

Original

US Department of Energy

DEC 16 2008

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

FPL ENERGY POWER)
MARKETING, INC.)

Docket No. EA- 348

**APPLICATION OF FPL ENERGY POWER MARKETING, INC. FOR
AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO CANADA**

FPL Energy Power Marketing, Inc. ("PMI"), pursuant to Section 202(e) of the Federal Power Act (16 U.S.C. §824a(e)) and 10 C.F.R. §205.300 *et seq.* (2008), hereby submits an application for authorization from the Department of Energy ("the Department") to transmit electric energy from the United States to Canada for a period of five years or such other period as the Department deems appropriate.

In support of this application, PMI respectfully shows as follows:

I. DESCRIPTION OF APPLICANT

The exact name of the applicant is FPL Energy Power Marketing, Inc. Its principal place of business is 700 Universe Boulevard, Juno Beach, Florida, 33408. PMI is a corporation engaged in the purchase and sale of physical and financial energy commodities. PMI is a wholly owned subsidiary of FPL Energy, LLC, and a subsidiary of FPL Group, Inc., a Florida corporation.

II. PARTNERS

FPLE is not seeking authorization to export power on behalf of, or in conjunction, with, any partners or partnerships.

III. COMMUNICATIONS

Communications regarding this application should be addressed to the following:

Marty Jo Rogers
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IV. ORGANIZATION OF APPLICANT, AUTHORITY TO DO BUSINESS

PMI is a corporation organized under the laws of the State of Florida, with its principal place of business in Juno Beach, Florida. PMI is authorized by the Federal Energy Regulatory Commission ("FERC") to make wholesale sales of electric power at market-based rates. *See FPL Energy Maine Hydro, Inc.*, 85 FERC ¶ 61,214 (1998). If the Department requests, then PMI will provide the Department a list of states in which it has registered to do business.

V. JURISDICTION

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

VI. FACILITIES

PMI does not own any transmission facilities, nor do any of PMI's affiliates own any transmission facilities directly interconnecting with transmission facilities in Canada. PMI 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.

VII. TECHNICAL DISCUSSION OF PROPOSAL

The electric power PMI will export, on either a firm or interruptible basis, will generally be purchased from others voluntarily and will, therefore, be surplus to the needs of the selling entities. Because PMI does not have native load obligations, its exports will not impair its ability to meet current or prospective power supply obligations. In addition, PMI's proposed exports will not impair or impede sufficient electric supplies in the United States or the regional coordination of electric utility planning or operations.

VIII. PROCEDURES

PMI's application is consistent with the United States energy policy in the Energy Policy Act of 1992, the North American Free Trade Agreement of 1993, the Energy Policy Act of 2005, and FERC Order No. 890, which foster more efficient and competitive North American energy markets.

PMI is seeking authorization, as a power marketer, to export electricity through existing U.S.-Canadian border facilities. PMI will accept general conditions in its export authorization consistent with those included in the Department's previous export authorizations granted to power marketers, including compliance with applicable export limits for the transmission facilities utilized by PMI. In addition, if requested by the Commission PMI will provide written evidence to the Department that it has secured sufficient transmission service for the delivery of power to the U.S.-Canada border. When scheduling the delivery of power, PMI will comply with the applicable North American Electric Reliability Corporation ("NERC") reliability criteria, standards, and guidelines. For each calendar quarter, PMI will provide the Department with reports regarding the gross amount of electricity delivered to Canada, consideration

received during each month, and the maximum hourly rate of transmission, and other data requested by the Department.

IX. EXHIBITS

The following exhibits are attached hereto:

Exhibit A: Agreements – There are currently no formal agreements in place for sales of energy from the United States to Canada that are related to this application.

Exhibit B: Legal Opinion of FPL’s counsel.

Exhibit C: Transmission Facilities (submitted in lieu of maps).

Exhibit D: Non-U.S. Applicant’s Power of Attorney – Not applicable.

Exhibit E: Not applicable.

Exhibit F: Not applicable.

To the extent necessary, PMI requests a waiver of the requirement to include the above exhibits that are not applicable to its application as a power marketer.

X. EXPEDITED PROCESSING

To secure at the earliest possible time authorizations necessary to start export trading activity, PMI respectfully requests that the Department expedite processing of this application to the extent possible. PMI respectfully requests that the Department issue an order granting the requested authorization by January 5, 2009. To the extent necessary, PMI requests waiver of the requirement under Section 205.301 of the Department’s regulations that applications be filed six months in advance.

XI. CONCLUSION

WHEREFORE, PMI respectfully requests that the Department review and expeditiously grant this application for authorization to transmit electric energy to Canada.

Respectfully submitted,

FPL ENERGY POWER MARKETING, INC.

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Attorneys for Applicant,
FPL Energy Power Marketing, Inc.

Dated this 16th day of December, 2008

EXHIBIT B
OPINION OF COUNSEL

FPL Energy, LLC
P.O. Box 14000
Juno Beach, FL 33408-0420

FPL Energy.

December ¹⁹, 2008

Scott D. Cousins
Vice President and
General Counsel
*Florida Authorized House Counsel
Admitted: Delaware*

The Department of Energy
Office of Electricity Delivery and Energy Reliability
OE-20, Room 6H-034
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: FPL Energy Power Marketing, Inc. --
Application for Authorization to Transmit Electric Energy to Canada

Dear Sirs/Mesdames:

I am General Counsel of FPL Energy, LLC, a Delaware limited liability company ("FPLE"), and in such capacity, I have acted as counsel to FPLE subsidiary FPL Energy Power Marketing, Inc. ("Applicant"). I am a member of the bar of the state of Delaware.

This opinion (the "**Opinion**") is given in support of the Application of FPL Energy Power Marketing, Inc. for Authorization to Transmit Electric Energy to Canada dated December ¹⁹, 2008 (the "**Application**"), which Application is being submitted by Applicant to the Department of Energy pursuant to 10 C.F.R. 2005.300 (the "**Applicable Regulations**").

For purposes of rendering the opinions expressed herein, I have been furnished and have reviewed a copy of the Application. I have also made such examinations of U.S. federal and state laws as I have deemed relevant for purposes of this Opinion, and the opinions expressed herein are expressly limited solely to U.S. federal and state laws insofar as such laws bear on the matters covered hereby.

Based upon the foregoing, and subject to the limitations, qualifications and assumptions expressed herein, I am of the opinion that:

1. As required by the Applicable Regulations, Applicant has full corporate power and authority to buy and sell, or act as a marketer/broker in connection with the sale and exportation of, electric energy.
2. Applicant has complied with all pertinent U.S. federal and State laws.

This Opinion speaks as of the time of its delivery on the date first set forth above, and the undersigned undertakes no obligation to update this Opinion at any time thereafter. This Opinion is rendered solely in connection with the Application, is solely for the benefit of the recipient named above, and is not to be used, circulated, quoted or otherwise referred to for any other purpose or relied upon by any other person or entity for any purpose without Applicant's prior written consent.


Scott D. Cousins
General Counsel

EXHIBIT C

LIST OF FACILITIES

List of Electric Transmission Facilities Interconnecting with Canada

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit</u>
Bangor Hydro-Electric Company	Baileyville, ME	345-kV	PP-89
Basin Electric Power Coop.	Tioga, ND	230-kV	PP-64
Bonneville Power Adm.	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
Eastern Main Electric Coop.	Calais, ME	69-kV	PP-32
International Transmission Company	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.	Massesna, NY	2-115-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	2-69-kV	PP-29
Minnesota Power, Inc.	International Falls, MN	115kV	PP-78
Minnkota Power Coop.	Roseau County, MN	230-kV	PP-61
NY Power Authority	Massena, NY	765-kV	PP-56
	Massena, NY	2-230-kV	PP-25

	Niagara Falls, NY	2-345-kV	PP-74
	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Co.	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	±150-kV DC	PP-299
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	+/-450kV-DC	PP-76
	Millbury, MA	345-kV	
	Medway, MA	345-kV	

VERIFICATION

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Lawrence Silverstein, Senior Vice President, of FPL Energy Power Marketing, Inc., am authorized to provide this verification on behalf of FPL Energy Power Marketing, Inc., have knowledge of the matters set forth in the foregoing Application of FPL Energy Power Marketing, Inc. for Authorization to Transmit Electric Energy to Canada, and hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.

Lawrence Silverstein

Lawrence Silverstein
Senior Vice President

SIGNED and SWORN TO before me this 18th day of December, 2008.

Carol J. Morris

Notary Public

My commission expires:

