

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

HALIA ENERGY LLC

)

Docket No. EA-_____

**APPLICATION OF HALIA ENERGY LLC
FOR AUTHORIZATION
TO TRANSMIT ELECTRIC ENERGY TO CANADA**

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February 25, 2025

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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Docket No. EA-_____

**APPLICATION OF HALIA ENERGY LLC
FOR AUTHORIZATION
TO TRANSMIT ELECTRIC ENERGY TO CANADA**

Halia Energy LLC (“Halia Energy” or “Applicant”), pursuant to Section 202(e) of the Federal Power Act (“FPA”), 16 U.S.C. § 824a(e), and Subpart W of Part 205 of the regulations thereunder, 10 C.F.R. § 205.300, *et. seq.*, hereby files its Application for Authorization to export electricity from the United States (“U.S.”) to Canada for a period of five years (“Application”). In support of this Application, Halia Energy respectfully states as follows:

I.

DESCRIPTION OF HALIA ENERGY LLC

A. Halia Energy LLC

The exact legal name of Applicant is Halia Energy LLC. Halia Energy, a Delaware limited liability company, is a direct, wholly owned subsidiary of Halia Energy US ApS, a corporation organized under the laws of Denmark. Halia Energy US ApS is wholly owned by Halia Energy Group ApS, also organized under the laws of Denmark. Halia Energy Group ApS is owned by: (1) Anders Damm, Groundhog ApS (Founder); (2) Maarten Manders, Second Mouse ApS (Founder); (3) Mads Vestergaard, Halv Pelikan ApS (Founder); (4) Mads Ulrich, FFC A/S (Investor); and (5) Hans-Christian Bødker Jensen (Investor). Aside from the individuals listed above, no person or entity owns any outstanding voting securities of Halia Energy Group ApS.

Halia Energy is a power marketer authorized by the Federal Energy Regulatory Commission (“FERC”) to make sales of electric power at wholesale in interstate commerce at market-based rates.¹ Halia Energy does not own, operate, or control electric generation facilities or transmission facilities, and does not have a franchised service area. Halia Energy has no affiliates.

II. **COMMUNICATIONS**

Communications regarding this application should be addressed to the following:

Anders Berg Damm
Managing Partner
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III. **JURISDICTION**

The authority requested by Halia Energy herein is a necessary condition for exporting electric energy under section 202(e) of the FPA. Department of Energy’s (“DOE”) Office of Electricity formerly held the authority to regulate the export of electric energy to a foreign country pursuant to section 202(e) and 202(f) of the FPA.² This authority is now delegated to

¹ On October 9, 2024, the Federal Energy Regulatory Commission (“FERC”) issued an order granting Halia Energy’s request for market-based rate authority with an accompanying tariff. The market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates. *Halia Energy LLC*, Docket No. ER24-2882-000 (Oct. 9, 2024) (unpublished letter order).

² See Redelegation Order No. S4-DEL-OE1-2021-2 (rescinded).

DOE's Grid Deployment Office.³ Therefore, pursuant to section 202(e) of the FPA, the DOE's Grid Deployment Office is the sole agency with jurisdiction over the proposed export of electric energy to Canada.

Halia Energy has obtained or will obtain all necessary Canadian federal and provincial authorizations to effect any proposed export that involves electricity sourced in Canada. No other known federal, state, or local government has jurisdiction over the actions to be taken under the authority sought in this Application.

IV. TECHNICAL DISCUSSION

By this Application, Halia Energy seeks authorization to transmit electric energy, on either a firm or interruptible basis, to Canada. Halia Energy desires to export electrical energy acquired from U.S. generating sources to Canada over international electric transmission facilities. Transmission to the point of delivery will be arranged by Halia Energy over any of the international electric transmission facilities set out in Exhibit C.

Pursuant to Section 202(e) of the FPA, before DOE grants authorization to export electricity, it first evaluates the impact of the export on the reliability of the U.S. electric system. DOE approves an application to export electricity unless it finds that "the proposed transmission would impair the sufficiency of electric supply within the United States," or that "the proposed transmission ... would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission." 16 U.S.C. § 824(e). In applying these criteria to requests for export authorizations submitted by electric power

³ See Delegation Order No. S1-DEL-S3-2023; Redelegation Order No. S3-DEL-GD1-2023.

marketers such as Halia Energy, DOE has declined to follow a rigid application of the information filing requirements set forth in DOE's regulations and instead has used a flexible approach to account for the unique nature of power marketers.⁴

With respect to the first criterion, Halia Energy does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation. As noted above, Halia Energy has no affiliates, therefore they are not affiliated with any entity that owns any electric transmission facilities nor are they affiliated with an entity that holds a franchise or service territory. Thus, Halia Energy has no "transmission system" of its own on which power exports could have a reliability or stability impact.

Specifically, with respect to the first criterion used to analyze applications to export electricity, Halia Energy is a power marketer that will export electricity purchased from electric utilities, federal power marketing agencies, qualifying cogeneration, and small power production facilities, independent power producers, and other sellers. As DOE has recognized, the "power purchased by a power marketer is, by definition, surplus to the needs of the selling entities" and "[w]ith no native load obligations, the power marketer is free to sell its power portfolio on the open market domestically or as an export."⁵ Thus, an export of electricity

⁴ See, e.g., *Morgan Stanley Capital Group Inc.*, No. EA-185-A-CN (Aug. 14, 2000); *NorAm Energy Servs., Inc.*, No. EA-105-CN (Aug. 16, 1996); *MidCon Power Servs. Corp.*, No. EA-114 (July 15, 1996); *USGen Power Servs.*, No. EA-112 (June 27, 1996); *CNG Power Servs. Corp.*, No. EA-110 (June 20, 1996); *Destec Power Servs., Inc.*, No. EA-113 (May 31, 1996).

⁵ Order No. EA-216-C at 2.

“occurring under such circumstances” would not impair the sufficiency of electric supply within the U.S.⁶

DOE has interpreted the second criterion used to analyze applications to export electricity “primarily as an issue of the operational reliability of the domestic electric transmission system.”⁷ As noted above, Halia Energy does not own or control any electric power supply system in the U.S. Additionally, in making the necessary commercial arrangements and obtaining transmission capacity necessary to export electricity under the authorization requested herein, Halia Energy will comply with existing industry procedures for obtaining transmission capacity, including reserving transmission service in accordance with FERC’s Open-Access Same-Time Information System and scheduling delivery of the export with the appropriate Regional Transmission Organization(s) or Independent System Operator(s) and/or Balancing Authority Areas.

Halia Energy will schedule its exports from the U.S. in compliance with all applicable reliability criteria, standards and guides as are set out by the North American Electricity Reliability Corporation (“NERC”) (or any successor organization), the North American Energy Standards Board (or any successor organization), and regional reliability councils and as applied by U.S. transmission providers.

As noted above, Halia Energy is a power marketer and does not own or operate a transmission system. Accordingly, Halia Energy does not have the ability to cause a violation of

⁶ *Id.*

⁷ *Id.*

the terms and conditions contained in the existing authorizations associated with the international transmission facilities identified in Exhibit C. Specifically, Halia Energy does not have the ability to cause total exports on Presidential Permit facilities to exceed the authorized instantaneous transmission rate.

V.
CONSISTENCY WITH LAWS

The export authorization requested in this Application is consistent with the existing U.S.-Mexico-Canada Agreement and U.S. energy policy and will foster development of a more efficient and competitive North American energy market. Halia Energy 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 reliability criteria, standards, and guidelines promulgated by NERC, regional reliability councils, and control area operator(s), including any applicable regional transmission organizations or independent system operators. Compliance with these statutes, rules, regulations, and orders will ensure that the proposed transmission will not impede or tend to impede the regional coordination of electric utility planning or operation.

Halia Energy believes that DOE is not required to conduct an environmental assessment or an environmental impact statement in connection with this Application and that DOE's approval of this Application is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.2 of the revised DOE regulations implementing the National Environmental Policy Act of 1969.

VI.
PROCEDURAL ISSUES

Halia Energy respectfully submits that it satisfies the requirements of Section 202(e) of the FPA and Part 205, Subpart W of DOE's regulations applicable to applications for authorization to transmit electric energy from the United States to Canada. Halia Energy requests any additional waivers deemed necessary for DOE to issue the order requested herein.

VII.
EXHIBITS

The following Exhibits are attached hereto:

<u>Exhibit A:</u>	Agreements (Not applicable)
<u>Exhibit B:</u>	Legal Opinion of Halia Energy's Counsel
<u>Exhibit C:</u>	Transmission System Information (submitted in lieu of maps)
<u>Exhibit D:</u>	Irrevocable Limited Power of Attorney
<u>Exhibit E:</u>	Statement of any Corporate Relationship or Existing Contract which in any way Relates to Control or Fixing of Rates for the Purchase, Sale or Transmission of Electric Energy. (Not applicable)
<u>Exhibit F:</u>	Operating Procedures Regarding Available Capacity and Energy (Not applicable)
<u>Exhibit G:</u>	Verification

VIII.
CONCLUSION

For the foregoing reasons, Halia Energy respectfully requests that DOE grant this Application as requested herein. Halia Energy is willing to provide any additional information DOE may require to expedite review and approval of this Application.

Respectfully submitted,

/s/ Joshua R. Robichaud

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Attorneys for Halia Energy LLC

February 25, 2025

EXHIBIT A

**Agreements
(Not Applicable)**

EXHIBIT B

Opinion of Counsel

BRACEWELL

February 25, 2025

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

Re: Application of Halia Energy LLC for Authorization to Transmit Electric Energy to Canada

Dear Christina Gomer,

We have acted as special counsel to Halia Energy LLC, a Delaware limited liability company (the "Company"), in connection with the Company's February 25, 2025 application to the United States Department of Energy for its authorization to transmit electric energy to Canada (the "Export Application"). We are providing this opinion pursuant to 10 C.F.R. § 205.303(b).

In our capacity as counsel to the Company, and for purposes of rendering the opinions set forth in this letter, we have examined the following documents (the "Documents"):

1. a copy of the Certificate of Formation of the Company certified by the Secretary of State of the State of Delaware on April 24, 2024 and certified to us by a manager of Company as being complete and correct and in full force and effect as of the date hereof;
2. an undated copy of the Operating Agreement of the Company, as amended through and including the date hereof, certified to us by a manager of the Company as being complete and correct and in full force and effect on the date hereof;
3. a good standing certificate for the Company, dated February 10, 2025, issued by the Office of the Secretary of State, State of Delaware;
4. the Export Application (including the Verification) by the Company dated February 25, 2025; and
5. the Unanimous Written Consent of the Managers by the Company dated February 20, 2025.

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AUSTIN DALLAS DUBAI HOUSTON LONDON NEW YORK PARIS SAN ANTONIO SEATTLE WASHINGTON, DC

The Documents specified in clauses 1 through 3 above are referred to herein collectively as the "Certified Organizational Documents."

We have assumed the genuineness of all signatures and the authenticity, accuracy, and completeness of all Documents submitted to us as originals, and that such Documents have not been amended or modified. We have also assumed that the Documents submitted to us conform to the originals of such Documents and we have assumed the authenticity of all such Documents. We note that we have undertaken no investigation or verification of any of the matters set forth herein beyond obtaining and examining such Documents and that we have not been hired by the Company to undertake any further investigations or verification in regard to the Export Application or the opinions or statements set forth in this letter.

Based solely upon, subject to, and in reliance upon the foregoing and the additional assumptions, qualifications, limitations, and exceptions set forth below, we are of the opinion that, as of the date hereof:

1. The Company is validly existing and in good standing as Delaware a limited liability company.
2. The Company has the corporate power and authority to execute and deliver the Export Application and, subject to receipt of the authorization sought in the Export Application, to export electric energy as proposed in the Export Application.

In addition to the assumptions, qualifications, limitations, and exceptions set forth above, the opinions set forth in this letter are also subject to the following assumptions, qualifications, limitations, and exceptions:

- i. we have assumed that all statements of fact contained in the Documents are true, correct and complete;
- ii. we have assumed that each natural person executing any of the Documents is legally competent to do so;
- iii. we have assumed that there are no oral or written modifications of or amendments to any of the Documents and there has been no waiver of any provisions thereof, by actions or conduct of the parties or otherwise;
- iv. in connection with the opinions expressed in opinion paragraph 1 above, we have relied upon and such opinion is limited solely to the Certified Organizational Documents.

February 25, 2025

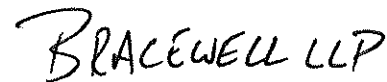
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- v. we express no opinion as to any laws other than the Delaware Limited Liability Company Act, as currently in effect in the State of Delaware;
- vi. this Firm is not licensed to practice law in the State of Delaware, but this firm has researched issues as they pertain to the Delaware Limited Liability Company Act, as currently in effect in the State of Delaware, and the opinions expressed herein; and
- vii. we have assumed that it is lawful for the Company to export electric energy as proposed in the Export Application.

We assume no obligation to supplement this opinion if any applicable laws change after the date hereof or if we become aware of any facts that might change the opinions expressed herein after the date hereof.

The opinions expressed in this letter are solely for the use of the Grid Deployment Office at the U.S. Department of Energy, and these opinions may not be relied on by any other persons or entities or used, copied, or otherwise published or disseminated for any other purpose without our prior written approval. The opinion expressed herein is not an opinion with respect to matters of fact or a guarantee and should not be construed or relied on as such. The opinion is strictly limited to the matters stated herein, and no more extensive opinion is intended, implied, or to be inferred beyond the matters expressly stated herein.

Very truly yours,

A handwritten signature in black ink that reads "BRACEWELL LLP". The signature is written in a cursive, stylized font with a horizontal line underneath the text.

Bracewell LLP

EXHIBIT C

Transmission System Information

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

Present Owner	Location	Voltage	Presidential Permit No.⁸
Versant Power (f/k/a Bangor Hydro-Electric Company)	Baileyville, ME	345 kV	PP-500 (PP-89)
Basin Electric Power Cooperative	Tioga, ND	230 kV	PP-64
Bonneville Power Administration	Blaine, WA Blaine, WA Nelway, WA Nelway, WA	230 kV 500 kV 230 kV 230 kV	PP-10 PP-10 PP-36 PP-46
Eastern Maine Transmission Company	Calais, ME	69 kV	PP-32
International Transmission Company	Detroit, MI Marysville, MI St. Claire, MI St. Claire, MI	230 kV 230 kV 230 kV 345 kV	PP-230 PP-230 PP-230 PP-230
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
Versant Power (f/k/a Maine Public Service Company)	Limestone, ME Fort Fairfield, ME Madawaska, ME Aroostook, ME Easton, ME	69 kV 69 kV 2-69 kV 138 kV 7.2	PP-12 PP-497 (PP-12) PP-498 (PP-29) PP-29 PP-499 (PP-81)
Minnesota Power, Inc.	International Falls, MN	115 kV	PP-78
Minnkota Power Cooperative	Roseau County, MN	230 kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230 kV	PP-399
New York Power Authority	Massena, NY Massena, NY Niagara Falls, NY Devils Hole, NY	765 kV 2-230 kV 2-345 kV 230 kV	PP-56 PP-25 PP-74 PP-30

⁸ 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.

Niagara Mohawk Power Corp.	Devils Hole, NY	230 kV	PP-190
Northern States Power Company	Red River, ND Roseau County, MN Rugby, ND	230 kV 500 kV 230 kV	PP-45 PP-63 PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	± 450 kV DC	PP-299
Vermont Electric Power Co.	Derby Line, VT	120 kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	± 450 kV DC	PP-76
Champlain Hudson Power Express, Inc.	Champlain, NY	320 kV DC	PP-362
Northern Pass Transmission	Pittsburgh, NH	± 320 kV DC	PP-371
Minnesota Power, Inc.	Roseau County, MN	500 kV	PP-398
TDI – New England	Alburgh, VT	320 kV DC	PP-400
ITC Lake Erie Connector	Erie Bluff Park, PA	320 kV DC	PP-412
Edison Sault	Sault St. Marie, MI	230 kV	PP-228
NECEC Transmission LLC	Beattie Township, ME	± 320 kV	PP-438
CHPE LLC	Champlain, NY	1,250 MW HVDC	PP-481

EXHIBIT D

Power of Attorney

IRREVOCABLE LIMITED POWER OF ATTORNEY

This IRREVOCABLE LIMITED POWER OF ATTORNEY is made 02/24/2025 by Halia Energy LLC (the "Principal"), a limited liability company organized and existing under the laws of the state of Delaware, with its headquarters at Balticgade 16A 1300, DK-8000 Aarhus, Denmark.

1. Appointment. The Principal does hereby appoint Mr. Joshua R. Robichaud, whose principal place of business is at Bracewell LLP, 2001 M St NW, 9th Floor, Washington, DC 20036, as the Principal's true and lawful agent and attorney-in-fact ("Attorney-in-fact") for the limited purpose hereinafter set out.
2. Scope of Authority. The Attorney-in-fact shall have the limited power and authority to receive service of process for any and all matters relating to Principal's reporting requirements to the Department of Energy pursuant to Principal's Authority to Transmit Electric Energy to Canada.
3. Irrevocability. This Power of Attorney is irrevocable by the Principal.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be duly executed on this 24th day of February, 2025 .

HALIA ENERGY LLC

By: 

Name: Anders Damm
Title: Manager

This instrument was acknowledged before me on the 24th day of [February, 2025] Anders Damm , Via Online Notarization
Notarized online using audio-video communication

By: 
Giovanni Raia
Notary
Verified by Passport

My Commission [10/23/2028]



EXHIBIT E

**Statement of any Corporate Relationship or Existing Contract
which in any way Relates to Control or Fixing of Rates for the Purchase,
Sale, or Transmission of Electric Energy**

(Not applicable)

EXHIBIT F

Operating Procedures Regarding Available Capacity and Energy

(Not applicable)

VERIFICATION OF APPLICATION

I, Anders Damm, having knowledge of the matters set forth in the above Application of Halia Energy LLC for Authorization to Transmit Electric Energy to Canada, hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.



Anders Damm
Manager
Halia Energy LLC

SUBSCRIBED AND SWORN before me, a notary public in and for the
State of Florida , this 24th day of [February, 2025]



Geovanni Raia
Notary
Verified by Passport

My Commission Expiration: 10/23/2028

Notarized online using audio-video communication

