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US Department of Energy

MAR 26 2014

**Electricity Delivery and
Energy Reliability**

March 26, 2014

Mr. Lamont Jackson
The Department of Energy
Office of Electricity Delivery and Energy Reliability
Mail Code: OE-20
1000 Independence Avenue, SW
Washington, DC 20585

Re: CP Energy Marketing (US) Inc., Docket No. EA-260-E
Application to Renew Authorization to Export Electric Energy to Canada

Dear Mr. Jackson:

Please find enclosed an original and five copies of the application of CP Energy Marketing (US) Inc. ("CP Energy Marketing") for renewal of its blanket authorization under Section 202(e) of the Federal Power Act to export electric energy from the United States to Canada. An extra copy of the application is enclosed to be date-stamped and returned with the waiting messenger.

Because CP Energy Marketing's current authorization to export electricity to Canada will expire on April 8, 2014, CP Energy Marketing requests an extension of this expiration date so that its current authorization will remain in effect until the date upon which DOE acts on this Application. CP Energy Marketing's late filing of this application was an inadvertent oversight due to a change in personnel responsible for such filings.

Pursuant to 10 C.F.R. § 205.309 a copy of the application has been served on the following:

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250

New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Also pursuant to 10 C.F.R. § 205.309, please find enclosed a check made payable to the Treasurer of the United States in the amount of \$500.00. If you should have any questions regarding this filing, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading "Lisa H. Tucker".

Lisa H. Tucker

Enclosure

MAR 26 2014

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

CP Energy Marketing (US) Inc.

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Docket No. EA-260-E

**APPLICATION OF CP ENERGY MARKETING (US) INC.
FOR RENEWAL OF AUTHORIZATION
TO EXPORT ELECTRIC ENERGY TO CANADA**

Pursuant to Section 202(e) of the Federal Power Act ("FPA"), 16 U.S.C. § 824a(e), and the Department of Energy ("DOE") regulations set forth in 10 C.F.R. §§ 205.300-309, CP Energy Marketing (US) Inc. ("CP Energy Marketing") hereby requests renewal of its authorization to export electric energy to Canada. CP Energy Marketing requests that authorization be granted for a five-year term beginning on the date that the requested authority is granted. In addition, because CP Energy Marketing's current authorization to export electricity to Canada will expire on April 8, 2014, CP Energy Marketing requests an extension of this expiration date so that its current authorization will remain in effect until the date upon which DOE acts on this Application.

I. BACKGROUND

Order No. EA-260-A, issued on October 13, 2004, authorized EPCOR Merchant and Capital (US) Inc. ("EMCUS") to export electric energy from the United States to Canada through April 8, 2009.¹ Order No. EA-260-B, issued on November 21, 2006,

¹ *EPCOR Merchant and Capital (US) Inc.*, Order Authorizing Electricity Exports to Canada, Order No. EA-260-A (Oct. 13, 2004).

authorized EMCUS to transfer its authority to export electric energy into Canada to its affiliate EPCOR Energy Marketing (US) Inc. ("EEMUS").² Order No. EA-260-C, issued on April 8, 2009, renewed EEMUS's authority to export electricity to Canada through April 8, 2014.³ In connection with a corporate reorganization, EEMUS's corporate name was changed to CP Energy Marketing (US) Inc., effective July 9, 2009. Order No. EA-260-D, issued on December 18, 2009, amended the authorization granted in Order No. EA-260-C by changing the name of the authorized exporter to CP Energy Marketing.⁴

II. CONTENTS OF APPLICATION

In accordance with 10 C.F.R. § 205.302, CP Energy Marketing states the following:

A. Legal Name of Applicant

The legal name of the Applicant is CP Energy Marketing (US) Inc.

B. Legal Name of All Partners

CP Energy Marketing has no partners.

² *EPCOR Energy Marketing (US) Inc.*, Order Authorizing Electricity Exports to Canada, Order No. EA-260-B (Nov. 21, 2006).

³ *EPCOR Energy Marketing (US) Inc.*, Order Authorizing Electricity Exports to Canada, Order No. EA-260-C (Apr. 8, 2009).

⁴ *CP Energy Marketing (US) Inc.*, Amendment to Order Authorizing Electricity Exports to Canada, Order No. EA-260-D (Dec. 18, 2009).

C. Persons to Whom Correspondence Shall be Addressed

All correspondence and communications regarding this Application should be addressed to the following individuals:

Darlene Cooper
Documentation Manager, Commodity
Portfolio
Capital Power Corporation
Suite 1200, 401 - 9th Avenue SW
Calgary, AB
T2P 3C5 Canada

Tel: (403) 717-8931
Fax: (403) 717-8954
Email: dhallcoo@capitalpower.com

Lisa H. Tucker, Esq.
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006

Tel: (202) 778-9000
Fax: (202) 778-9001
E-mail: lisa.tucker@klgates.com

D. State or Territory of Incorporation

CP Energy Marketing is a Delaware corporation with its principal place of business at Suite 1200, 401 - 9th Avenue SW, Calgary, AB, T2P 3C5 Canada.

E. Government Agencies Having Jurisdiction Over Action to Be Taken

Pursuant to Section 202(e) of the FPA, DOE has jurisdiction over the export of electric energy to Canada. No other federal, state, or local government agency has jurisdiction over the activity to be conducted in accordance with the authorization received pursuant to this Application except to the extent that CP Energy Marketing must comply with the regulations of the Federal Energy Regulatory Commission ("FERC") in making sales at wholesale of electric energy in the United States.⁵ FERC exercises

⁵ CP Energy Marketing is a power marketer authorized by the Commission to sell wholesale electric energy and capacity at market-based rates. *CP Energy Mktg. (US) Inc.*, Docket No. ER09-1568-000 (Letter Order issued by FERC on September 10, 2009 accepting for filing CP Energy Marketing's notice of succession to EEMUS's market-based rate tariff).

regulatory authority over the rates for the transmission and sale of electric energy at wholesale in the United States.

F. Description of Transmission Facilities

CP Energy Marketing may export electric energy over the existing transmission facilities of the various entities identified in Exhibit C. Exhibit C identifies the location, voltage and owner of the transmission facilities and provides information regarding the Presidential Permits issued to the owners.

G. Technical Discussion of the Proposed Export of Electricity

CP Energy Marketing is a power marketer engaged in the business of marketing electric energy in the United States and Canada. CP Energy Marketing does not own or control any electric generation facilities or transmission facilities in the United States⁶ and does not have a franchised service area in the United States. In this Application, CP Energy Marketing seeks authority to engage in open-ended transactions to export electricity to Canada under terms and conditions to be negotiated in the future.

Before granting an export authorization, DOE must find that (1) the proposed export will not impair the sufficiency of the electricity supply within the United States and (2) will not impede the coordinated use of regional transmission facilities.⁷ DOE's conclusions in the orders issued previously in this docket that the proposed export of electricity will not impair the sufficiency of the electric supply within the United States

⁶ CP Energy Marketing is affiliated with CPI USA North Carolina LLC, which owns a 46 MW (net) qualifying facility in Roxboro, North Carolina and an 88 MW (net) qualifying facility in Southport, North Carolina.

⁷ 16 U.S.C. § 824a(e).

remain valid.⁸ As noted above, CP Energy Marketing is a power marketer that owns no generation and has no franchised service territory. CP Energy Marketing will purchase energy for export that is not needed by the seller and, thus, by definition, is surplus to the system of the seller. Accordingly, CP Energy Marketing's export activity will not impair the sufficiency of the power supply in the United States.⁹

CP Energy Marketing will make all necessary commercial arrangements and obtain required regulatory approvals to affect any power exports. Specifically, CP Energy Marketing will schedule each transaction with the appropriate control area in compliance with good utility practice and the appropriate market rules and obtain all necessary transmission access over the existing facilities listed in Exhibit C.

CP Energy Marketing commits to abide by all applicable export limits on transmitting facilities, including those of the border facilities it uses. CP Energy Marketing also commits to comply fully with the terms and conditions of any export authorization granted to it by DOE. In addition, CP Energy Marketing agrees to abide by the transmission limits DOE recognizes for the transport of electric energy over specific international transmission ties. Thus, CP Energy Marketing's proposed export of electric energy to Canada will not impair the sufficiency of energy supply within the United States or impede regional coordination of electricity utility planning or operation.

⁸ Order No. EA-260-A at 4; Order No. EA-260-B at 1; Order No. EA-260-C at 6.

⁹ See, e.g., *DC Energy LLC*, Order Authorizing Electricity Exports to Canada, Order No. EA-327, at 2 (Jul. 11, 2007) ("Order No. EA-327") ("Because a marketer has no native load obligations and because power purchased by a marketer would be surplus to the needs of entities selling the power to the marketer, an export occurring under such circumstances would meet the first statutory criterion of section 202(e) of the FPA of not impairing the sufficiency of supply within the United States.")

H. Verification

The signed verification of Jason Comandante, Vice President, Commodity Portfolio Management, of CP Energy Marketing, is attached to this Application as Exhibit G.

III. REQUIRED EXHIBITS

Pursuant to 10 C.F.R. § 205.303, the following exhibits are required in support of a request for authorization to export electric energy to Canada.

Exhibit A (Agreement or Proposed Agreement). CP Energy Marketing seeks blanket approval to negotiate export agreements in the future. This filing requirement is therefore not applicable.

Exhibit B (Signed Opinion of Counsel). Attached.

Exhibit C (Map). As noted above, CP Energy Marketing is a power marketer with no electrical system or system maps. CP Energy Marketing has included a list of the border transmission facilities that it may use to export electric energy to Canada in Exhibit C.

Exhibit D (Limited Power of Attorney). Attached.

Exhibit E (Statement of Corporate Relationship). Not applicable.

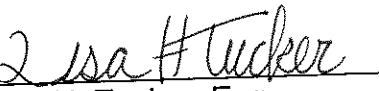
Exhibit F (Operating Procedures). Not applicable.

Exhibit G (Verification). Attached.

IV. CONCLUSION

For the reasons set forth above, CP Energy Marketing respectfully requests that the DOE approve this Application for authority to export electric energy from the United States to Canada.

Respectfully submitted,

By 
Lisa H. Tucker, Esq.
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006

Attorney for CP Energy Marketing (US) Inc.

Dated: March 26, 2014

EXHIBIT A
Agreement or Proposed Agreement
Under Which Electricity Is to Be Transmitted

Not applicable.

EXHIBIT B
Legal Opinion

March 25, 2014

CP Energy Marketing (US) Inc.
Suite 1200, 401 - 9th Avenue SW
Calgary, AB
T2P 3C5 Canada

Ladies and Gentlemen:

We have acted as counsel to CP Energy Marketing (US) Inc., a Delaware corporation ("CP Energy Marketing"), in connection with the filing with the United States Department of Energy of an application in Docket No. EA-260-E to renew CP Energy Marketing's authorization to export electric energy from the United States to Canada (the "Application"). This opinion letter is being furnished to you as a supporting document for the Application.

For purposes of rendering our opinion, we have examined a copy of CP Energy Marketing's Certificate of Incorporation, a copy of CP Energy Marketing's Bylaws, and the Application. We also have examined and relied upon certificates of public officials and, as to certain matters of fact that are material to our opinion, upon that certain certificate of an officer of CP Energy Marketing (the "Fact Certificate"), which is attached hereto as Exhibit 1. We have not independently established any of the facts or other matters on which we have so relied. We have made no factual investigation in connection with this opinion letter other than our review of the documents described in this paragraph.

We have also made the assumptions that are customary in opinion letters of this kind, including the assumptions that each document submitted to us is accurate and complete, that each such document that is an original is authentic, that each such document that is a copy conforms to an authentic original, that all signatures on each such document are genuine, and that no changes in the facts certified in the Fact Certificate have occurred or will occur after the date of the Fact Certificate. We have not verified any of the foregoing assumptions.

Our opinion, as set forth herein, is based on the facts in the Fact Certificate and the laws in effect on the date hereof and is limited to the General Corporation Law of the State of Delaware. We are not opining on, and we assume no responsibility for, the applicability to or effect on any of the matters covered herein of any other laws of the State of Delaware, the federal laws of the United States (including, without limitation, any laws or regulations governing or affecting the export of electric energy), the law of any other

jurisdiction, or the law of any county, municipality or other political subdivision or local governmental agency or authority.

Based upon and subject to the foregoing, we are of the opinion that CP Energy Marketing has the corporate power to export electric energy from the United States to Canada as contemplated by the Application.

The opinions set forth in this opinion letter are limited to the matters expressly stated herein and no opinion is implied or may be inferred beyond the matters expressly stated herein.

We are furnishing this opinion letter to you solely in connection with the Application. You may not rely on this opinion letter in any other connection, and it may not be furnished to or relied upon by any other person for any purpose, without our specific prior written consent in each instance. We hereby consent to the submission of this opinion letter with the United States Department of Energy as an exhibit to the Application.

The foregoing opinions are rendered as of the date of this letter. We assume no obligation to update or supplement any of such opinions to reflect any changes of law or fact that may occur.

Very truly yours,

A handwritten signature in black ink, appearing to read "K&L Gates, LLP", is written over the typed name.

K&L Gates LLP

FACT CERTIFICATE

To: K&L Gates LLP:

This Certificate is made and delivered to K&L Gates LLP by the undersigned as the duly appointed, qualified and incumbent Vice President, Commodity Portfolio Management of CP Energy Marketing (US) Inc. (the "Company"). The undersigned understands that K&L Gates LLP will rely on this Certificate in giving its legal opinion in connection with the Company's Application for Authorization to Export Electricity from the United States to Canada.

I hereby certify that I am authorized by the Company to make, execute and deliver this Certificate, and that I am personally familiar with the following facts. In my capacity set forth above, I further certify that:

1. Certificate of Incorporation. Attachment 1 attached to this Certificate is a true, complete and correct copy of the Certificate of Incorporation of the Company in effect on the date of this Certificate. Except as set forth in Attachment 1, there has not been any amendment or other modification of the Certificate of Incorporation nor any proceeding of the Board of Directors or stockholder of the Company with respect to any proposed such amendment or modification.
2. Bylaws. Attachment 2 attached to this Certificate is a true, complete and correct copy of the Bylaws of the Company in effect on the date of this Certificate. Except as set forth in Attachment 2, there has not been any amendment or other modification of the Bylaws nor any proceeding of the Board of Directors or stockholder of the Company with respect to any proposed such amendment or modification.
3. Reliance. K&L Gates LLP may rely on the statements made in this Certificate as a basis for its legal opinion to be given in connection with the application mentioned above.

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate and caused it to be delivered to K&L Gates LLP this 26th day of March X, 2014.



Name: JASON COMANDANTE

Title: VICE PRESIDENT
COMMODITY PORTFOLIO MGMT

EXHIBIT C
List of Border Facilities

Present Owner	Location	Voltage	Presidential Permit No.¹⁰
Bangor Hydro-Electric Company	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 230-kV 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
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305
New York Power Authority	Massena, NY Massena, NY Niagara Falls, NY Devils Hole, NY	765-kV 2-230-kV 2-345-kV 230-kV	PP-56 PP-25 PP-74 PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Company	Red River, ND Roseau County, MN Rugby, ND	230-kV 500-kV 230-kV	PP-45 PP-63 PP-231
Sea Breeze Olympic Converter, LP	Port Angeles, WA	±150-kV DC	PP-299
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 PP-76 PP-76

¹⁰ 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.

EXHIBIT D

Power of Attorney for Applicants Residing Outside of the United States Irrevocable Limited Power of Attorney

Be it known that, I, Jason Comandante, Vice President, Commodity Portfolio Management of CP Energy Marketing (US) Inc., a Delaware corporation, ("Principal"), with its principal place of business at Suite 1200, 401 - 9th Avenue SW, Calgary, AB, T2P 3C5, Canada, do hereby grant a limited power of attorney to my designated agent, K&L Gates LLP, 1601 K Street, NW, Washington, DC 20006, as my attorney-in-fact ("Attorney in Fact"), for the limited purposes of receiving service of process for all matters relating to or arising from the Principal's Application to Renew Authorization to Export Electric Energy to Canada before the Department of Energy.

This Power of Attorney is irrevocable by the Principal, subject only to the Principal's right to re-designate, or substitute the Attorney in Fact upon 30 days' prior notice to the Department of Energy and the Attorney in Fact.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be executed on this 26th day of March 2014.

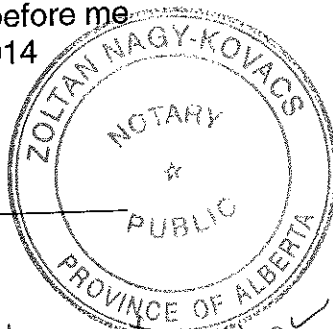
CP Energy Marketing (US) Inc.

By: Jason Comandante

Jason Comandante
Vice President, Commodity Portfolio
Management

Subscribed and sworn to before me
this 26th day of March 2014

Z. Nagy-Kovacs
Notary Public



My Commission ~~expires~~ does not expire 2016

ZOLTAN NAGY-KOVACS
Barrister & Solicitor

EXHIBIT E
Existing Relationship or Existing Contracts
Relating to Control or Fixing of Rates

Not applicable.

EXHIBIT F
Operating Procedures Relating to Available Capacity and Energy

Not applicable.

EXHIBIT G
Verification

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

CP Energy Marketing (US) Inc.

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Docket No. EA-260-E

Verification

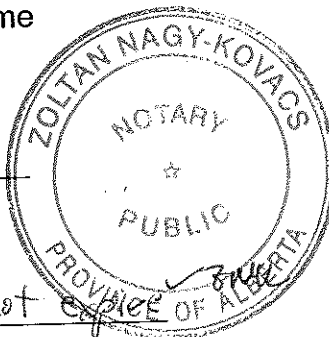
I, Jason Comandante, being duly sworn, state that I am Vice President, Commodity Portfolio Management of CP Energy Marketing (US) Inc.; that I am authorized to execute this verification; that I have read the foregoing document and its exhibits and attachments and am familiar with the contents thereof; and that to the best of my knowledge and belief, all allegations of fact contained therein are true and correct.



Jason Comandante
Vice President, Commodity Portfolio
Management

Subscribed and sworn to before me
this 26th day of March 2014.


Notary Public



My Commission expires: does not expire

ZOLTAN NAGY-KOVACS
Barrister & Solicitor