



DEPARTMENT OF ENERGY

[GDO Docket No. EA-145-G]

Application for Renewal of Authorization to Export Electric Energy; Powerex Corp.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Powerex Corp. (the Applicant or Powerex) 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 May 30, 1997, DOE issued Order No. EA-145 authorizing Powerex to transmit electric energy from the United States to Mexico as a power marketer. Such authority was renewed in 1999 (Order No. EA-145-A), 2001 (Order No. EA-145-B), 2004 (Order No. EA-145-

C), 2009 (Order No. EA-145-D), 2014 (Order No. EA-145-E), and 2019 (Order No. EA-145-F). On January 25, 2024, Powerex filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

According to the Application, Powerex is a British Columbia corporation that is a wholly owned subsidiary of British Columbia Hydro and Power Authority (BC Hydro) a provincial Crown Corporation owned by the Government of British Columbia, Powerex is an instrumentality of a foreign state under the Foreign Sovereign Immunities Act. *Id.* at 2. Powerex is a power marketer authorized to sell wholesale electric energy, capacity, and ancillary services at market-based rates pursuant to authority granted by the Federal Energy Regulatory Commission (FERC) under a wholesale power sales tariff currently on file. Powerex states that it “does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation.” *Id.* at 5. Further, Powerex represents that “none of [its] affiliates own electric transmission facilities that constitute part of the electricity delivery system in the U.S. and Powerex is not affiliated with an entity that holds a franchise or service territory in the contiguous U.S.” *Id.* The Applicant asserts that it “...has no transmission "system" of its own on which its exports of power could have a reliability or stability impact.” *Id.* at 5-6.

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 Exhibit C.

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. 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 in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Powerex's Application should be clearly marked with GDO Docket No. EA-145-G. Additional copies are to be provided directly to Powerex Connor Curson, Powerex Corp., 666 Burrard Street, Suite 1300, Vancouver, British Columbia Canada, V6C 2X8, connor.curson@powerex.com, Deanna E. King, Bracewell LLP, 111 Congress Avenue, Suite 2300, Austin, Texas 78701, deanna.king@bracewell.com, and Tracey L. Bradley, Bracewell LLP, 2001 M Street NW, Suite 900, Washington D.C. 20036, tracey.bradley@bracewell.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 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on February 16, 2024, 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 February 22, 2024.

Treana V. Garrett,
Federal Register Liaison Officer,
U.S. Department of Energy.

