESS**

NPEMUS is a corporation formed pursuant to the laws of the Province of Ontario with its principal place of business in Toronto, Ontario, Canada. NPEMUS is authorized by the Federal Energy Regulatory Commission (“FERC”) to make wholesale sales of electric power and related products at market-based rates.<sup>1</sup> If the Department requests that it do so, NPEMUS will provide the Department a list of states in which it has registered to do business.

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<sup>1</sup> *Northland Power Energy Marketing (US) Inc.*, Docket No. ER19-1069-000, Letter Order (Apr. 5, 2019).

## V. JURISDICTION

NPEMUS does not know of any other federal, state, or local government other than DOE that has jurisdiction over the actions to be taken under the authority sought in this Application.

## VI. FACILITIES

NPEMUS does not own or control electric generation, transmission, or distribution facilities in the United States and does not hold a franchise or service territory or native load obligation within the United States or Canada. Northland Power, however, develops, builds, owns, and operates facilities that produce ‘clean’ (natural gas) and ‘green’ (wind, solar, and hydro) energy. As of June 10, 2024, Northland Power owns or has a net economic interest of 2,014 MW in power-producing facilities with a total operating capacity of approximately 2,427 MW in Canada, within the provinces of Ontario, Quebec, and Saskatchewan, and 220 MW in the United States, in New York.

Facility	Location	Type	Capacity (MW)
Belleville North	Canada (ON)	Solar	10
Belleville South	Canada (ON)	Solar	10
Burk’s Falls East	Canada (ON)	Solar	10
Burk’s Falls West	Canada (ON)	Solar	10
Crosby	Canada (ON)	Solar	10
Glendale	Canada (ON)	Solar	10
Jardin d’Eole	Canada (QC)	Wind	133.5
Kirkland Lake	Canada (ON)	Thermal	132
McCann	Canada (ON)	Solar	10
McLeans Mountain	Canada (ON)	Wind	60
Mont Louis	Canada (QC)	Wind	100.5

<b>Facility</b>	<b>Location</b>	<b>Type</b>	<b>Capacity (MW)</b>
North Battleford	Canada (SK)	Thermal	260
North Burgess	Canada (ON)	Solar	10
Rideau Lakes	Canada (ON)	Solar	10
Spy Hill	Canada (SK)	Thermal	86
Thorold	Canada (ON)	Thermal	265
Abitibi	Canada (ON)	Solar	10
Empire	Canada (ON)	Solar	10
Martin's Meadows	Canada (ON)	Solar	10
Long Lake	Canada (ON)	Solar	10
Grand Bend Wind Farm	Canada (ON)	Wind	100
Ball Hill Wind	United States (NY)	Wind	108
Blue Stone Wind	United States (NY)	Wind	112

Northland's operating facilities produce electricity from renewable resources and natural gas for sale primarily under long-term power purchase agreements or other revenue arrangements.

NPEMUS intends to export to Canada electric energy that will be purchased from third parties, such as electric utilities and federal power marketing agencies, pursuant to voluntary agreements, and thus surplus to the needs of the selling entities. This electric energy will be wheeled over transmission facilities owned and operated by other parties. 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.

## **VII. TECHNICAL DISCUSSION OF PROPOSAL**

Through this Application, NPEMUS 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 TransAlta Energy Marketing (U.S.) Inc. NPEMUS is submitting this Application under Order No. EA-473 at this time in order to ensure that the Department may act upon NPEMUS's application in sufficient time to prevent a lapse in NPEMUS's authorization. The electric power that NPEMUS will continue to export, on either a firm or interruptible basis, will generally be purchased from others voluntarily and will, therefore, be surplus to the needs of the selling entities. Because NPEMUS does not have native load obligations, its exports will not impair its ability to meet current or prospective power supply obligations. In addition, NPEMUS's proposed exports will not impair or impede sufficient electric supplies in the United States or the regional coordination of electric utility planning or operations.

## **VIII. PROCEDURES**

NPEMUS's Application is consistent with the United States energy policy in the Energy Policy Act of 1992,<sup>2</sup> the North American Free Trade Agreement of 1993,<sup>3</sup> the Energy Policy Act

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<sup>2</sup> Pub. L. No. 102-486.

<sup>3</sup> Now the United States–Mexico–Canada Agreement.

of 2005,<sup>4</sup> and FERC Order Nos. 888<sup>5</sup> and 890,<sup>6</sup> which foster more efficient and competitive North American energy markets.

NPEMUS is seeking renewal, as a power marketer, to export electricity through existing U.S.–Canadian border facilities. NPEMUS will accept general conditions in its export authorization consistent with those included in the Department’s previous export authorizations and renewal applications granted to power marketers, including compliance with applicable export limits for the transmission facilities utilized by NPEMUS. In addition, if requested by the Commission, NPEMUS will provide written evidence to the Department that it has secured sufficient transmission service for the delivery of power to the U.S.–Canadian border. When scheduling the delivery of power, NPEMUS will comply with the applicable North American Electric Reliability Corporation (“NERC”) reliability criteria, standards, and guidelines. For each calendar quarter, NPEMUS will provide the Department with reports regarding the gross amount of electricity delivered to Canada, consideration received during each month, and the maximum hourly rate of transmission, and other data requested by the Department.

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<sup>4</sup> Pub. L. No. 109-58.

<sup>5</sup> *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh’g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh’g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh’g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff’d in relevant part sub nom. Transmission Access Pol’y Study Grp. v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff’d sub nom. N. Y. v. FERC*, 535 U.S. 1 (2002).

<sup>6</sup> *Preventing Undue Discrimination & Preference in Transmission Serv.*, Order No. 890, 118 FERC ¶ 61,119, *order on reh’g*, Order No. 890-A, 127 FERC 61,297 (2007), *order on reh’g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh’g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

## **IX. EXHIBITS**

The following exhibits are attached hereto:

Exhibit A	Transmission Agreements	Not applicable
Exhibit B	Opinion of Counsel	Attached
Exhibit C	Transmission Facilities	List submitted in lieu of maps
Exhibit D	Designation of Agent	Attached
Exhibit E	Statement of Corporate Relationship	Not applicable
Exhibit F	Operating Procedures	Not applicable

To the extent necessary, NPEMUS requests a waiver of the requirement to include the above exhibits that are not applicable to its renewal application as a power marketer.

## **X. EXPEDITED PROCESSING**

NPEMUS respectfully requests that the Department expedite processing of this Application to avoid a gap in its export authorization.<sup>7</sup> NPEMUS respectfully requests that the Department issue an order granting the requested authorization for an additional period of five years from June 18, 2024 or the date on which the DOE grants this Application or such other period as the Department deems appropriate.

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<sup>7</sup> NPEMUS is aware that this Application is being submitted less than sixty days prior to the expiration of Order No. EA-473. The counsel for NPEMUS that has historically filed this Application has retired and new counsel for NPEMUS has just recently learned of the need to renew this export authority. NPEMUS apologizes for the administrative oversight.

**XI. CONCLUSION**

WHEREFORE, NPEMUS respectfully requests that the Department review and grant this Application for authorization to transmit electric energy to Canada.

Respectfully submitted,

/s/ Elizabeth W. Whittle

Elizabeth W. Whittle

Nixon Peabody LLP

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*Counsel for Northland Power Energy  
Marketing (US) Inc.*

Dated: June 21, 2024

## VERIFICATION


I, Mark Airhart, being authorized to execute this verification and having knowledge of the matters set forth in this Application of Northland Power Energy Marketing (US) Inc., hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.



Mark Airhart  
Vice President Commercial  
Operations  
Northland Power Energy Marketing  
(US) Inc.

SUBSCRIBED AND SWORN BEFORE ME, this 21<sup>st</sup> day of June, 2024.

Notary Public's Signature:



Notary Public's Printed Name:

Remi-Gilles Tremblay

My commission expires:

Does not expire



**EXHIBIT A**  
**TRANSMISSION AGREEMENTS**

**NOT APPLICABLE**

**EXHIBIT B**

**OPINION OF COUNSEL**



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June 21, 2024

Grid Deployment Office  
The Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

**Re: Northland Power Energy Marketing (US) Inc.**

**Renewal Application for Authorization to Transmit Electric Energy to  
Canada and Request for Expedited Treatment**

Dear Sirs/Madams:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of Northland Power Energy Marketing (US) Inc. to export electricity to Canada. I have examined the Certificate of Incorporation of Northland Power Energy Marketing (US) Inc. ("NPEMUS" or "Applicant"), as well as relevant amendments thereto. Based on my review of those documents and representations provided to me by authorized representatives of NPEMUS, it is my opinion that:

1. The import and export of electricity contemplated by this Application is within the corporate powers of the Applicant; and
2. To the best of my knowledge and belief, the Applicant 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 federal laws of the United States, and 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 law or existing facts or circumstances change. This opinion is provided by me as counsel to NPEMUS 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.

By:   
Counsel for Northland Power Energy  
Marketing (US) Inc.

**EXHIBIT C**  
**TRANSMISSION FACILITIES**  
**(SUBMITTED IN LIEU OF MAPS)**

The following international transmission facilities located at the United States border with Canada are currently authorized by Presidential permit and available for open access transmission.

<b><u>Present Owner</u></b>	<b><u>Location</u></b>	<b><u>Voltage</u></b>	<b><u>Presidential Permit No.</u><sup>8</sup></b>
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	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, 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 <sup>9</sup>
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	69-kV	PP-12
	Fort Fairfield, ME	69-kV	PP-12
	Madawaska, ME	138-kV	PP-29
	Aroostook, ME	2-69-kV	PP-29
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnesota Power, Inc.	Roseau County, MN	500-kV	PP-398 <sup>10</sup>
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61

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<sup>8</sup> 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.

<sup>9</sup> These transmission facilities have been authorized but not yet constructed or placed in operation.

<sup>10</sup> These transmission facilities have been authorized but not yet constructed or placed in operation.

<b><u>Present Owner</u></b>	<b><u>Location</u></b>	<b><u>Voltage</u></b>	<b><u>Presidential Permit No.</u><sup>8</sup></b>
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
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	±450-kV DC	PP-299 <sup>11</sup>
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76

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<sup>11</sup> These transmission facilities have been authorized but not yet constructed or placed in operation.

**EXHIBIT D**  
**DESIGNATION OF AGENT**

**IRREVOCABLE LIMITED  
POWER OF ATTORNEY**

This IRREVOCABLE LIMITED POWER OF ATTORNEY is made by Northland Power Energy Marketing (US) Inc. (the "Principal"), a corporation organized and existing under the laws of the Province of Ontario, with its headquarters at 30 St. Clair Avenue West, 3<sup>rd</sup> Floor, Toronto, Ontario, M4V 3A1, Canada.

1. Appointment. The Principal hereby appoints Elizabeth W. Whittle of Nixon Peabody LLP, 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), Attorney Whittle 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 21<sup>st</sup> day of June, 2024.

By: \_\_\_\_\_

Mark Airhart  
Vice President Commercial Operations  
Northland Power Energy Marketing (US) Inc.

SUBSCRIBED AND SWORN BEFORE ME, this 21<sup>st</sup> day of June, 2024.

Notary Public's Signature: \_\_\_\_\_

Notary Public's Printed Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Remi-Gilles Tremblay

Does not expire.



**EXHIBIT E**  
**STATEMENT OF CORPORATE RELATIONSHIP**

**NOT APPLICABLE**

**EXHIBIT F**  
**OPERATING PROCEDURES**

**NOT APPLICABLE**