

**PIERCE ATWOOD**

**US Department of Energy**

**DEC 19 2013**

**Electricity Delivery and  
Energy Reliability**

December 19, 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: Application of Great Bay Energy VI, LLC for Authority to Transmit  
Electric Energy to Canada**

Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.300, *et seq.* of the regulations of the Department of Energy, enclosed for filing on behalf of Great Bay Energy VI, LLC ("GBE VI") is an original and five (5) copies of an Application for Authority to Transmit Electric Energy to Canada. Additionally, please find enclosed a check for the cost of the application in the amount of \$500 payable to the Treasurer to the United States.

Please date-stamp and return with our messenger the two (2) additional copies of the application enclosed. Should you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

*/s/ Ruta Kalvaitis Skučas*

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Pierce Atwood LLP  
900 17<sup>th</sup> St NW, Suite 350  
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DEC 19 2013

UNITED STATES OF AMERICA **Electricity Delivery and**  
BEFORE THE **Energy Reliability**  
DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

Great Bay Energy VI, LLC

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Docket No. EA-389-000

**APPLICATION OF GREAT BAY ENERGY VI, LLC  
FOR AUTHORITY TO TRANSMIT ELECTRIC ENERGY 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., Great Bay Energy VI, LLC ("GBE VI" or "Applicant") hereby submits this application for a blanket authorization to export electricity from the United States to Canada ("Application"). GBE VI respectfully requests authorization to transmit electric energy from the United States to Canada for a period of five (5) years. GBE VI further respectfully requests that this application be made effective no later than March 1, 2014.

**I. COMMUNICATIONS**

Communications and correspondence concerning this filing should be addressed to:

Ruta Kalvaitis Skučas  
Pierce Atwood LLC  
900 17<sup>th</sup> St., NW Suite 350  
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San Juan PR 00912  
Tel. (787) 497-4001  
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## **II. DESCRIPTION OF APPLICANT**

GBE VI is a Puerto Rico limited liability company with its principle place of business in San Juan, Puerto Rico. GBE VI is solely owned by Great Bay Energy, LLC. Great Bay Energy, LLC's economic interests are owned by Arthur-Cabot Holdings, LLC, a Puerto Rico-based limited liability company. Arthur-Cabot Holdings, LLC is wholly owned by one individual, Mr. Dennis C. Flaherty. GBE VI is affiliated with Great Bay Energy, LLC; Great Bay Energy I, LLC; Great Bay Energy II, LLC; Great Bay Energy III, LLC; Great Bay Energy IV, LLC; and Great Bay Energy V, LLC (collectively, "Great Bay Energy Companies.") Arthur-Cabot Holdings, LLC and Mr. Flaherty do not have any ownership interest or involvement in any other company that is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities, nor does he have any direct involvement with the energy industry other than through the ownership of the Great Bay Energy Companies.

## **III. JURISDICTION**

GBE VI believes that the U.S. Department of Energy ("DOE") is the only governmental agency that has jurisdiction over this application.

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

GBE VI intends to export electricity over existing international transmission facilities between Canada and the United States, as identified in Exhibit C. GBE VI requests authority to export electricity to Canada over any international transmission facility authorized by Presidential Permit that is appropriate for open access by third parties in accordance with the assessment made by DOE of the transmission limits for operation in the export mode.

## V. TECHNICAL DISCUSSION OF PROPOSAL

Section 202(e) of the Federal Power Act ("FPA") and DOE's regulations provide that exports should be allowed unless the proposed export would impair the sufficiency of electric power supply within the United States or would tend to impede the coordinated use of the United States power supply network.<sup>1</sup> GBE VI seeks blanket authority to transmit electric power to Canada as a power marketer. GBE VI has no electric power supply system on which the proposed exports could have a reliability, fuel use system or stability impact. GBE VI also has no obligation to serve native load usually associated with a franchised service area, and, thus, the exports proposed by GBE VI will not impair its ability to meet current and prospective power supply obligations.

GBE VI will purchase power to be exported from a variety of sources such as power marketers, independent power producers, or U.S. electric utilities and federal power marketing entities as those terms are defined in Sections 3(22) and 3(19) of the FPA. By definition, such power is surplus to the system of the generator and, therefore, the electric power that GBE VI will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the U.S.<sup>2</sup>

GBE VI will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to schedule and deliver and power exports. All of the electricity exported by GBE VI will be transmitted pursuant to arrangements with utilities that own and operate existing transmission facilities and will be consistent with the export limitations and other terms and conditions contained in the existing Presidential Permits and

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<sup>1</sup> 16 U.S.C. § 824a(e).

<sup>2</sup> See *Enron Power Marketing, Inc.*, Order EA-102 (1996).

electricity export authorizations associated with these transmission facilities. GBE VI will schedule its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American Reliability Corporation (“NERC”) and its member regional councils in effect at the time of the export.

In previous orders granting export authorization to electric power marketers, DOE declined to rigidly apply the information filing requirements contained in its regulations and instead used a flexible approach which takes into consideration the unique nature of power marketers, the requirements of FERC Order No. 888 and previously authorized export limit of cross-border facilities.<sup>3</sup> These same considerations demonstrate that the exports proposed by GBE VI will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.

## **VI. COMPLIANCE WITH CONDITIONS AND PROCEDURES**

GBE VI proposes to abide by the general conditions consistent with DOE’s previous grants of authorizations to power marketers as set forth in its previous orders, as described herein. From time to time, GBE VI will enter into agreements with third parties which involve the export of electric power from the United States into Canada. Exports made by GBE VI will not exceed the export limits for the facilities, or otherwise cause a violation of the terms and conditions set forth in the export authorizations for each. With regard to specific transactions, GBE VI 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, GBE VI will

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<sup>3</sup> See e.g. *NorAm Energy Services, Inc.*, Order No. EA-105-CN (Aug. 16, 1996); *MidCon Power Services Corp.*, Order No. EA-114 (July 15, 1996); *USGen Power Services*, No. EA-112 (June 27, 1996); *CNG Power Services Corp.*, Order No. EA-110 (June 20, 1996); *North American Energy Conservation, Inc.*, Order No. EA-103 (May 30, 1996).

comply with the applicable NERC reliability standards. For each calendar year, GBE VI 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.

## **VII. VERIFICATION, REQUIRED COPIES, AND FEE**

Verification executed by GBE VI's authorized representative in accordance with 10 C.F.R. § 205.302(h) is enclosed with the Application. In accordance with the requirements of 10 C.F.R. § 205.307, and DOE's directions, five (5) copies of the 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.

## **VIII. REQUIRED EXHIBITS**

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

Exhibit A	Transmission Agreements	Not Applicable
Exhibit B	Opinion of Counsel	Attached
Exhibit C	Transmission Facilities	List of international transmission facilities submitted in lieu of a map
Exhibit D	Designation of Agent	Not Applicable
Exhibit E	Statement of Corporate Relationship	Not Applicable
Exhibit F	Operating Procedures	Not Applicable

**IX. CONCLUSION**

WHEREFORE, GBE VI respectfully requests that DOE grant this application for blanket authorization to export power from the United States to Canada, for a period of five (5) years, with such authorization to be effective as of March 1, 2014.

Respectfully submitted,

*/s/ Ruta Kalvaitis Skučas*

Ruta Kalvaitis Skučas, Esq.  
Pierce Atwood LLP  
900 17<sup>th</sup> St N.W., Suite 350  
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**Attorney for Great Bay Energy VI, LLC**

December 19, 2013

VERIFICATION

IDENTIFIED BY DRIVER'S LICENSE NUMBER  
1775614

I, Antonio J. Colón-Semidey, being authorized to execute this verification and having knowledge of the matters set forth in this Application of Great Bay Energy VI, LLC, hereby verify that the contents thereof are true and correct to the best of my knowledge and belief.

18/12/13

Antonio J. Colón-Semidey  
Chief Financial Officer, Great Bay Energy LLC

JANET NATAL CABRERA  
Name of Notary Public (*printed name*)  
Notary Public, Janet Natal Cabrera  
My commission expires: DOES NOT EXPIRES



**EXHIBIT A – TRANSMISSION AGREEMENTS**

*GBE VI has not entered into any transmission agreements at this time.*

**EXHIBIT B – OPINION OF COUNSEL**

December 19, 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: Application of Great Bay Energy VI, LLC for Authorization to Export Electricity

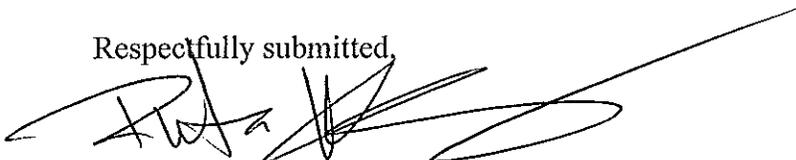
Dear Mr. Lawrence:

Pursuant to 10 C.F.R. § 205.303(b), I hereby provide a legal opinion regarding the corporate powers of Great Bay Energy VI, LLC to export electricity to Canada. I have examined the Articles of Organization of Great Bay Energy, LLC, the parent of Great Bay Energy VI, LLC and the Limited Liability Company Operating Agreement of Great Bay Energy VI, LLC. Based on my review of those documents and representations provided to me by authorized representatives of Great Bay Energy VI, LLC, it is my opinion that:

1. The import and export of electricity contemplated by this Application is within the corporate powers of Great Bay Energy VI, LLC; and
2. To the best of my knowledge and belief, Great Bay Energy VI, LLC has directed its officers and agents to take all necessary steps to comply with all applicable state and federal laws in connection with the actions to be taken under the Application.

I am opining here only as to the federal laws of the United States, and laws of relevant states within the United States. I express no opinion as to the laws of any other jurisdiction. I am not assuming any obligation to review or update this opinion should the law or existing facts or circumstances change. This opinion is provided by me as counsel to Great Bay Energy VI, LLC solely to you for your exclusive use and is not to be made available or relied upon by any other person or entity without my prior written authorization.

Respectfully submitted,



Ruta Kalvaitis Skučas  
Counsel for Great Bay Energy, LLC and Great Bay Energy VI, LLC

## EXHIBIT C – INTERNATIONAL TRANSMISSION FACILITIES

At the U.S.-Canada Border  
Authorized for Use by Third Party Transmitters

Present Owner	Location	Voltage	Presidential Permit No.
Bangor Hydro Electric Co.	Baileyville, ME	345 kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230 kV	PP-64
Bonneville Power Administration	Blaine, WA	2x 500 kV	PP-10
	Nelway, WA	230 kV	PP-36
	Nelway, WA	230 kV	PP-46
Eastern Maine Electric Cooperative	Calais, ME	69 kV	PP-32
International Transmission Co.	Detroit, MI	230 kV	PP-230
	Marysville, MI	230 kV	PP-230
	St. Claire, MI	230 kV	PP-230
	St. Claire, MI	345 kV	PP-230
Joint Owners of the Highgate Project	Highgate, VT	120 kV	PP-82
Long Sault, Inc.	Massena, NY	2x 115 kV	PP-24
Maine Electric Power Co.	Houlton, ME	345 kV	PP-43
Maine Public Service Co.	Limestone, ME	69 kV	PP-12
	Fort Fairfield, ME	69 kV	PP-12
	Madawaska, ME	138 kV	PP-29
	Aroostook, ME	2x 69 kV	PP-29
Minnesota Power Inc.	International Falls, MN	115 kV	PP-78
Minnkota Power Cooperative	Roseau County, MN	230 kV	PP-61
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

Present Owner	Location	Voltage	Presidential Permit No.
	Devil's Hole, NY	230 kV	PP-30
Niagara Mohawk Power Corp.	Devil's Hole, NY	230 kV	PP-190
Northern States Power Co.	Red River, ND	230 kV	PP-45
	Roseau County, MN	500 kV	PP-63
	Rugby, ND	230 kV	PP-231
Vermont Electric Power Co.	Derby Line, VT	120 kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450 kV DC	PP-76
	Millbury, MA	345 kV	
	Medway, MA	345 kV	

**EXHIBIT D – DESIGNATION OF AGENT AND POWER OF ATTORNEY**

*Not applicable as Puerto Rico is a territory of the United States of America.*

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

*Not Applicable*

**EXHIBIT F – OPERATING PROCEDURES**

*Not Applicable*