

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

Macquarie Energy LLC

)

Order No. EA-479-\_\_\_\_

**APPLICATION OF MACQUARIE ENERGY LLC  
FOR RENEWAL OF AUTHORIZATION  
TO TRANSMIT ELECTRIC ENERGY TO CANADA,  
REQUEST FOR WAIVER AND EXPEDITED CONSIDERATION**

Pursuant to Section 202(e) of the Federal Power Act ("FPA") (16 U.S.C. Section 824a(e)) and 10 C.F.R. Section 205.300, *et seq.*, Macquarie Energy LLC ("Macquarie Energy") hereby submits this application for renewal of its blanket authorization to transmit electric energy from the United States to Canada. Macquarie Energy is presently authorized to export electric energy to Canada under Export Authorization EA-479 through November 21, 2024 and is requesting renewal of this authorization effective on or before such date to prevent interruption to its commercial operations.

**I. DESCRIPTION OF APPLICANT**

The exact legal name of Applicant is Macquarie Energy LLC. Macquarie Energy is a Delaware corporation with its office and principal place of business in Houston, Texas.<sup>1</sup> Macquarie Energy is an indirect, wholly-owned subsidiary of Macquarie Group Ltd., an Australian company listed on the Australian Stock Exchange. Presently, Macquarie Energy is qualified to do business in the states of Texas, Delaware, California, Colorado, New York, Massachusetts, New Jersey, Montana, Utah, Maine, Ohio, Wyoming, Pennsylvania, New Mexico, Kentucky, Nevada, and Washington.

Macquarie Energy does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area. Macquarie Energy operates as a marketer<sup>2</sup> and broker of electric power at wholesale. The Federal Energy Regulatory Commission has authorized Macquarie Energy to engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates.<sup>3</sup> Macquarie Energy will purchase the energy to be exported from wholesale generators, electric utilities, and federal power marketing agencies. The instant application relates to Macquarie Energy as a marketer of electric energy

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<sup>1</sup> Macquarie Energy provides a current certificate of good standing as Attachment 2 to this Application.

<sup>2</sup> As used herein, the terms "marketer" and "power marketer" mean an entity that buys and sells electric power for its own account.

<sup>3</sup> A copy of Macquarie Energy's currently effective MBR tariff under which it makes sales of electric power at wholesale in interstate commerce is attached hereto as Attachment 1.

only.

## **II. CORRESPONDENCE AND COMMUNICATIONS**

All correspondence and communications concerning this application should be addressed to the following:

Paul Tramonte  
Vice-President  
Macquarie Energy LLC  
One Allen Center  
500 Dallas Street, Suite 3300  
Houston, Texas 77002  
(281) 799-6634  
paul.tramonte@macquarie.com

Michael A. Yuffee  
Baker Botts LLP  
700 K Street NW  
Washington, DC 20001  
Phone: (202) 639-1132  
Fax: (202) 585.1013  
michael.yuffee@bakerbotts.com

## **III. JURISDICTION**

Pursuant to FPA Section 202(e) the Department has jurisdiction over the action proposed in this Application. No other known federal, state or local government has jurisdiction over the actions to be taken under the authority sought in this application.

## **IV. DESCRIPTION OF TRANSMISSION FACILITIES**

Consistent with the Department's prior orders, Macquarie Energy seeks authority to export power to Canada over any authorized international transmission facility that is appropriate for open access transmission by third parties in accordance with the export limits authorized by the Department. Exhibit C to this Application identifies the international transmission facilities that are currently authorized by Presidential Permit and available for open access transmission pursuant to Executive Order 10485, as amended by Executive Order 12038.

## **V. TECHNICAL DISCUSSION OF PROPOSAL**

Macquarie Energy seeks authority to transmit electric energy to Canada as a power marketer. As noted above, Macquarie Energy does not have its own "system" on which its exports of energy could have a reliability or stability impact. Macquarie Energy will purchase the energy to be exported from wholesale generators, electric utilities, power marketers, Independent System Operators and Regional Transmission Authorities and federal power marketing agencies. By definition, such energy is surplus to the system of the generator and thus, exportation of said energy will not impair the adequacy of electric power supply within the United States.

Macquarie Energy will make all necessary commercial arrangements and will obtain all regulatory approvals required to affect any exports of electric energy. Such efforts 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 member Regional Entities<sup>4</sup>, which are in effect at the time of export and (2) obtaining all necessary transmission access over the existing facilities listed in Exhibit C.<sup>5</sup>

## **VI. CONSISTENCY WITH LEGAL REQUIREMENTS**

Macquarie Energy’s application is consistent with United States energy policy established in the Energy Policy Act of 1992, as amended, the North American Free Trade Agreement of 1993, and other initiatives intended to foster more efficient and competitive North American energy markets. Given that Macquarie Energy only intends to export power over existing transmission lines, this application qualifies for a categorical exclusion under the Department’s regulations implementing the National Environmental Policy Act of 1969, such that neither an Environmental Agreement nor an Environmental Impact Statement is required.

Macquarie Energy will continue to comply with such requirements as may be imposed by the Department on other power marketers with blanket electricity export authorization, including making periodic reports to the Department regarding exports, as may be applicable or required.

## **VII. REQUEST FOR WAIVER AND EXPEDITED CONSIDERATION**

Macquarie Energy submits this application for reauthorization less than six months in advance of the expiration of its current export authorization. Accordingly, Macquarie Energy respectfully requests: (i) waiver of the Department’s regulations at 10 C.F.R. § 205.301,<sup>6</sup> which specify that each application should be made at least six months in advance of the initiation of the proposed electricity export, and (ii) that the Department issue an order reauthorizing Macquarie Energy to export electricity to Canada on or before the expiration of the current authorization on November 21, 2024.

Macquarie Energy submits that good cause exists to grant the requested waiver and issue the requested reauthorization on or prior November 19, 2024. Macquarie Energy intends to use its export authorization on a going forward basis consistent with its prior usage under the existing authorization. No facts material to Macquarie Energy’s existing authorization have changed since the Department granted Macquarie Energy export authority in 2019. Expeditious reauthorization will not impede the public interest and will allow Macquarie Energy to continue to engage in its commercial marketing activities without interruption.

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<sup>4</sup> The term Regional Entities is a reference to the entities that, under delegation agreements with NERC, work to ensure a defined area of the Bulk Electric System is reliable, adequate, and secure.

<sup>5</sup> 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.

<sup>6</sup> 10 C.F.R. § 205.301.

## **VIII. EXHIBITS AND ATTACHMENTS**

In accordance with 10 C.F.R. § 205.303, Macquarie Energy provides the following:

**Exhibit A-** Agreements (None)

**Exhibit B-** Legal opinion of Macquarie Energy's counsel

**Exhibit C-** Transmission facility information (Submitted in lieu of maps)

**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 relates to the control or fixing of electric power rates (Not Applicable)

**Exhibit F-** Operating procedures regarding available capacity and energy (Not Applicable)

**Attachment 1-** Macquarie Energy LLC's Market-Based Rate Tariff

**Attachment 2-** Certificate of Good Standing of Macquarie Energy LLC

**Attachment 3-** Verification

## **VII. CONCLUSION**

Macquarie Energy respectfully requests that this application for blanket authority to transmit electric energy to Canada be expeditiously considered and approved on substantially similar terms as were imposed in Order EA-479 and reauthorized in Order No. EA-479-A.

Respectfully submitted,

**MACQUARIE ENERGY LLC**

/s/ Ryan C. Norfolk

Counsel for Macquarie Energy LLC

Dated: August 31, 2024

**EXHIBIT A**

**Agreements**

**(None)**

## **EXHIBIT B**

### **Opinion of Counsel**

## **EXHIBIT B**

### **Opinion of Counsel**

The following opinion, dated August 30, 2024 is given in support of the Application of Macquarie Energy LLC for re-authorization to transmit electric energy to Canada.

1. I am an attorney at law, authorized to practice law in the District of Columbia.
2. I am counsel to Macquarie Energy LLC (“Macquarie Energy”) with respect to the foregoing application.
3. Macquarie Energy is a limited liability corporation, validly existing and in good standing under the laws of the State of Delaware.
4. Macquarie Energy has full corporate power and authority to engage in exports of electric energy as requested in the application.
5. Macquarie Energy has complied or is in the process of complying with all Federal and State laws regarding the matters contemplated in the application.

I am opining here only as the federal laws of the United States, and laws of relevant states within the United States. I express no opinions as to the laws of any other jurisdiction.



Ryan C. Norfolk

*Counsel for Macquarie Energy LLC*

**EXHIBIT C**  
**Transmission System Information**

**International Transmission Facilities Located at the U.S. – Canada Border,  
Authorized by Presidential Permit, and Available for Open Access Transmission**

<b>Owner</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit No.<sup>7</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
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	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*
Highgate Joint Owners	Highgate, VT	120-kV	PP-82-5
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
	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*

\*These transmission facilities have been authorized but are not yet constructed or operational.



**EXHIBIT D – Irrevocable Power of Attorney**

**(Not Applicable)**

**EXHIBIT E – Statement of Corporate Relationship**

**(Not Applicable)**

## **EXHIBIT F – Operating Procedures**

**(Not Applicable)**

**ATTACHMENT 1**

**MACQUARIE ENERGY LLC  
MARKE-BASED RATE TARIFF**

Macquarie Energy LLC as of 08/30/2024

Electric MBR

Tariff Database

Effective Date: 10/11/2022

Current Status: Effective

FERC Docket: ER23-00950-001 4026

FERC Order: Delegated Letter Order

Order Date:

05/11/2023

Macquarie Energy, MBR Tariff (2.1.0) A

## MARKET-BASED RATE TARIFF

1. Availability and Character of Service. Seller makes electric energy and capacity available under this Rate Schedule for wholesale sales in varying amounts, at varying levels of firmness or priorities of service, for varying periods of service, and in accordance with varying delivery schedules, all as agreed between Seller and the purchasers with which Seller has contracted. Seller also makes available, to any purchaser, the ancillary services listed in this Paragraph 1:

a. PJM: Seller offers regulation and frequency response service, energy imbalance service and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by the PJM Interconnection, L.L.C. ("PJM") and, where the PJM Open Access Transmission Tariff permits, the self supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.

b. New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

c. New England: Seller offers regulation and frequency response service (automatic generation control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.

d. California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation ("CAISO") and to others that are self-supplying ancillary services to the CAISO.

e. MISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent System Operator, Inc. ("MISO") and to others that are self-supplying ancillary services to MISO.

f. Southwest Power Pool: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Southwest Power Pool, Inc. ("SPP") and to others that are self-supplying ancillary services to SPP.

g. Third-party ancillary services: Seller offers Regulation Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, Operating Reserve-Supplemental, and Primary Frequency Response Service. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; and (2) sales to a traditional, franchised public utility

affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier. Sales of Operating Reserve-Spinning and Operating Reserve-Supplemental will not include sales 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, except where the Commission has granted authorization. Sales of Regulation Service and Reactive Supply and Voltage Control Service will not include sales 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, except at rates not to exceed the buying public utility transmission provider's OATT rate for the same service or where the Commission has granted authorization.

2. Applicability. This Rate Schedule is applicable to all sales of electric energy, capacity, and ancillary services by Seller not otherwise subject to a particular Rate Schedule of Seller.

3. Rates. All sales shall be made at rates established by agreement between the purchaser and Seller.

4. Other Terms and Conditions. All other terms and conditions of any sales shall be established by agreement between the purchaser and Seller.

5. Effective Date. This Rate Schedule is effective on and after the date on which the Commission permits it to become effective.

6. Limitations, Exemptions and Blanket Authorizations Regarding Market-Based rate Authority. Seller has been granted waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except as to sections 35.12(a), 35.13(b), 35.15, and 35.16. Seller has been granted waiver of Parts 41,101, 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, and 141 of the Commission's accounting and periodic reporting regulations, except as to sections 141.14 and 141.15. Seller has also been granted blanket authorization for all future issuances of securities or assumptions of liabilities pursuant to section 204 of the Federal Power Act, 16 U.S.C. § 824e, and Part 34 of the Commission's regulations. See Letter Order issued December 21, 2006 in Docket No. ER07-157-000.

Seller has received Commission authorization in Docket No. ER16-2198 to engage in short-term simultaneous exchanges on the California Oregon Intertie north of the California Oregon Border ("COB") at the COB and John Day.

Seller's tariff excludes market-based sales to customers located within the Puget Sound Energy Balancing Authority Area. See *Puget Sound Energy, Inc.*, 181 FERC ¶ 61,008 (2022). This limitation does not apply to sales in the CAISO Energy Imbalance Market or the SPP Western Energy Imbalance Service market.

7. Compliance with Commission Regulations. Seller shall comply with the provisions of 18 C.F.R. Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller's market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller's market-based rate authority. Failure to comply with the applicable provisions of 18 C.F.R. Part 35, Subpart H, and with any orders of the Commission concerning seller's market-based rate authority, will constitute a violation of this tariff.

8. Seller Category: Seller is a Category 2 Seller, as defined in 18 C.F.R. 35.36(a), in the Central,

Northwest, and Northeast regions and is a Category 1 Seller in the Southeast, Southwest Power Pool, and Southwest regions.

9. Mitigated Sales: Sales of energy and capacity are permissible under this tariff in all balancing authority areas where the Seller has been granted market-based rate authority. Sales of energy and capacity under this tariff are also permissible at the metered boundary between the Seller's mitigated balancing authority area and a balancing authority area where the Seller has been granted market-based rate authority provided: (i) legal title of the power sold transfers at the metered boundary of the balancing authority area where the seller has market-based rate authority; and (ii) if the Seller sells at the metered boundary of a mitigated balancing authority area at market-based rates, then neither it nor its affiliates can sell into that mitigated balancing authority area from the outside. Seller must retain, for a period of five years from the date of the sale, all data and information related to the sale that demonstrates compliance with items (i) and (ii) above. Restrictions in this Section do not apply to sales made in the CAISO Energy Imbalance Market or the SPP Western Energy Imbalance Service market.

**ATTACHMENT 2**

**CERTIFICATE OF GOOD STANDING**



# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "MACQUARIE ENERGY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-SIXTH DAY OF AUGUST, A.D. 2024.*

*AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "MACQUARIE ENERGY LLC" WAS FORMED ON THE THIRTIETH DAY OF DECEMBER, A.D. 1994.*

*AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.*



A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

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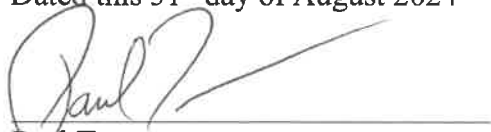
Date: 08-26-24

### **ATTACHMENT 3**

#### **VERIFICATION**

I, Paul Tramonte, am an authorized representative of Macquarie Energy, LLC. I have read the foregoing application and am familiar with the contents thereof. I affirm under penalty of perjury that all allegations of fact therein contained are true and correct to the best of my present knowledge, information, and belief.

Dated this 31<sup>st</sup> day of August 2024

A handwritten signature in dark ink, appearing to read "Paul", followed by a long, sweeping horizontal line that extends to the right.

Paul Tramonte  
Vice-President  
Commodities and Global Markets  
Macquarie Energy LLC