
United States
Department of Energy
Grid Deployment Office
Macquarie Energy LLC
GDO Docket No. EA-479-A



Order Authorizing Electricity Exports to Canada
Order No. EA-479-A

July 11, 2025

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Authorizing Electricity Exports to Canada

I. BACKGROUND

The Department of Energy (DOE or Department) regulates electricity exports from the United States to a foreign country in accordance with Federal Power Act (FPA) § 202(e) (16 U.S.C. § 824a(e)) and regulations thereunder (10 C.F.R. §§ 205.300 *et seq.*). This authority was transferred to DOE under §§ 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. §§ 7151(b) and 7172(f)). On April 10, 2023, this authority was delegated to the DOE’s Grid Deployment Office (GDO) by Redlegation Order No. S3-DEL-GD1-2023.

An entity that seeks to export electricity must obtain an order from DOE authorizing it to do so. Under FPA § 202(e), DOE “shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE].” 16 U.S.C. § 824a(e). DOE has discretion to condition the order as necessary or appropriate; the Department “may by its order grant such application in whole or in part, with such modifications and upon such terms and conditions as [DOE] may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate.” *Id.*

A. APPLICATION TO RENEW EXPORT AUTHORIZATION

Macquarie Energy LLC (Macquarie Energy or Applicant) is a power marketer seeking renewal of its existing authorization to export electric energy to Canada, which was originally granted in Order No. EA-479 on November 21, 2019, for a five-year term. On August 30, 2024, Macquarie Energy filed an application with DOE (Application or App.) for renewal of their export authority. App. at 1.

According to its Application, Macquarie Energy LLC operates as a “marketer and broker of electric power at wholesale.” *Id.* at 1. The Applicant represents that it is “a Delaware corporation with its office and principal place of business in Houston, Texas” and “an indirect, wholly-owned subsidiary of Macquarie Group Ltd., an Australian company listed on the Australian Stock Exchange.” *Id.* Macquarie Energy states that “the Federal Energy Regulatory Commission [FERC] has authorized Macquarie Energy to engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates.” *Id.*

Macquarie Energy represents that it “does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area.” App. at 1. Macquarie Energy states that it “does not have its own ‘system’ on which its exports of energy could have a reliability or stability impact” and it “will purchase the energy to be exported from wholesale generators, electric utilities, power marketers, Independent System Operators, Regional Transmission Authorities, and

federal power marketing agencies.” *Id.* at 2. The Applicant further states that “such energy is surplus to the system of the generator and thus, exportation of said energy will not impair the adequacy of the electric power supply within the United States.”

Id. Additionally, Macquarie Energy asserts that it will comply with all applicable reliability criteria, standards, and guidelines. *See id.* at 3.

B. PROCEDURAL HISTORY

On August 30, 2024, Macquarie Energy filed an application with DOE requesting a renewal of their authorization to export electrical energy to Canada for an additional term of five (5) years. App. at 1. On October 18, 2024, DOE published notice of Macquarie Energy’s Application in the Federal Register (89 Fed. Reg. 83867) and asked for any interested parties to submit comments on the Application by November 18, 2024.

C. PUBLIC COMMENTS

1. Public Citizen’s Motion to Intervene and Protest

On November 18, 2024, Public Citizen, Inc. (Public Citizen) submitted a Motion to Intervene and Protest to the Application (Public Citizen Mot.). Public Citizen states it is “a national, not-for-profit, non-partisan organization that represents the public interest generally and, even more closely relevant to this proceeding interests of household consumers.” Public Citizen Mot. at 2. Public Citizen asserts that Macquarie Energy misrepresented that it does not own generation or transmission facilities and does not have a franchised power service area, noting that Macquarie Energy’s affiliates “hold controlling interests in two utilities with franchised electric service areas which include transmission facilities[,]” including Puget Sound Energy and Cleco Power. *Id.* at 1. In addition, Public Citizen claims that Macquarie owns or is seeking to acquire a number of power generation assets. *See id.*

Public Citizen also argues that Macquarie Energy did not disclose that it is a defendant in litigation accused of energy market manipulation and the subject of an investigation by FERC’s Office of Enforcement for market manipulation during Winter Storm Uri. Public Citizen Mot. at 1. Public Citizen asserts that Macquarie’s control of Multifuels Midstream Group “helped inform Macquarie’s price-gouging trading operation in Texas[,]” referencing a news article noting “Macquarie earned \$215 million in windfall profits” during the storm. *Id.* at 1-2. Public Citizen asserts that DOE should not approve Macquarie’s request to export energy until the allegations of market manipulation have been resolved. *Id.* at 1.

2. Macquarie Energy’s Answer

On November 27, 2024, Macquarie Energy filed a Motion for Leave to Answer and Answer of Macquarie Energy LLC to Protest of Public Citizen (Macquarie Ans.). Macquarie Energy asserts that Public Citizen did not request specific relief in its motion

and did not address the applicable standard of review for electricity export authorization applications. Macquarie Ans. at 2.

Macquarie Energy further denies Public Citizen’s allegations, maintaining that it does not own electric generation or transmission facilities and does not have a franchised power service area. Macquarie Ans. at 3. Macquarie Energy acknowledges that its affiliates own electric generation and transmission facilities and have franchised power service areas. *Id.* However, Macquarie Energy notes that none of these entities are seeking an electricity export authorization, and Macquarie Energy “is incapable of controlling any of the assets owned and/or operated” by such affiliates. *Id.*

Further, Macquarie Energy asserts that Public Citizen’s allegations regarding market manipulation by Multifuels Midstream Group, an affiliate of Macquarie Energy by virtue of common upstream ownership, are not probative of the supply and reliability considerations that inform the review of electricity export applications. Macquarie Ans. at 3. Macquarie Energy further asserts that Public Citizen “presented no information to demonstrate this alleged misconduct.” *Id.* Macquarie Energy states it “does not have any control over Multifuels Midstream Group as a function of common ownership.” *Id.*

3. Public Citizen’s Answer

On December 2, 2024, Public Citizen filed a Motion to Answer and Answer (Public Citizen Ans.). Public Citizen asserts that DOE must either reject Macquarie Energy’s export authorization application or set the matter for hearing pursuant to 16 U.S.C. § 824a(e). Public Citizen Ans. at 1. Public Citizen maintains that the Applicant concealed material facts within its export authorization application, including its affiliation with “Puget Sound Energy and Cleco Power, as well as a number of power generation facilities in the United States.” Public Citizen Ans. at 3. Additionally, Public Citizen disputes Macquarie Energy’s assertion that it is incapable of controlling any assets of its affiliates and claims that Macquarie Energy engaged in transactions with Puget Sound Energy and Cleco Power, “making the omissions of these facts from [the Application] a fatal error.” *Id.*

Public Citizen further asserts that Macquarie Energy’s status as a defendant accused of market manipulation threatens the sufficiency of electric supply and impedes the coordination of energy facilities in the public interest. Public Citizen Ans. at 3-4. Public Citizen claims that “Macquarie appears to have systemic compliance problems[,]” pointing to penalties recently assessed to Macquarie Energy’s affiliates. *Id.* at 4.

4. Macquarie Energy’s Second Answer

On December 13, 2024, Macquarie Energy filed a second Motion for Leave to Answer and Answer of Macquarie Energy LLC to Answer of Public Citizen (Macquarie 2nd Ans.). Macquarie Energy states that it provided all information as required by 10 C.F.R. §§ 205.302-303. Macquarie 2nd Ans. at 2. The Applicant asserts that Public Citizen continues to raise issues outside of the scope of DOE’s filing requirements for an

electricity export application. *Id.* Macquarie Energy further argues that Public Citizen’s assertions of market misconduct are irrelevant and that applicable laws and regulations do not require Macquarie Energy to describe ongoing regulatory or legal proceedings or to disclose to DOE whether it is a subject of a non-public investigation when applying for an export authorization. *Id.* at 3.

5. Granting of Motion to Intervene and Motions to Answer

On December 11, 2024, DOE granted Public Citizen’s motion to intervene in this proceeding pursuant to FERC Rule 214, cited in DOE’s notice of the Application and providing that a movant becomes a party if no opposition is filed. *See* 18 C.F.R. § 385.214(c). Macquarie Energy did not assert any arguments against Public Citizen participating in this proceeding as an intervenor. To clarify the issues brought forth and assist in DOE’s evaluation, DOE further grants Macquarie Energy’s Motion for Leave to Answer, Public Citizen’s Motion to Answer, and Macquarie Energy’s second Motion for Leave to Answer. *See* 18 C.F.R. § 385.213(a)(2) (providing decisional authority discretion to permit answers to protests and answers); *see also* 10 C.F.R. § 205.304 (providing supplemental information may be collected from applicant).

II. DISCUSSION AND ANALYSIS

DOE is statutorily obligated under FPA § 202(e) to grant requests for export authorization unless the Department finds that the proposed export would negatively impact either: (i) the sufficiency of electric supply, or (ii) the coordination of the electric grid. Regarding the first exception criterion, DOE shall approve an electricity export application “unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States” 16 U.S.C. § 824a(e). DOE has interpreted this criterion to mean that sufficient generating capacity and electric energy must exist such that the export could be made without compromising the energy needs of the exporting region, including serving all load obligations in the region while maintaining appropriate reserve levels. *See, e.g., BP Energy Co.*, Order No. EA-314, at 1-2 (Feb. 22, 2007), *renewed*, Order No. EA-314-A, at 2 (May 3, 2012), Order No. EA-314-B, at 2 (Feb. 28, 2017), *renewed*, Order No. EA-314-C, at 4 (Dec. 20, 2021).

Under the second exception criterion, DOE shall approve an electricity export application “unless, after opportunity for hearing, it finds that the proposed transmission would ... impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE].” 16 U.S.C. § 824a(e). DOE has interpreted this criterion primarily as an issue of the operational reliability of the domestic electric transmission system. Accordingly, the export must not compromise transmission system security and reliability. *See, e.g., Order No. EA-314-C*, at 4.

A. Macquarie Energy’s Application Complies with Applicable DOE Requirements Regarding Disclosing Corporate Affiliates

DOE’s regulations at 10 C.F.R. §§ 205.302–303 outline the contents and exhibits required for electricity export applications. Public Citizen’s filings do not point to any DOE requirement to submit information related to an applicant’s corporate affiliates. Notwithstanding, related to corporate affiliates, DOE’s regulations require applicants to disclose the “exact legal name of all partners” (10 C.F.R. § 205.302(b)) and any corporate relationships or existing contracts, which relate “to the control or fixing of rates for the purchase, sale or transmission of electric energy” (10 C.F.R. § 205.303(e)).

According to the Application, Macquarie Energy is not a partnership, but an “indirect, wholly-owned subsidiary of Macquarie Group Ltd.” that operates as a limited liability corporation under the laws of Delaware. *See* App. at 1 & Exhibit B. Additionally, Macquarie Energy’s Application states that the information required to be reported under 10 C.F.R. § 205.303(e) does not apply in its case. *See id.* at Exhibit E. According to the Application, Macquarie Energy has been authorized by FERC to engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates. *Id.* at 1. Macquarie Energy provided a copy of its market-based rate tariff under which it engages in wholesale electric power sales. *Id.* at n.3 & Attachment 1.

DOE notes that to receive market-based rate authority from FERC, sellers must demonstrate to FERC a lack of horizontal and vertical market power, which includes providing a description of the seller’s ownership structure and identifying its affiliates. *See* 18 C.F.R. § 35.37; *see also* §§ 35.39 (placing restrictions on affiliate sales of electric energy), 35.42(a)(2) (requiring market-based rate sellers to report changes in affiliations). Evidence of market-based rate authority from FERC supports the Applicant’s representation that it does not have any corporate relationships or contracts relating to the control or fixing of rates as described in 10 C.F.R. § 205.303(e).

Accordingly, DOE determines that Macquarie’s Application complies with the applicable DOE requirements regarding disclosing corporate affiliates.

B. Public Citizen Has Not Provided Sufficient Evidence of Impacts to the Factors Analyzed under the FPA § 202(e) Standard of Review

As stated above, FPA § 202(e) directs DOE to issue export authorizations unless DOE finds that the proposed exports would negatively impact either the sufficiency of electric supply or the coordination of the electric grid. Public Citizen claims that Macquarie Energy has been accused of market manipulation and that “[m]arket manipulation interrupts the sufficiency of electric supply, and impedes the coordination of energy facilities in the public interest[.]” Public Citizen Ans. at 3-4. However, Public Citizen’s filings fail to establish how and to what extent these factors are impacted,

presenting no additional evidence related to the applicable standard of review beyond its general assertion.

Further, according to Public Citizen's filings, the proceedings in which these market misconduct claims have been brought forth remain pending, and therefore the allegations have yet to be proven. DOE notes that such claims may be better suited for review and adjudication by the court in which they have been raised or by FERC in any investigation that has been initiated. Should these claims hold merit, the court or FERC would be equipped to provide any necessary remedies and oversight.

In sum, DOE determines that Public Citizen has not provided sufficient evidence to support that any alleged market manipulation would impact the sufficiency of electric supply or the coordination of the electric grid according to the standard of review under FPA § 202(e).

C. Macquarie Energy's Requested Authorization Will Not Impair the Sufficiency of Electric Supply in the United States

Sufficiency of supply, the first exception criterion, addresses whether regional electricity needs are met in the current market. DOE has analyzed this issue from both an economic and a reliability perspective. The economic perspective concerns the supply available to wholesale market participants. The reliability perspective focuses on preventing problems that could result from inadequate supplies. Taken together, DOE examines whether existing electric supply is available via market mechanisms, and whether potential reliability issues linked to supply problems are mitigated by reliability enforcement mechanisms.

From an economic perspective, DOE finds that the wholesale energy markets are sufficiently robust to make supplies available to exporters and other market participants serving United States regions along the Canadian and Mexican borders. Following enactment of the Energy Policy Act of 1992, Pub. L. No. 102-486, which encouraged the Federal Energy Regulatory Commission (FERC) to foster competition in the wholesale energy markets through open access to transmission facilities, energy markets developed across the United States to provide opportunities for a more efficient availability of supply. Subsequently, the Energy Policy Act of 2005, Pub. L. No. 109-58, reaffirmed the Government's commitment to competition in wholesale energy markets as national policy. FERC has continued to encourage the expansion of wholesale energy markets through its orders to remove barriers¹ and to ensure that these markets are functioning

¹ See, e.g., *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 Fed. Reg. 12,266 (Mar. 15, 2007), FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (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 (2009).

properly.² As a result, market participants have access to traditional bilateral contracts, as well as organized electricity markets run by regional transmission organizations (RTOs) or independent system operators (ISOs). FERC oversees these interstate wholesale electricity markets across most of the lower 48 states. Absent an indication in the record that the geographic markets relevant to this export authorization analysis are flawed and result in uneconomic exports that jeopardize regional supply, DOE finds that the proposed transmission for export does not impair the sufficiency of electric supply within the United States.

From a reliability perspective,³ DOE focuses on the prevention of cascading outages and other problems that could result from inadequate resources.⁴ Reliability oversight is addressed by the authority granted to FERC through the Energy Policy Act of 2005. That Act added section 215 to the FPA, which directed FERC to certify an electric reliability organization and develop procedures for establishing, approving, and enforcing mandatory electric reliability standards. 16 U.S.C. § 824o. FERC certified NERC in 2006 to develop and enforce reliability standards for the bulk-power system in the United States. *Order Certifying NERC as the Electric Reliability Organization and Ordering Compliance Filing*, FERC Docket No. RR06-1-000, 116 FERC ¶ 61,062 (July 20, 2006). FERC approves these standards, at which point they become mandatory and enforceable. NERC Reliability Standards address areas such as resource and demand balancing, critical infrastructure protection, communications, emergency preparedness and operations, facilities design, transmission operations, transmission planning, modelling, nuclear, personnel performance and training, protection and controls, voltage and reactive, interchange scheduling and coordination, and interconnection reliability operations and coordination.

NERC Reliability Standards are enforceable throughout the continental United States, most of Canada south of the 60th parallel, and the Mexican state of Baja California Norte. Through enforcement by FERC, NERC, and six Regional Entities overseen by NERC,⁵ all bulk-power system owners, operators, and users are held responsible for complying with reliability standards. The reliability standards are structured so that many entities have overlapping responsibility for the electric grid, thereby resulting in several layers of reliability monitoring. Entities such as reliability coordinators and balancing authorities coordinate power generation and transmission

² See, e.g., *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, FERC Stats. & Regs. ¶ 31,281 (2008), *as amended*, 126 FERC ¶ 61,261, *order on reh'g*, Order No. 719-A, FERC Stats. & Regs. ¶ 31,292, *reh'g denied*, Order No. 719-B, 129 FERC ¶ 61,252 (2009).

³ A related reliability analysis follows in the next section of this Order.

⁴ This focus should not be confused with resource adequacy planning and capacity requirements that have traditionally been the domain of state regulatory commissions, NERC-certified Regional Entities, and RTOs/ISOs.

⁵ The six entities are the Midwest Reliability Organization, Northeast Power Coordinating Council, Reliability First Corporation, SERC Reliability Corporation, Texas Reliability Entity, and Western Electricity Coordinating Council.

among multiple utilities to serve demand within an integrated regional wholesale market. One of the principal functions of these entities is to schedule adequate generating and reserve capacity. This allows them to serve demand at the regional level and to ensure that there is sufficient power supply to maintain system reliability. Reliability Standard IRO-001-4 “establish[es] the responsibility of Reliability Coordinators to act or direct other entities to act.”⁶ Requirement R1 states that “[e]ach Reliability Coordinator shall act to address the reliability of its Reliability Coordinator Area via direct actions or by issuing Operating Instructions.”⁷ Reliability oversight is designed through coordinated efforts amongst Reliability Coordinators to preserve the benefits of interconnected operations and ensure that operations in one area will not adversely impact other areas.⁸ Reliability Standard IRO-014-3 R1 provides that “[e]ach Reliability Coordinator shall have and implement Operating Procedures, Operating Processes, or Operating Plans, for activities that require notification or coordination of actions that may impact adjacent Reliability Coordinator Areas, to support Interconnection reliability.”⁹

DOE finds that NERC’s FERC-approved comprehensive enforcement mechanism ensures that bulk-power system owners, operators, and users have a strong incentive both to maintain system resources and to prevent reliability problems that could result from movement of electric supplies through export. As a result of this reliability oversight, DOE finds that the sufficiency of supply is not impaired by Macquarie Energy’s proposed export authorization.

DOE’s sufficiency of supply findings are further supported by the fact that power marketers, such as Macquarie Energy, do not have an obligation to serve a franchised territory. Before the current role of power marketers emerged in the industry, the FPA § 202(e) inquiry into sufficiency of supply had a narrower focus and was designed for an applicant that was a vertically integrated utility¹⁰ with an obligation to serve native load. Under that traditional scenario, the inquiry regarding sufficiency of supply logically sought to confirm that exports would be surplus to the needs of a vertically-integrated utility’s native load obligations and reserve margins. As explained in DOE’s notice of the first application by a power marketer for export authorization, the sufficiency of supply inquiry became unnecessary when applied to power marketers:

⁶ Standard IRO-001-4 (Reliability Coordination – Responsibilities), at ¶ A.3.

⁷ *Id.* ¶ B.R1.

⁸ *See* Standard IRO-014-3 (Coordination Among Reliability Coordinators), at ¶ A.3.

⁹ *Id.* ¶ B.R1.

¹⁰ The Supreme Court of the United States has explained: “In 1935, when the FPA became law, most electricity was sold by vertically integrated utilities that had constructed their own power plants, transmission lines, and local delivery systems...[M]ost operated as separate, local monopolies subject to state or local regulation. Their sales were ‘bundled,’ meaning that consumers paid a single charge that included both the cost of the electric energy and the cost of its delivery. Competition among utilities was not prevalent.” *New York v. FERC*, 535 US 1, 5 (2002).

The Applicant also is required to demonstrate that it would have sufficient generating capacity to sustain the proposed export under the terms and conditions of its export agreement, while still complying with any established reserve criteria.

Since marketers generally could not be seen as having any “native load” requirements, the latter criterion of maintaining sufficient reserve margins appears inappropriate and unnecessary in this instance.

59 Fed. Reg. 54900 (Nov. 2, 1994). Power marketers do not have franchised service areas and, consequently, do not have native load obligations like a traditional local distribution utility that could be impaired by exports.

In sum, market mechanisms and reliability oversight protect against the possibility that Macquarie Energy’s exports would jeopardize domestic sufficiency of supply. Therefore, an export by Macquarie Energy would not trigger the first exception criterion of FPA § 202(e) regarding the sufficiency of electric supply within the United States.

D. Macquarie Energy’s Requested Authorization Will Not Adversely Affect Either the Reliability or the Security of the United States Electric Transmission System

Reliability, the second exception criterion under FPA § 202(e), addresses operational reliability and security of the domestic electric transmission system. In evaluating the operational reliability impacts of export proposals, DOE has used a variety of methodologies and information, including established industry guidelines, operating procedures, and technical studies where available and appropriate. When determining these impacts, it is convenient to separate the export transaction into two parts: (i) moving the export from the source to a border system that owns the international transmission connection, and (ii) moving the export through that border system and across the border.

Moving Electricity to a Border System. Moving electricity for export to a border system necessarily involves the use of the bulk-power system. As noted in the preceding section, bulk-power system reliability concerns are addressed under the FPA by FERC and NERC and involve the enforcement of mandatory reliability standards. These standards ensure that all owners, operators, and users of the bulk-power system have an obligation to maintain system security and reliability. The standards are structured so that there are always entities with broader responsibilities than the applicant, such as reliability coordinators and balancing authorities, to keep a constant watch over the domestic transmission system.

To deliver the export from the source to a border system, the applicant must make the necessary commercial arrangements and obtain sufficient transmission capacity to wheel the exported energy to the border system. The applicant would be

expected to follow FERC orders regarding open transmission access and to schedule delivery of the export with the appropriate RTO, ISO, and/or balancing authority (formerly the control area operator).

It is the responsibility of the RTO, ISO, and/or balancing authority to schedule the delivery of the export consistent with established and mandatory operational reliability criteria. During each step of the process of obtaining transmission service, the owners and/or operators of the transmission facilities will evaluate the impact on the system and schedule the movement of the export *only* if it would not violate established operating reliability standards. As a failsafe, the reliability coordinator in each region has the authority and responsibility to curtail, cancel, or deny scheduled flows to avoid shortages or to restore necessary energy and capacity reserves. Reliability Standard EOP-011-1 R2 provides that “[e]ach Balancing Authority shall develop, maintain, and implement one or more Reliability Coordinator-reviewed Operating Plan(s) to mitigate Capacity Emergencies and Energy Emergencies within its Balancing Authority Area.”¹¹

Specifically, the reliability coordinator has the authority to suspend exports if the electric energy would be needed to support the regional power grid. *See* Reliability Standard IRO-001-4 R1 (“Each Reliability Coordinator shall act to address the reliability of its Reliability Coordinator Area via direct actions or by issuing Operating Instructions”), R2 (“Each Transmission Operator, Balancing Authority, Generator Operator, and Distribution Provider shall comply with its Reliability Coordinator’s Operating Instructions unless compliance with the Operating Instructions cannot be physically implemented or unless such actions would violate safety, equipment, regulatory, or statutory requirements”), and R3 (“Each Transmission Operator, Balancing Authority, Generator Operator, and Distribution Provider shall inform its Reliability Coordinator of its inability to perform the Operating Instruction issued by its Reliability Coordinator in Requirement R1”).

DOE has determined that the existing industry procedures for obtaining transmission capacity on the domestic transmission system (described above) provide adequate assurance that any export will not cause an operational reliability problem. Therefore, Macquarie Energy’s export authorization has been conditioned to ensure that the export will not cause operational issues on regional transmission systems to fall outside of established industry reliability criteria, or cause or exacerbate a transmission operating problem on the United States’ electric power supply system (*see* Order below, Section VII, paragraphs C, D, and I).

Moving Electricity Through a Border System. The second part of DOE’s reliability inquiry, addressing the transmission of the export through a border system and across the border, is a question of whether the border system is reliable and secure. To a large extent, this question is addressed by the jurisdiction of NERC. NERC and Regional Entities—including the Midwest Reliability Organization, the Northeast Power

¹¹ EOP-011-1 (Emergency Operations), at ¶ B.R2.

Coordinating Council, and the Western Electricity Coordinating Council—oversee the United States-Canadian border system and a significant part of the United States-Mexican border system. Those border systems are generally subject to the same reliability standards as domestic systems. *See, e.g.*, <http://www.ieso.ca/sector-participants/system-reliability/reliability-standards-framework>.

DOE also relies on the System Impact Studies submitted in conjunction with an application for a DOE-issued Presidential permit¹² to construct a new international transmission line. As DOE has previously reviewed System Impact Studies submitted with Presidential permit applications,¹³ DOE does not need to perform additional impact assessments here, provided the maximum rate of transmission for all exports through a border system does not exceed the authorized limit of the system (*see* Order below, Section VII, paragraph (A)). In its Application, Macquarie Energy committed to complying with all reliability limits on border facilities. *See* App. at 3. The second part of the reliability inquiry is therefore satisfied by DOE regulatory oversight, in addition to NERC’s reliability enforcement.

III. FINDINGS AND DECISION

A. Macquarie Energy Meets the Statutory Requirements to Export Electric Energy to Canada

As explained above, DOE has assessed the impact that the proposed export would have on the reliability of the United States electric power supply system. DOE has determined that the export of electric energy to Canada by Macquarie Energy, as ordered below, would not impair the sufficiency of electric power supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities within the meaning of FPA § 202(e).

B. Macquarie Energy Qualifies for a NEPA Categorical Exclusion for Exports of Electric Energy

Macquarie Energy’s Application qualifies for DOE’s categorical exclusion for exports of electric energy under the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. § 4321 *et seq.* DOE’s regulations set forth this categorical exclusion, codified as “B4.2,” as follows:

¹² DOE issues Presidential permits pursuant to Executive Order 10,485, as amended by Executive Order 12,038. *See* 10 C.F.R. §§ 205.320-205.329.

¹³ *See, e.g., AEP Tex. Cent. Co.*, Order No. PP-317, at 2-3 (Jan. 22, 2007); *Mont. Alta. Tie Ltd.*, Order No. PP-305, at 2-4 (Nov. 17, 2008).

Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission lines or using transmission system changes that are themselves categorically excluded.

10 C.F.R. Part 1021, App. B to Subpart D, § B4.2.

DOE has determined that actions in this category do not individually or cumulatively have a significant effect on the human environment and that, therefore, neither an environmental assessment nor an environmental impact statement normally is required. 10 C.F.R. § 1021.410(a). Further, in 2011, DOE formally reviewed its NEPA regulations and categorical exclusions and determined that it was appropriate to retain the B4.2 categorical exclusion. *See* National Environmental Policy Act Implementing Procedures, 76 Fed. Reg. 214, 217 (Jan. 3, 2011); National Environmental Policy Act Implementing Procedures, 76 Fed. Reg. 9981, 9982 (Feb. 23, 2011).

To invoke this categorical exclusion, DOE must determine that, in relevant part, “[t]here are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal,” and that “[t]he proposal has not been segmented to meet the definition of a categorical exclusion.” 10 C.F.R. § 1021.410(b)(2), (3). “Extraordinary circumstances” include “unique situations” such as “scientific controversy about the environmental effects of the proposal.” *Id.* § 1021.410(b)(2). DOE finds that Macquarie Energy’s Application does not present such a circumstance, nor has it been segmented for purposes of this exclusion. Macquarie Energy seeks to deliver electricity over existing international electric transmission facilities, which fits squarely within the B4.2 categorical exclusion. For these reasons, DOE will not require more detailed NEPA review in connection with this Application. *See, e.g., id.* §§ 1021.400(a)(1), 1021.410; 40 C.F.R. § 1501.4(a).

C. Conclusion

DOE grants Macquarie Energy’s requested authorization for a five (5) year term. Macquarie Energy is authorized to export electricity to Canada over any authorized international transmission facility that is appropriate for open access transmission by third parties, subject to the limitations and conditions described in this Order.

IV. DATA COLLECTION AND REPORTING REQUIREMENTS

The responsibility for the data collection and reporting under orders authorizing electricity exports to a foreign country currently rests with the U.S. Energy Information Administration (EIA) within DOE. The Applicant is instructed to follow EIA instructions in completing this data exchange. Questions regarding the data collection and reporting requirements can be directed to EIA by email at EIA4USA@eia.gov or by phone at 1-855-342-4872.

Additionally, any change to the tariff of an entity with an export authorization must be provided to DOE’s Grid Deployment Office via email at electricity.exports@hq.doe.gov. 10 C.F.R. § 205.308(b).

V. COMPLIANCE

Obtaining a valid order from DOE authorizing the export of electricity under FPA § 202(e) is a necessary condition before engaging in the export. Failure to obtain such an order or continuing to export after the expiration of such an order may result in a denial of authorization to export in the future and subject the exporter to sanctions and penalties under the FPA. DOE expects transmitting utilities owning border facilities and entities charged with the operational control of those border facilities, such as ISOs, RTOs, or balancing authorities, to verify that companies seeking to schedule an electricity export have the requisite authority from DOE to export such energy.

DOE expects Macquarie Energy to abide by the terms and conditions established for its authority to export electric energy to Canada, as set forth below. DOE intends to monitor Macquarie Energy's compliance with these terms and conditions, including the requirement in paragraph G of this Order that Macquarie Energy create and preserve full and complete records and file reports with EIA as discussed above.

A violation of any of these terms and conditions, including the failure to submit timely and accurate reports, may result in the loss of authority to export electricity and subject Macquarie Energy to any applicable sanctions and penalties under the FPA.

VI. OPEN ACCESS POLICY

An export authorization issued under FPA § 202(e) does not impose a requirement on transmitting utilities to provide service. However, DOE expects transmitting utilities that own border facilities to provide open access transmission service across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in FERC Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities, FERC Statutes and Regulations ¶ 31,036 (1996)), as amended. The actual rates, terms, and conditions of transmission service should be consistent with the non-discrimination principles of the FPA and the transmitting utility's Open-Access Transmission Tariff on file with FERC.

All recipients of export authorizations, including owners of border facilities for which Presidential permits have been issued, are required by their export authorization to conduct operations in accordance with the applicable principles of the FPA and any pertinent rules, regulations, directives, policy statements, and orders adopted or issued thereunder, including the comparable open access provisions of FERC Order No. 888, as amended. Cross-border electric trade ought to be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. *See Enron Power Mktg., Inc. v. El Paso Elec. Co.*, 77 FERC ¶ 61,013 (1996), *reh'g denied*, 83 FERC ¶ 61,213 (1998). Thus, DOE expects owners of border facilities to comply with the same principles of comparable open access and non-discrimination that apply to the domestic, interstate transmission of electricity.

VII. ORDER

Accordingly, pursuant to FPA § 202(e) and the Rules and Regulations issued thereunder (10 C.F.R. §§ 205.300-309), it is hereby ordered that Macquarie Energy is authorized to export electric energy to Canada under the following terms and conditions:

- (A) The electric energy exported by Macquarie Energy pursuant to this Order may be delivered 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 DOE.

(1) 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:^{14, 15}

<u>Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Permit No.</u> ¹⁶
Bangor Hydro-Electric Company	Baileyville, ME	345 kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230 kV	PP-64
Bonneville Power Administration (BPA)	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	Detroit, MI	230 kV	PP-230

¹⁴ This Order authorizes the export of electricity over any “authorized international transmission facility,” which is intended to include both large transmission lines and smaller distribution lines that have received a Presidential permit. However, the list in subparagraph (A)(1) of current facilities only includes transmission lines.

¹⁵ The Applicant submitted a list identifying currently authorized transmission facilities (Exhibit C of the Application). However, as information about some of those facilities may have changed since the Application was submitted, the table of transmission facilities in this Order may differ from the Applicant’s submission to reflect those changes.

¹⁶ 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.

Company	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. ¹⁷
Long Sault, Inc.	Massena, NY	2x 115 kV	PP-24
Maine Electric Power Company	Houlton, ME	345 kV	PP-43
Minnesota Power, Inc.	International Falls,	115 kV	PP-78
	MN		
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. ¹⁸
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
	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. ¹⁹
TDI New England	Alburgh, VT	±320 kV DC	PP-400. ²⁰

¹⁷ These transmission facilities have been authorized but not yet constructed or placed into operation.

¹⁸ These transmission facilities have been authorized but not yet constructed or placed into operation.

¹⁹ These transmission facilities have been authorized but not yet constructed or placed into operation.

²⁰ These transmission facilities have been authorized but not yet constructed or placed into operation.

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
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

(2) The following are the authorized export limits for the international transmission lines listed above in subparagraph (A)(1):

- (a) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on facilities authorized by Presidential Permit PP-64 (issued to Basin Electric Power Coop.) to exceed an instantaneous transmission rate of 150 megawatts (MW). The gross amount of energy that Macquarie Energy may export over the PP-64 facilities shall not exceed 900,000 megawatt-hours (MWH) during any consecutive 12-month period.
- (b) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-32 (issued to Eastern Maine Electric Coop.) to exceed an instantaneous transmission rate of 15 MW. The gross amount of energy that Macquarie Energy may export over the PP-32 facilities shall not exceed 7,500 MWH annually.
- (c) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permit PP-481-2 (issued to CHPE, LLC) to exceed an instantaneous transmission rate of 1,250 MW.
- (d) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permit PP-230 (issued to International Transmission Company) to exceed a coincident, instantaneous transmission rate of 2.2 billion volt-amperes (2,200 MVA).
- (e) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permit PP-412 (issued to ITC Lake Erie Connector) to exceed an instantaneous transmission rate of 1,000 MW.

- (f) Exports by Macquarie Energy made pursuant to this Order shall not cause the scheduled rate of transmission over a combination of facilities authorized by Presidential Permits PP-43 (issued to Versant) and PP-89-2 (issued to Bangor Hydro-Electric) to exceed 550 MW.
- (g) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on the combination of facilities authorized by Presidential Permits PP-497 and PP-498 (issued to Versant Power) to exceed a coincident, instantaneous transmission rate of 97.8 MW.
- (h) Exports by Macquarie Energy made pursuant to this Order shall not cause total exports on the facilities authorized by Presidential Permit PP-78-1 (issued to Minnesota Power, Inc.) to exceed an instantaneous transmission rate of 100 MW. Exports by Macquarie Energy may cause total exports on the PP-78-1 facilities to exceed 100 MW only when total exports between the Mid-Continent Area Power Pool (MAPP) and Manitoba Hydro are below maximum transfer limits and/or whenever operating conditions within the MAPP system permit exports on the PP-78-1 facilities above the 100-MW level without violating established MAPP reliability criteria. However, under no circumstances shall exports by Macquarie Energy cause the total exports on the PP-78-1 facilities to exceed 150 MW.
- (i) Exports made by Macquarie Energy pursuant to this Order shall not cause total exports on the facilities authorized by Presidential Permit PP-398 (issued to Minnesota Power, Inc.) to exceed an instantaneous transmission rate of 750 MW.
- (j) Exports by Macquarie Energy made pursuant to this Order shall not cause total exports on a combination of the international transmission lines authorized by Presidential Permits PP-45 and PP-63 (issued to Northern States Power Company), PP-61 (issued to Minnkota Power), and PP-231 (issued to Northern States Power Company, d/b/a Excel Energy Inc.(Xcel)), to exceed an instantaneous transmission rate of 700 MW on a firm basis and 1,050 MW on a non-firm basis.
- (k) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-66 (issued to Vermont Electric Power Co.) to exceed an instantaneous transmission rate of 50 MW. The gross amount of energy that Macquarie Energy may export over the PP-66 facilities shall not exceed 50,000 MWH annually.
- (l) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit

PP-56 (issued to NYPA) to exceed an instantaneous transmission rate of 1,000 MW.

- (m) Exports by Macquarie Energy made pursuant to this Order shall not cause: (a) the total exports on the facilities authorized by Presidential Permits PP-25, PP-30, PP-74 (issued to NYPA), and PP-190 (issued to Niagara Mohawk Power Corp.) to exceed a combined instantaneous transmission rate of 1,650 MW; and (b) the total exports on the 115-kV facilities authorized by Presidential Permit PP-24 (issued to Long Sault, Inc.) to exceed an instantaneous transmission rate of 100 MW. In addition, the gross amount of energy that Macquarie Energy may export over the PP-24 facilities shall not exceed 300,000 MWH annually.
- (n) Exports by Macquarie Energy made pursuant to this Order shall not cause total exports on the two 500-kV lines authorized by Presidential Permit PP-10, the 230-kV line authorized by Presidential Permit PP-36, and the 230-kV line authorized by Presidential Permit PP-46 (issued to BPA) to exceed the following limits:

Condition	PP-36 & PP-46 Limit	PP-10 Limit	Total Export Limit
All lines in service	400 MW	1500 MW	1900 MW
1-500 kV line out	400 MW	300 MW	700 MW
2-500 kV lines out	400 MW	0 MW	400 MW
1-230 kV line out	400 MW	1500 MW	1900 MW
2-230 kV line out	0 MW	1500 MW	1500 MW

- (o) Exports by Macquarie Energy made pursuant to this Order shall not cause a violation of the following conditions as they apply to exports over the facilities authorized by Presidential Permit PP-76-1, as amended (issued to the Vermont Electric Transmission Company):

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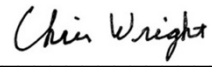
Exports Through	Load Condition	Export Limit
Comerford converter	Summer, Heavy	650 MW
Comerford converter	Winter, Heavy	660 MW
Comerford converter	Summer, Light	690 MW
Comerford converter	Winter, Light	690 MW
Comerford & Sandy Pond converters	All	2,000 MW

- (p) Exports by Macquarie Energy made pursuant to this Order over the international transmission facilities authorized by Presidential Permit PP-399 (issued to Montana Alberta Tie Ltd.) shall not exceed an instantaneous transmission rate of 300 MW.

- (q) Exports by Macquarie Energy made pursuant to this Order over the international transmission facilities authorized by Presidential Permit PP-438 (issued to NECEC Transmission LLC) shall not exceed an instantaneous transmission rate of 1,200 MW.
 - (r) Exports by Macquarie Energy made pursuant to this Order over the international transmission facilities authorized by Presidential Permit PP-299 (issued to Sea Breeze Olympic Converter LP) shall not exceed an instantaneous transmission rate of 550 MW.
 - (s) Exports by Macquarie Energy made pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permit PP-400 (issued to TDI-New England) to exceed an instantaneous transmission rate of 1,000 MW.
 - (t) Exports by Macquarie Energy made pursuant to this Order shall neither cause the total exports on the facilities authorized by Presidential Permit PP-82-6 (issued to Vermont Transco LLC) to exceed an instantaneous transmission rate of 250 MW.
- (B) Changes by DOE to the export limits in other orders shall result in a concomitant change to the export limits contained in subparagraph (A)(2) of this Order. Changes to the export limits contained in subparagraphs (A)(2)(l), (m), and (n) will be made by DOE after submission of appropriate information demonstrating a change in the transmission transfer capability between the electric systems in New York State and Ontario and New York State and Quebec, and between BPA and BC Hydro or BPA and West Kootenay Power. Notice of these changes will be provided to Macquarie Energy.
- (C) Macquarie Energy shall obtain any and all other Federal and state regulatory approvals required to execute any power exports to Canada. The scheduling and delivery of electricity exports to Canada shall comply with all reliability criteria, standards, and guidelines of NERC, reliability coordinators, Regional Entities, RTOs, ISOs or balancing authorities, or their successors, as appropriate, on such terms as expressed therein, and as such criteria, standards, and guidelines may be amended from time to time.
- (D) Exports made pursuant to this authorization shall be conducted in accordance with the applicable provisions of the FPA and any pertinent rules, regulations, directives, policy statements, and orders adopted or issued thereunder, including the comparable open access provisions of FERC Order No. 888, as amended.
- (E) The authorization herein granted may be modified from time to time or terminated by further order of DOE. In no event shall such authorization to export over a particular transmission facility identified in subparagraphs (A)(1) and (2) extend beyond the date of termination of the Presidential permit or treaty authorizing such facility.

- (F) This authorization shall be without prejudice to the authority of any state or state regulatory commission for the exercise of any lawful authority vested in such state or state regulatory commission.
- (G) Macquarie Energy shall make and preserve full and complete records with respect to the electric energy transactions between the United States and Canada. Macquarie Energy shall collect and submit the data to EIA as required by and in accordance with the procedures of Form EIA-111, “Quarterly Electricity Imports and Exports Report,” and all successor forms.
- (H) In accordance with 10 C.F.R. § 205.305, this export authorization is not transferable or assignable, except in the event of involuntary transfer by operation of law. Provided written notice of the involuntary transfer is given to DOE within 30 days, this authorization shall remain in effect temporarily. The authorization shall terminate unless an application for a new export authorization has been received by DOE within 60 days of the involuntary transfer. Upon receipt by DOE of such an application, this existing authorization shall continue in effect pending a decision on the new application. In the event of a proposed voluntary transfer of this authority to export electricity, the transferee and the transferor shall file a joint application for a new export authorization, together with a statement of the reasons for the transfer.
- (I) Nothing in this Order is intended to prevent the transmission system operator from being able to reduce or suspend the exports authorized herein, as necessary and appropriate, whenever a continuation of those exports would cause or exacerbate a transmission operating problem or would negatively impact the security or reliability of the transmission system.
- (J) Macquarie Energy has a continuing obligation to give DOE written notification as soon as practicable of any prospective or actual changes of a substantive nature in the circumstances upon which this Order was based, including but not limited to changes in authorized entity contact information or NERC compliance registry status.
- (K) This authorization shall be effective as of July 11, 2025 and shall remain in effect for a period of five (5) years from that date. Application for renewal of this authorization may be filed within six (6) months prior to its expiration. Failure to provide DOE with at least one hundred twenty (120) days to process a renewal application and provide adequate opportunity for public comment may result in a gap in Macquarie Energy’s authority to export electricity.

Issued in Washington, DC on July 11, 2025.

A handwritten signature in black ink that reads "Chris Wright". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Chris Wright
Secretary of Energy
U.S. Department of Energy