

VIA COURIER AND FILED ELECTRONICALLY

October 5, 2013

Mr. Christopher Lawrence
Department of Energy
Office of Electricity Delivery and Energy Reliability
OE-20, Room 8G-024
1000 Independence Avenue, S.W.
Washington, DC 20585

RE: New Brunswick Energy Marketing Corporation (f/k/a New Brunswick Power Generation Corporation), Renewal Application for Electricity Export Authorization, OE Docket No. EA-345

Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.300 *et seq.*, and in accordance with the terms of the original Order Authorizing Electricity Exports to Canada in the above referenced docket, dated December 5, 2008, please accept for filing one original and five copies of New Brunswick Energy Marketing Corporation's confidential Application for Renewal of Authorization to Export Electricity to Canada. We are also enclosing five copies of a redacted version of the application for your convenience. As described in additional detail in the Application, New Brunswick Power Generation Corporation has very recently changed its name to New Brunswick Energy Marketing Corporation, but remains the same corporate entity that applied for and holds the current Authorization to Export. In addition, as required by 10 C.F.R. § 205.309, enclosed is a check for \$500 made payable to the Treasurer of the United States, as the filing fee required for such applications.

Sincerely,

/s/ Steven A. Hudson

Steven A. Hudson

Enc.

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
OFFICE OF ENERGY DELIVERY AND ELECTRICITY RELIABILITY**

**New Brunswick Energy Marketing Corporation
(f/k/a New Brunswick Power Generation Corporation)**

OE Docket No. EA-345

**RENEWAL APPLICATION OF NEW BRUNSWICK ENERGY MARKETING
CORPORATION 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.*, and in accordance with the terms of the existing Order Authorizing Electricity Exports to Canada in this docket and dated December 5, 2008 (“2008 Order”), New Brunswick Energy Marketing Corporation (“NBEMC”), formerly known as New Brunswick Power Generation Corporation, submits this application to the Department of Energy (“DOE” or the “Department”) for a five-year extension of its authorization to export electricity from the United States to Canada (the “Renewal Application”). NBEMC requests that this renewed authorization be made effective no later than December 5, 2013, the date on which its current authority to export electricity expires, in order to prevent any lapse in authority.

I. DESCRIPTION OF THE APPLICANT

On December 5, 2008, the Department issued an Authorization to Export dated to New Brunswick Power Generation Corporation. Pursuant to the Electricity Act, as enacted by the Statutes of New Brunswick 2013, c. 7, effective October 1, 2013¹ the name of New Brunswick Power Generation Corporation has been changed to New Brunswick Energy Marketing

¹ The prior Electricity Act was repealed and replaced by S.N.B. 2013, c. 7.

Corporation. As part of the Renewal Application, NBEMC requests that its current name be used for all matters pertaining to this docket and its authority to export electricity.

NBEMC is a Canadian corporation and an agent of the Crown, the shares of which are wholly owned by the New Brunswick Power Corporation. The shares of New Brunswick Power Corporation are in turn owned by the Crown. The principal business of NBEMC, as directed by statute, is the import and export of energy to and from the Province of New Brunswick. The 2013 Electricity Act also mandated the transfer of all of NBEMC physical assets to New Brunswick Power Corporation, which transfer occurred on October 1, 2013. NBEMC 's principal place of business is located at 515 King Street, P.O. Box 2040, Fredericton, New Brunswick E3B 5G4.

The 2013 Electricity Act also amalgamated New Brunswick Power Holding Corporation, New Brunswick Power Distribution and Customer Service Corporation, New Brunswick Power Nuclear Corporation, New Brunswick Power Transmission Corporation, New Brunswick Power Coleson Cove Corporation, Mine Reclamation Inc., New Brunswick Electric Finance Corporation, and the New Brunswick System Operator into a newly reconstituted New Brunswick Power Corporation. New Brunswick Power Corporation generates electricity at 13 facilities, which is delivered via power lines, substations and terminals to more than 391,191 direct and indirect customers within New Brunswick. New Brunswick Power Corporation has 6,849 kilometers of transmission lines and 20,786 kilometers of distribution lines.

II. COMMUNICATIONS

Communications regarding this Renewal Application should be addressed to the following persons:

New Brunswick Energy Marketing Corporation

NB Energy Marketing Corporation
P.O. Box 2040
Fredericton, New Brunswick E3B 5G4
Fax: 506-458-4000

Attn: Secretary and General Counsel

Preti Flaherty

Steven Hudson
P.O. Box 1058
45 Memorial Circle
Augusta, Maine 04332
207-623-5300
Fax: 207-623-2914
shudson@preti.com

III. JURISDICTION

No other known federal, state or local government has jurisdiction over the actions to be taken under the specific export authorization sought in this renewal application.

IV. TECHNICAL DISCUSSION OF PROPOSED AUTHORIZATION

NBEMC seeks to renew its existing authority to transmit electric energy to Canada. NBEMC intends to export power over existing transmission interconnections between the United States and Canada. Exhibit C to this Application provides the location and description of the transmission facilities through which the electric energy may be delivered into Canada, and includes the name of the facility owners as well as the Presidential Permit numbers.

NBEMC will purchase surplus electric energy from electric utilities and other suppliers within the United States and will export this energy to Canada over the international electric transmission facilities. The present owners of the transmission facilities are listed in Exhibit C. Because this electric energy will be purchased from others voluntarily, it will be surplus to the needs of the selling entities.² NBEMC's export of power will not impair the sufficiency of electric power supply in the U.S.

² NBEMC possesses Market Based Rate Authority granted by the Federal Energy Regulatory Commission. *Re New Brunswick Power Generation Corporation*, No. ER11-3567-000, Letter Order (FERC July 1, 2011).

NBEMC will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to effect any power exports. This will include: (1) scheduling each transaction with the appropriate control area in compliance with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation ("NERC") and member regional councils in effect at the time of export; (2) obtaining all necessary transmission access over the existing facilities listed in Exhibit C; and (3) providing evidence of the agreements with transmission owners to DOE. NBEMC will comply with all market rules of applicable system operators, such as the Northern Maine Independent System Area. Exhibit A contains a transmission agreement related to a specific power purchase agreement, which will expire at the same time as the purchase agreement. Pages three and four of this agreement contain information that is proprietary due to its competitively sensitive nature. Pursuant to 10 C.F.R. § 205.303(a), this information should not be released to the general public. A redacted version of this Renewal Application, which may be released to the public, is being provided to DOE both electronically and in hard copy.

Consistent with past DOE precedent, NBEMC requests that DOE use the reliability analyses performed in the most recent export authorization proceedings that rely upon the border transmission facilities referenced in Exhibit C. NBEMC agrees to abide by the export limits of these transmission facilities. The controls that are inherent in any transaction that complies with all NERC requirements and the export limits imposed by DOE on the referenced transmission facilities are sufficient to ensure that exports by NBEMC will not impede or tend to impede the coordinated use of transmission facilities within the meaning of Section 202(e) of the FPA.

V. PROCEDURES

NBEMC is willing to accept all conditions imposed by the Department on its authorization to export power. In particular, if required by DOE, exports made by NBEMC Generation will not exceed the export limits for the transmission facilities utilized by NBEMC, or otherwise cause a violation of the terms and conditions set forth in the export authorization. Moreover, prior to commencing exports, NBEMC will provide written evidence to DOE that it has secured sufficient transmission service for the delivery of power to the border. When scheduling the delivery of power, NBEMC will comply with the applicable NERC reliability criteria, standards, and guidelines. For each calendar year, NBEMC will provide DOE with reports indicating the gross amount of electricity delivered to Canada, consideration received during each month, and the maximum hourly rate of transmission, as well as any additional annual reports required.

VI. VERIFICATION, REQUIRED COPIES, AND FEE

Verification executed by NBEMC's authorized representative in accordance with 10 C.F.R. § 205.302(h) is enclosed with the Renewal Application. In accordance with the requirements of 10 C.F.R. § 205.307, and DOE's directions, five (5) copies of the Renewal Application are being provided to the Department. In accordance with the requirements of 10 C.F.R. § 205.309, a copy of this application will be provided to the Secretary of the Federal Energy Regulatory Commission.

A check in the amount of \$500.00 made payable to the Treasurer of the United States is enclosed in payment of the fee specified in 10 C.F.R. § 205.309.

VII. EXHIBITS

In accordance with the requirements of 10 C.F.R. § 205.303, the following exhibits are attached hereto:

- Exhibit A Transmission Agreements
- Exhibit B Opinion of Counsel
- Exhibit C International Transmission Facilities (submitted in lieu of Maps)
- Exhibit D Designation of Agent and Power of Attorney
- Exhibit E Statement of Any Corporate Relationship or Existing Contract
- Exhibit F Operating Procedures

VIII. CONCLUSION

WHEREFORE, NBEMC respectfully requests that the Department grant this Renewal Application for continued authority to export electricity to Canada, with such renewed authorization to become effective on December 5, 2013, the date of expiration of NBEMC's existing authorization.

Respectfully submitted,

/s/ Steven A. Hudson

Steven A. Hudson
Andrew Landry
Counsel to NB Energy Marketing Corporation
Preti Flaherty Beliveau & Pachios LLP
45 Memorial Circle, P.O. Box 1058
Augusta, ME 04330-1058
(207) 623-5300
(207) 623-2914 – fax
shudson@preti.com
alandry@preti.com

VERIFICATION

I, Steven A. Hudson, counsel to New Brunswick Energy Marketing Corporation, being authorized to execute this verification and having knowledge of the matters set forth in this Renewal Application of New Brunswick Energy Marketing Corporation, hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.

Steven A. Hudson
Counsel to NB Energy Marketing Corporation

Name of Notary Public (*printed name*)
Notary Public, State of Maine
My commission expires: _____

EXHIBIT A – TRANSMISSION AGREEMENTS

ATTACHMENT A-1

**Form Of Service Agreement For The Resale, Reassignment Or Transfer Of Point-To-Point
Transmission Service**

- 1.0 This Service Agreement, dated as of 11/28/2011, is entered into, by and between MPS (the Transmission Provider), and NBPG (the Assignee).
MAINE PUBLIC SERVICE COMPANY *New Brunswick Power Generation.*
- 2.0 The Assignee has been determined by the Transmission Provider to be an Eligible Customer under the Tariff pursuant to which the transmission service rights to be transferred were originally obtained.
- 3.0 The terms and conditions for the transaction entered into under this Service Agreement shall be subject to the terms and conditions of Part II of the Transmission Provider's Tariff, except for those terms and conditions negotiated by the Reseller of the reassigned transmission capacity (pursuant to Section 23.1 of this Tariff) and the Assignee to include: contract effective and termination dates, the amount of reassigned capacity or energy, point(s) of receipt and delivery. Changes by the Assignee to the Reseller's Points of Receipt and Points of Delivery will be subject to the provisions of Section 23.2 of this Tariff.
- 4.0 The Transmission Provider shall credit the Reseller for the price reflected in the Assignee's Service Agreement or the associated OASIS schedule.
- 5.0 Any notice or request made to or by either Party regarding this Service Agreement shall be made to the representative of the other Party as indicated below.

Transmission Provider:

MAINE PUBLIC SERVICE COMPANY

P.O. Box 1209

PRESQUE ISLE, MAINE 04769-1209

Assignee:

New Brunswick Power Generation.

515 King Street

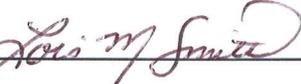
Fredericton N.B.

E3B 5G4

6.0 The Tariff is incorporated herein and made a part hereof.

IN WITNESS WHEREOF, the Parties have caused this Service Agreement to be executed by their respective authorized officials.

Transmission Provider:

By: 

Name

SR. VP,
INTERIM GENERAL MGR.

Title

11/28/2011

Date

Assignee:

By: 
Kevin Wright

Name

Manager, short
Term Energy Marketing

Title

Nov 24-2011

Date

PAGE REDACTED PURSUANT TO 10 C.F.R. § 303 (a)

PAGE REDACTED PURSUANT TO 10 C.F.R. § 303 (a)

EXHIBIT B – OPINION OF COUNSEL



Énergie NB Power

Tel: (506) 458-3372
Fax: (506) 458-4319
E-Mail: WHarrison@nbpower.com

October 4, 2013

VIA COURIER AND FILED ELECTRONICALLY

Mr. Christopher Lawrence
Department of Energy
Office of Electricity Delivery and Energy Reliability
OE-20, Room 8G-024
1000 Independence Avenue, S.W. 888 First Street, N.E.
Washington, DC 20585

RE: New Brunswick Energy Marketing Corporation (f/k/a New Brunswick Power Generation Corporation) Renewal Application for Electricity Export Authorization, OE Docket No. EA-345

Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of New Brunswick Energy Marketing Corporation ("NBEMC") to export electricity to Canada.

I have examined the certificate of incorporation and the by-laws of NBEMC and based on my review of those documents and my knowledge of the governance and operation of NBEMC, it is my opinion that:

1. The continued importation and exportation of electricity contemplated by the Renewal Application cited above, is within the corporate powers of NBEMC, subject to Section 202(e) of the Federal Power Act, 16 U.S.C. § 824a(e); and
2. NBEMC has directed its officers and agents to take all necessary steps to comply with all applicable federal and state laws of the United States in connection with the actions to be undertaken pursuant to the Renewal Application cited above.

Sincerely,

Wanda J. Harrison,
Corporate Secretary and General Counsel
New Brunswick Power Corporation

EXHIBIT C – INTERNATIONAL TRANSMISSION FACILITIES

At the U.S.-Canada Border

Authorized for Use by Third Party Transmitters

<u>Present Owners</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit NO.</u>
Bangor Hydro Electric Company (“Northeast Reliability Interconnect”)	Baileyville, ME	345-kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administration	Blaine, WA Nelway, WA Nelway, WA	2-500-kV 230kV 230-kV	PP-10 PP-36 PP-46
Eastern Maine Electric Cooperative	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
Maine Public Service Company	Limestone, ME Fort Fairfield, ME Madawaska, ME Aroostook, ME	69-kV 69-kV 138-kV 2-69-kV	PP-12 PP-12 PP-29 PP-29
Minnesota Power Inc.	International Falls, MN	115-kV	PP-78
Minnesota Power Cooperative	Roseau County, MN	230-kV	PP-61
New York Power Authority	Massena, NY Massena, NY Niagara Falls, NY Devil’s Hole, NY	765-kV 2-230-kV 2-345-kV 230-kV	PP-56 PP-25 PP-74 PP-30
Niagara Mohawk Power Corp.	Devil’s 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
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT Millbury, MA Medway, MA	±450-kV DC 345-kV 345-kV	PP-76

EXHIBIT D – DESIGNATION OF AGENT AND POWER OF ATTORNEY

BY THE POWER OF ATTORNEY given on the 3rd day of October, 2013, New Brunswick Energy Marketing Corporation, an agent of the Crown, organized under the laws of the Province of New Brunswick, Canada, with an address 515 King Street, P.O. Box 2040, Fredericton, New Brunswick E3B 5G4, Canada (the “Company”), does hereby constitute and appoint:

Steven A. Hudson
Andrew Landry
Preti Flaherty Beliveau & Pachios LLP
45 Memorial Circle, P.O. Box 1058
Augusta, ME 04330-1058

to be the true and lawful representatives of the Company in its name and on its behalf to act as its agent to take any and all actions and to execute, deliver, and receive any and all documents and instruments relating to the Export Authorization, both during consideration of and following the approval of the renewal of such Export Authorization.

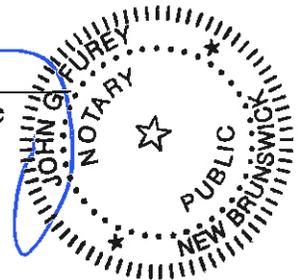
IN WITNESS WHEREOF, the undersigned has through its duly authorized signatory duly executed and delivered this Power of Attorney as of the 3rd day of October, 2013.

By: _____

New Brunswick Energy Marketing Corporation
515 King Street, PO Box 2040
Fredericton, New Brunswick E3B 5G4
Canada

SUBSCRIBED AND SWORN before me, a notary public this 3rd day of October, 2013.

A Notary Public in and for the
Province of New Brunswick
Being a Solicitor



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

Not Applicable

EXHIBIT F – OPERATING PROCEDURES

Not Applicable