

October 31, 2024

William J. Dodge
Managing Partner & CEO
Tel: (802) 846-8395
wdodge@drm.com

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

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

Re: **Oiko Energy Inc.**
Application for Authorization to Transmit Electric Energy to Canada
Docket No. EA-

To the U.S. Department of Energy ("DOE"), Grid Deployment Office:

Pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C § 824a(e) and 10 C.F.R. § 205.300, *et seq.*, enclosed for filing in the above-captioned docket is the application of Oiko Energy Inc. ("OIKO") for Authorization to Transmit Electric Energy to Canada. As discussed in the application, OIKO respectfully requests that DOE grant its request for authorization to transmit electricity from the United States to Canada for a term of five (5) years. Additionally, please find attached proof of payment in the amount of \$500.00 submitted via Pay.gov, Tracking ID 27A2J4P5.

Respectfully submitted,



William J. Dodge, Managing Partner & CEO
Counsel for Oiko Energy Inc.

WJD:tmr

Attachments

23037268.3

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

Oiko Energy Inc.

Docket No. EA-____

**APPLICATION OF OIKO ENERGY INC.
FOR AUTHORIZATION TO EXPORT ELECTRICITY 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.* of the regulations of the Department of Energy (“DOE”), Oiko Energy Inc. (“OIKO” or “Applicant”) hereby requests blanket authorization to transmit electric energy from the United States to Canada for a period of five years effective from the date of the order granting this application.

I. DESCRIPTION OF THE APPLICANT

The exact legal name of the Applicant is Oiko Energy Inc. Applicant is a corporation organized under the Canada Business Corporations Act, with its principal place of business in Lac Brome, Québec, Canada. Applicant is wholly owned by Alex Falconer, an individual.

Applicant is expecting to become a power marketer engaging in the purchase and sale of physical and/or virtual energy in the Day-ahead and Real-time Markets of various Independent System Operators and Regional Transmission Organizations. Applicant received its Canadian export authorization from the Canada Energy Regulator on February 12, 2024. Neither Applicant nor its owner has any ownership interest or involvement in any other company that is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities.

II. COMMUNICATIONS

Please direct all communications regarding this application to the following:

Alex Falconer, CEO Oiko Energy Inc. 169 Mont Echo, Lac Brome, Quebec, Canada, J0E 1V0 Phone: (514) 835-0149 Email: afalconer@oiko.ca	Downs Rachlin Martin PLLC Attn: William J. Dodge, Esq. P.O. Box 190, 199 Main St. Burlington, VT 05402-0190 Phone: (802) 863-2375 Email: wdodge@drm.com
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III. JURISDICTION

The U.S. Department of Energy is the only governmental agency that has jurisdiction over this application.

IV. DESCRIPTION OF TRANSMISSION FACILITIES

OIKO intends to export electricity over existing international transmission facilities between Canada and the United States, as identified in Attachment 1. OIKO 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 FPA provides 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.

OIKO seeks blanket authority to transmit electric power to Canada as a power marketer for a period of five (5) years. OIKO has no electric power supply system or plans to procure or construct such a system on which the proposed exports could have a reliability, fuel use system or stability impact or impede or tend to impede the regional coordination of electric utility

planning or operation. OIKO also has no obligation to serve native load usually associated with a franchised service area, and, thus, the exports proposed by OIKO will not impair any current supplier's ability to meet current and prospective power supply obligations.

OIKO 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 agencies as those terms are defined in the FPA, and codified in 16 U.S.C. § 796. Any power purchased by OIKO for export would be surplus to the needs of those entities selling power to OIKO.¹ Therefore, the electric power that OIKO will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the United States.²

OIKO 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 OIKO will be transmitted pursuant to arrangements with utilities that own and operate existing transmission facilities, and will thus be consistent with the export limitations and other terms and conditions in the existing Presidential Permits and electricity export authorizations associated with these transmission facilities.³ OIKO will schedule its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American Electric 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 declined to rigidly apply the information filing requirements contained in its regulations and

¹ See *NRG Power Marketing LLC*, Order No. EA-220-D (February 1, 2021) at p. 6.

² *Id.* at p. 7.

³ See *Brookfield Renewable Trading and Marketing LP*, Order No. EA-465-A (March 25, 2024) at p. 7-8.

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 limits of cross-border facilities.⁴ These same considerations demonstrate that the exports proposed by OIKO will not impair or tend to impede the sufficiency of electric supplies in the United States or the regional coordination of electric utility planning or operations.

VI. PROPOSED PROCEDURES

OIKO will conduct all operations pursuant to this authorization in accordance with the provisions of the FPA and pertinent rules, regulations, and orders adopted or issued thereunder, and in conformity with the applicable reliability criteria, standards and guidelines of NERC, reliability coordinators, and balancing authority area operator(s), including any applicable regional transmission organizations or independent system operators.

Because the proposed exports will occur over existing transmission facilities, OIKO respectfully submits that this application qualifies for a categorical exclusion under the National Environmental Policy Act of 1969, such that neither an Environmental Assessment nor an Environmental Impact Statement is required.

Additionally, OIKO will comply with such terms and conditions as may be established by the DOE with respect to OIKO's authority to export electric energy to Canada, including making periodic reports to the DOE regarding exports, as may be applicable or required.

⁴ See, e.g., *Powerex Corp.*, Order No. EA-171-E (September 10, 2020); *Roctop Investments Inc.*, Order No. EA-414-A (September 29, 2020); *Manitoba Hydro*, Order No. EA-281-C (November 10, 2020); *Vitol Inc.*, Order No. EA-370-B (November 10, 2020); *CWP Energy, Inc.*, Order No. EA-410-B (December 9, 2020); *MAG Energy Solutions, Inc.*, Order No. EA-306-C (January 12, 2021); *Mercuria Energy America, LLC*, Order No. EA-487 (January 21, 2021); *Direct Energy Marketing Inc.*, Order No. EA-280-C (February 1, 2021); *NRG Power Marketing LLC*, Order No. EA-220-D (February 1, 2021).

VII. EXHIBITS

The following information is provided pursuant to the required exhibits as set forth in DOE regulations 10 C.F.R. § 205.303:

<u>Exhibit A</u>	Transmission Agreements	Not applicable
<u>Exhibit B</u>	Opinion of Counsel	See attached
<u>Exhibit C</u>	Map	Not applicable
<u>Exhibit D</u>	Designation of Agent and Power of Attorney	See attached
<u>Exhibit E</u>	Statement of Corporate Relationship or Existing Contracts	Not applicable
<u>Exhibit F</u>	Operating Procedures	Not applicable
<u>Exhibit G</u>	Proof of Payment	See attached
<u>Attachment 1</u>	Existing International Electric Transmission Facilities	See attached

To the extent necessary, OIKO requests a waiver of the requirement to provide exhibits that are not applicable to this application, as noted. The existing international electric transmission facilities authorized for third-party use are listed in Attachment 1 hereto, in lieu of a map.

VIII. CONCLUSION

WHEREFORE, OIKO respectfully requests that the DOE grant this application for blanket authorization to export power from the United States to Canada, for a period of five (5) years.

Oiko Energy Inc.

By:


Alex Falconer, CEO

Date: October 31, 2024

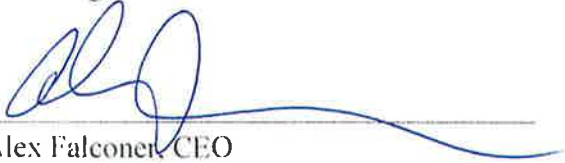
UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
GRID DEPLOYMENT OFFICE

Oiko Energy Inc.

Docket No. EA-____

Verification

I, Alex Falconer, CEO of Oiko Energy Inc., having knowledge of the matters set forth in the above application by Oiko Energy Inc. for Authorization to Transmit Electric Power to Canada, hereby verify that the contents of this applications are true and correct to the best of my knowledge and belief.



Alex Falconer, CEO

SUBSCRIBED AND SWORN TO BEFORE ME, this 31 day of October, 2024.



Notaire Publique

My Commission Expires:

#230251 Caroline Lanctôt-Benoit

EXHIBIT A – TRANSMISSION AGREEMENTS

Not Applicable - OIKO has not entered into any transmission agreements at this time.

EXHIBIT B – OPINION OF COUNSEL

Please see attached.

October 29, 2024

William J. Dodge
wdodge@drm.com

Via Email

Department of Energy
Office of Electricity Delivery and Energy Reliability
OE-20, Room 8G-024
1000 Independence Avenue, S.W.
Washington, DC 20585
Email: electricity.exports@hq.doe.gov

Re: Application of Oiko Energy, Inc. for Authorization to Export Electricity to Canada

Dear Sir or Madam:

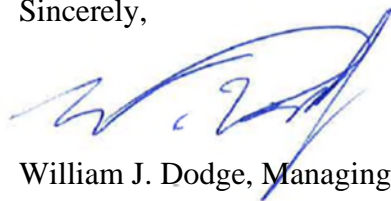
Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of Oiko Energy, Inc. to export electricity to Canada.

I have examined the Certificate of Incorporation of Oiko Energy, Inc. (“OIKO” or “Applicant”), together with such other written documents provided to us by the Applicant and/or available from public sources. Based on my review of those documents and representations provided to me by authorized representatives of OIKO, 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.

This opinion is limited to the federal laws of the United States, and laws of relevant states within the United States in which our attorneys are licensed to practice. No opinion is expressed herein as to the laws of any other jurisdiction. Nothing herein implies or warrants 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 OIKO solely for the exclusive use and review by the U.S. Department of Energy of the Application, and is not to be made available or relied upon by any other person or entity without prior written authorization. This legal opinion is also limited to the matters stated herein and does not extend to and is not to be read as extending by implication to any other matters not referred to herein.

Respectfully submitted,
Sincerely,



William J. Dodge, Managing Partner & CEO

WJD:TMR

Attachments

cc: Alex Falconer

23121810.1

EXHIBIT C – MAP

Not applicable.

EXHIBIT D – DESIGNATION OF AGENT AND POWER OF ATTORNEY


Please see attached.

IRREVOCABLE LIMITED POWER OF ATTORNEY

This IRREVOCABLE LIMITED POWER OF ATTORNEY is made on October 31, 2024 by Oiko Energy Inc. (the "Principal"), a corporation organized and existing under the Canadian Business Corporations Act, with its headquarters at 169 Mont Echo, Lac Brome, Quebec, Canada, J0E 1V0.

- 1. Appointment.** The Principal hereby appoints Downs Rachlin Martin PLLC, whose place of business is located at 90 Prospect Street, St. Johnsbury, Vermont, 05819, as the Principal's true and lawful agent for the limited purpose described herein.
- 2. Scope of Authority.** Pursuant to 10 C.F.R. § 205.303(d), the Agent 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 the DOE.
- 3. Irrevocability.** This Power of Attorney is irrevocable by the Principal, subject only to the Principal's right to re-designate, or substitute the Agent upon 30 days' prior written notice to the DOE and the Agent.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be duly executed on October 31, 2024.


Alex Falconer, CEO

SUBSCRIBED AND SWORN TO BEFORE ME, this 31 day of October, 2024.


Notaire Publique

My Commission Expires:

#230251 Caroline Lanctôt-Benoit

**EXHIBIT E – STATEMENT OF ANY CORPORATE RELATIONSHIP
OR EXISTING CONTRACTS**

Not applicable.

EXHIBIT F – OPERATING PROCEDURES

Not applicable.

EXHIBIT G – PROOF OF PAYMENT

Every application should be accompanied by proof of payment of the applicable filing fee. Filing fees are currently \$500 for Export Authorizations (10 CFR § 205.309). Below please find proof of payment previously made to DOE for this Application.

Pay.gov

Your payment has been submitted to Pay.gov and the details are below. If you have any questions regarding this payment, please contact Carol Fuster at (301) 903-0534 or carol.fuster@hq.doe.gov.

Application Name: DOE General Collections Form
Pay.gov Tracking ID: 27A2J4P5
Agency Tracking ID: 76573945703
Transaction Type: Sale
Transaction Date: 12/10/2023 04:49:13 PM EST
Account Holder Name: Alex Falconer
Transaction Amount: \$500.00
Card Type: Visa
Card Number: *****4384

Payment Type : Other
Bill Number:
PO Number :
WFO Number:

Other : Every application should be accompanied by proof of payment of the applicable filing fee. Filing fees are currently \$500 for Export Authorizations (10 CFR 205.309).
Comments: Every application should be accompanied by proof of payment of the applicable filing fee. Filing fees are currently \$500 for Export Authorizations (10 CFR 205.309). Filing fees can be paid by check, draft, or money order payable to the Treasurer of the Un

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

ATTACHMENT 1 – INTERNATIONAL TRANSMISSION FACILITIES

Owner	Location	Voltage	Presidential Permit Number ¹
Bangor Hydro Electric Co.	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 Co.	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 Co.	Houlton, ME	345 kV	PP-43
Versant Power	Easton, ME	7.2 kV	PP-499
	Fort Fairfield, ME	69 kV	PP-497
	Madawaska, ME	138 kV	PP-498
	Baileyville, ME	345 kV	PP-500
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
	Massena, NY	2x 230 kV	PP-25
	Niagara Falls, NY	2x 345 kV	PP-74
	Devil's Hole, NY	230 kV	PP-30
Niagara Mohawk Power Corp.	Devil's Hole, NY	230 kV	PP-190
Northern States Power Co.	Red River, ND	230 kV	PP-45
	Roseau County, MN	500 kV	PP-63
	Rugby, ND	230 kV	PP-231

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 transmission facilities have been authorized but not yet constructed or placed into operation.

³ These transmission facilities have been authorized but not yet constructed or placed into operation.

Owner	Location	Voltage	Presidential Permit Number ¹
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 Line, VT	120 kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450 kV DC	PP-76
Vermont Transco LLC	Highgate, VT	120 kV	PP-82

22814738.5

⁴ These transmission facilities have been authorized but not yet constructed or placed into operation.

⁵ These transmission facilities have been authorized but not yet constructed or placed into operation.