

# KING & SPALDING

King & Spalding LLP  
1700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4706  
www.kslaw.com

Main Telephone: (202) 737-0500  
Main Fax: (202) 626-3737

September 13, 2011

**US Department of Energy**

**VIA HAND DELIVERY**

Mr. Anthony Como  
Department of Energy  
Office of Electricity Delivery & Energy Reliability  
OE-20, Room 8G-024  
1000 Independence Avenue, SW  
Washington, DC 20585

**SEP 13 2011**

**Electricity Delivery and  
Energy Reliability**

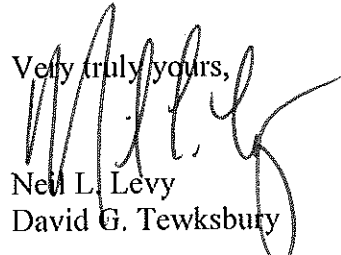
**Re: Tenaska Power Services Co., Docket No. EA-243-B**

Dear Mr. Como:

Enclosed for filing is an original and five (5) copies of the "Application of Tenaska Power Services Co. for Authorization to Transmit Electric Energy to Canada." Please also find enclosed a check in the amount of \$500.00 payable to the Treasurer of the United States in payment of the filing fee, pursuant to 10 C.F.R. § 205.309 (2011).

Also enclosed are three (3) additional copies of the renewal application to be time-stamped and returned to our messenger.

Very truly yours,

  
Neil L. Levy  
David G. Tewksbury

Counsel for Tenaska Power Services Co.

Enclosures

cc: Office of the Secretary,  
Federal Energy Regulatory Commission

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

Tenaska Power Services Co.

)

Docket No. EA-243-B

**APPLICATION OF TENASKA POWER SERVICES CO. FOR  
AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO CANADA**

Pursuant to Section 202(e) of the Federal Power Act ("FPA"),<sup>1</sup> and 10 C.F.R. §§ 205.300-309 (2011), Tenaska Power Services Co. ("TPS") hereby submits this application for renewed blanket authorization to transmit electric energy from the United States to Canada for a term of five years, or the maximum period allowed by the Department of Energy (the "Department"), beginning March 2, 2012 (*i.e.*, one day after TPS's current authorization expires).

**I.**

**DESCRIPTION OF APPLICANT**

The exact legal name of applicant is Tenaska Power Services Co. TPS is a Nebraska corporation and an indirect, wholly-owned subsidiary of Tenaska Energy, Inc. ("Tenaska"). TPS is authorized to do business in the State of Nebraska and such other states as required by the current nature of its business. TPS 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.<sup>2</sup> It does not own or control any transmission facilities and does not have a franchised service area.

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<sup>1</sup> 16 U.S.C. § 824a(e) (2006).

<sup>2</sup> See *Tenaska Power Servs. Co.*, Docket No. ER94-389-000 (May 26, 1994) (unreported) (granting market based rate authority).

Tenaska is the parent company of TPS, and is a privately held corporation organized and existing under the laws of Delaware. Tenaska is an independent developer and owner of power production facilities located throughout the United States and abroad.

The most recent order authorizing TPS to export electricity to Canada was issued on March 1, 2007, in Docket No. EA-243-A.

TPS does not have any partners and is not seeking authorization to export power on behalf of any other entity.

## **II.**

### **CORRESPONDENCE AND COMMUNICATIONS**

TPS respectfully requests that all correspondence and communications regarding this application be addressed to the following persons:

Norma Rosner Iacovo  
Associate General Counsel  
Tenaska Power Services Co.  
1701 E. Lamar Blvd., Suite 100  
Arlington, TX 76006  
(817) 462-1507  
(817) 303-1104 (facsimile)  
niacovo@tnsk.com

Neil L. Levy  
David G. Tewksbury  
KING & SPALDING LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006-4706  
(202) 737-0500  
(202) 626-3737 (facsimile)  
nlevy@kslaw.com  
dtewksbury@kslaw.com

## **III.**

### **JURISDICTION**

TPS does not know of any other federal, state or local government agency that has jurisdiction over the actions to be taken under the authority sought in this application.

#### IV.

#### FACILITIES

TPS seeks authority to export power over any transmission interconnections between the United States and Canada deemed to be appropriate for third party transportation by the Department.

#### V.

#### TECHNICAL DISCUSSION OF PROPOSAL

TPS seeks authority, as a power marketer, to transmit electric power intended to be sold in Canadian markets either to points in Canada or at the border between Canada and the United States. As noted above, TPS has no “system” of its own on which its exports of power could have a reliability or stability impact. The electric power TPS will export, on a firm or interruptible basis, will generally be purchased from others and, therefore, will be surplus to the needs of the selling entities. TPS does not have a regulatory franchise obligation to serve any end use obligations in the United States. The exports proposed by TPS will not impair its ability to meet any prospective wholesale power supply obligations in the United States, and will not impair or impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.

#### VI.

#### PROCEDURES

TPS’s application is consistent with United States energy policy established in the Energy Policy Act of 1992, as amended, the North American Free Trade Agreement of 1993, and other initiatives intended to foster more efficient and competitive North American energy markets.

TPS is seeking to renew its authorization, as a power marketer, to export electricity intended to be sold in Canadian markets either to points in Canada or at the border of the United States and Canada through existing border facilities. Initial authorization for such exports was granted on August 16, 2001, in Order No. EA-243, and renewed authorization was granted on March 1, 2007, in Order No. EA-243-A. TPS is submitting its renewal application under Order No. EA-243-A at this early time in order to ensure that the Department may act upon TPS's application in sufficient time to prevent a lapse of TPS's authorization.

TPS is willing to accept general conditions on such authorization consistent with the Department's previous power marketer authorizations for exports of electric energy to Canada. In particular, if required by the Department: (i) exports made by TPS will not exceed the export limits for the transmission facilities utilized by TPS, or otherwise cause a violation of the terms and conditions set forth in the export authorization applicable to each facility; (ii) when scheduling delivery of power, TPS will continue to comply with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation, regional reliability entities, regional transmission organizations, independent system operators, and/or control area operator(s), as appropriate; and (iii) for each calendar quarter, TPS will provide the Department 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 by the Department.

**VII.**

**EXHIBITS AND ATTACHMENTS**

In accordance with 10 C.F.R. § 205.303 (2011), the following exhibits are attached hereto:

Exhibit A	Agreements – Not Applicable
Exhibit B	Legal Opinion of TPS's Counsel
Exhibit C	Transmission Facilities – Not Applicable
Exhibit D	Non-U.S. Applicant's Power of Attorney – Not Applicable
Exhibit E	State of Foreign Relationship – Not Applicable
Exhibit F	Operating Procedures – Not Applicable
Attachment 1	Verification
Attachment 2	Copy of Letter Order from FERC, dated May 26, 1994, granting TPS market-based rate authority

**VIII.**

**CONCLUSION**

WHEREFORE, for the reasons set forth above, TPS respectfully requests that the Department renew its authorization to export electric energy to Canada.

Respectfully submitted,

**TENASKA POWER SERVICES CO.**

By: 

Neil L. Levy  
David G. Tewksbury  
Grace Su  
KING & SPALDING LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006-4706

Counsel for **Tenaska Power Services Co.**

Dated: September 13, 2011

**Exhibit B**

**Legal Opinion of TPS's Counsel**

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Mr. Anthony Como  
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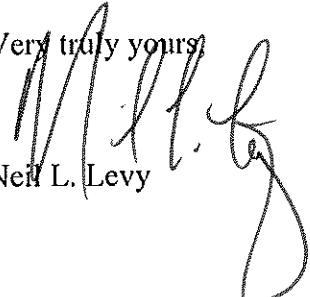
Re: *Tenaska Power Services Co., Docket No. EA-243-B*

Dear Mr. Como:

The following opinion is given in support of the renewal Application of Tenaska Power Services Co. for authorization to transmit electric energy to Canada.

1. I am an attorney authorized to practice law in the District of Columbia;
2. I am counsel to Tenaska Power Services Co. in this matter;
3. Tenaska Power Services Co. is duly organized, validly existing, and in good standing under the laws of the State of Nebraska, and is authorized to do business in the State of Nebraska and such other states as required by the current nature of its business;
4. Tenaska Power Services Co. has full corporate power and authority to buy, sell, or act as a marketer/broker in the sale and exportation of electric energy as requested in this Application; and
5. Tenaska Power Services Co. intends to comply with all applicable federal and state laws.

Very truly yours,

  
Neil L. Levy



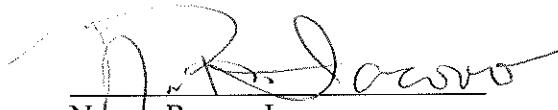
## **Attachment 1**

### **Verification**

**VERIFICATION**


STATE OF TEXAS                    )  
  )  
COUNTY OF TARRANT            )

Norma Rosner Iacovo, being first duly sworn, states that she is Associate General Counsel of Tenaska Power Services Co.; that she is authorized to execute this verification; that she has read the above and foregoing renewal Application and is familiar with the contents thereof; and that all allegations and facts contained therein are true and correct to the best of her knowledge, information, and belief.



Norma Rosner Iacovo  
Associate General Counsel  
Tenaska Power Services Co.

Subscribed and sworn to before me this 12<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
Notary Public  
for the State of Texas



My Commission expires: July 28, 2013

**Attachment 2**

**FERC Order Granting Market-Based Rate Authorization**

Docket No. ER94-389-000

MAY 26, 1994

Flood & Ward  
Attention: Mr. David B. Ward  
1000 Potomac Street, N.W., Suite 402  
Washington, D.C. 20007

Dear Mr. Ward:

By letters dated December 23, 1993, February 1 and March 28, 1994, you submitted for filing with the Commission, on behalf of Tenaska Power Services Company (TPS), a rate schedule under which TPS will engage in wholesale electric power and energy transactions as a marketer. You also request (1) waivers of various regulations consistent with those granted other marketers, and (2) clarification as to whether the sale of accounts receivable in connection with power marketing transactions requires Commission approval under Section 203 of the Federal Power Act. Authority to act on this matter is delegated to the Director, Division of Applications, under Section 375.308 of the Commission's Regulations; pursuant to Section 375.308(a)(1), your submittal is accepted for filing and designated as shown on the Enclosure.

Your requests for waiver of the Commission's filing requirements are hereby granted, along with the authorizations and subject to the same conditions provided in Citizens Power & Light Corp. (Citizens), 48 FERC ¶ 61,210 (1989). Consistent with Ford Motor Company, 52 FERC ¶ 61,025 (1990), TPS is required to comply with Part 46 of the Regulations. Also, in Enron Power Marketing, Inc. (Enron), 65 FERC ¶ 61,305 at 62,405 (1993), the Commission explained that sales of accounts receivable would not require filing under Section 203.

Consistent with the Commission's action in Citizens, you are directed to submit quarterly informational filings containing the same information required in Citizens for each purchase contract and each sale contract, with the first filing due within 30 days of the calendar quarter ending in June of 1994. Also, consistent with Citizens and Enron, order on reh'g, 66 FERC ¶ 61,244 (1994), you are directed to file promptly with the Commission any change in status. Changes in status include departure from the characteristics the Commission has relied upon in approving market-based pricing for TPS, including but not limited to: (1) lack of ownership of generation or transmission facilities (except for those qualifying facilities (QF) or exempt wholesale

Flood & Ward

generators (EWG) identified in your submittal for which commitments of the entire output were made under long-term contracts prior to the date of this order) or inputs to electric power production; (2) lack of affiliation with any entity which owns generation or transmission facilities (except for QFs and EWGs identified in your submittal for which commitments of the entire output were made under long-term contracts prior to the date of this order) or other inputs to electric power production; (3) lack of affiliation with any entity that has a franchised service area; or (4) lack of business arrangements (including sales of accounts receivable) involving TPS or any entity affiliated with TPS and the entities which buy power from or sell power to TPS or transmit power for TPS.

Notice of your filing was published in the Federal Register with comments, protests, or interventions due on or before May 3, 1994. No comments, protests, or interventions were filed.

Good cause is shown for granting waiver of the notice requirements pursuant to Section 205(d) of the Federal Power Act and Section 35.11 of the Commission's Regulations thereunder; therefore, the rate schedule shall become effective as shown on the Enclosure.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Tenaska Power Services Company.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within thirty days of the date of issuance of this order, pursuant to 18 CFR 385.713.

This letter terminates Docket No. ER94-389-000.

Sincerely,

Donald J. Gelinas, Director  
Division of Applications

□

19940602-0268(761299)[1]

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Flood & Ward

Enclosure

Enclosure

Tenaska Power Services Company  
Docket No. ER94-389-000  
Rate Schedule Designation

Designation

Effective Date

Rate Schedule FERC No. 1

February 21, 1994

□