



**DEPARTMENT OF ENERGY**

**[GDO Docket No. EA-459-A]**

**Application for Renewal of Authorization to Export Electric Energy; Mercuria Energy America, LLC**

**AGENCY:** Grid Deployment Office, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** Mercuria Energy America, LLC (the Applicant or Mercuria) has applied for renewed authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

**DATES:** Comments, protests, or motions to intervene must be submitted on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

**ADDRESSES:** Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov*.

**FOR FURTHER INFORMATION CONTACT:** Christina Gomer, (240) 474-2403, *electricity.exports@hq.doe.gov*.

**SUPPLEMENTARY INFORMATION:** The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export. (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) by Delegation Order No. S1-DEL-S3-2023 and Redelegation Order No. S3-DEL-GD1-2023.

On November 19, 2018, DOE issued Order No. EA-459 authorizing Mercuria to transmit electric energy from the United States to Mexico as a power marketer. On August 18, 2023, Mercuria filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

In its Application, Mercuria states that neither it “nor any of its affiliates owns or controls any generation or transmission facilities.” App. at 2. Further, the Applicant notes “neither Mercuria nor any of its affiliates is a franchised utility or affiliated with any franchised utilities in North America.” *Id.* Mercuria represents that it “will acquire electricity on both a firm and interruptible basis from a variety of suppliers (*i.e.*, generators, electric utilities and other power marketers) that would enter into such transactions voluntarily, and therefore will be surplus of the selling entities.” *Id.* at 4. Mercuria therefore asserts that “as required by FPA Section 202(e), the proposed exports will not impair or tend to impede the sufficiency of electricity supplies in the United States or the regional coordination of electric utility planning or operations.” *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Attachment 1.

*Procedural Matters:* Any person desiring to be heard in this proceeding should file a comment or protest to the Application at [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov). Protests should be filed in accordance with Rule 211 of FERC’s Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov) in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Mercuria’s Application should be clearly marked with GDO Docket No. EA-459-A. Additional copies are to be provided directly to Steven Bunkin, Mercuria Energy America, LLC, 33 Benedict Place, Greenwich, CT 06830, [sbunkin@mercuria.com](mailto:sbunkin@mercuria.com), and Jay Michals, Mercuria Energy America, LLC, 20 E. Greenway Plaza, Ste. 650, Houston, TX 77046, [jmichaels@mercuria.com](mailto:jmichaels@mercuria.com).

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at [www.energy.gov/gdo/pending-applications-0](http://www.energy.gov/gdo/pending-applications-0) or by emailing [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

### **Signing Authority**

This document of the Department of Energy was signed on October 6, 2023, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the *Federal Register*.

Signed in Washington, DC on October 6, 2023.

**Treena V. Garrett,**

*Federal Register Liaison Officer,*

*U.S. Department of Energy.*

[FR Doc. 2023-22594 Filed: 10/11/2023 8:45 am; Publication Date: 10/12/2023]