SEP 08 2016

EA-0444

Electricity Delivery and

APPLICATION TO TRANSMIT ELECTRIC

ENERGY INTO MEXICO

Pursuant to section 202(e) of the Federal Power Act (the "FPA"), 16 U.S.C, § 824(e), and 10 C.F.R. § 205.300 et seq, BioUrja Power, LLC ("BioUrja" or "Applicant") hereby submits this application ("Application") for authorization to transmit electric energy from the United States to Mexico for a five (5) year term. Applicant respectfully requests expedited review of this Application and issuance of an order approving the Application within sixty (60) days. In support of this Application, Applicant states as follows:

### I. DESCRIPTION OF APPLICANT

The exact legal name of the Applicant is BioUrja Power, LLC. BioUrja Power, LLC is a Delaware limited liability company with its principal place of business at 1080 Eldridge Parkway, Suite 1175, Houston, Texas 77077. It is a direct subsidiary of BioUrja Trading, LLC (majority interest), with the only other equity owner being CoKaMo2, LLC (minority interest), and is authorized to do business in Delaware and throughout the United States. BioUrja Power, LLC was granted Market Based Rate Authority (FERC Docket: ER16-371-000) effective December 31, 2015 with respect to the sale of energy, capacity, and ancillary services at market-based rates, and meets the criteria for Category 1 seller status in all regions because it and its affiliates do not own, operate, or control any generation facilities; do not own, operate, or control transmission facilities; are not affiliated with a franchised public utility; and do not raise any other vertical market power issues. BioUrja is a Purchasing and Selling Entity, as defined by the North American Electric Reliability Corporation ("NERC") and is registered as such with NERC. It is also a Market Participant in several electricity markets in the US, including ERCOT, NYISO, SPP, PJM, MISO and CAISO. BioUrja will comply with all conditions contained in the Export Authorization.

The parent company, BioUrja Trading, LLC (Delaware), was established in 2006 and has

evolved into a global commodity merchant of crude oil, petroleum products, natural gas, electric power, ethanol and other energy commodities, with offices in Houston, Texas. An affiliate of BioUrja Trading, LLC also has offices in Mexico City, Mexico. BioUrja Trading, LLC was granted Blanket Authorization to Import and Export Natural Gas from and to Canada and Mexico under DOE Order No. 3875 (Docket 16-91-NG). CoKaMo2, LLC (Delaware) is 100% owned by Robert Cody Moore for the sole purpose of holding an interest in BioUrja Power, LLC.

#### II. COMMUNICATIONS

All service and correspondence concerning this Application should be directed to BioUrja's following representatives:

Raghu Reddy, Risk Manager BioUrja Trading, LLC 1080 Eldridge Parkway, Suite 1175 Houston, TX 77077

Tel: 832-775-9073

Email: raghu.reddy@BioUrja.com

Robert Cody Moore, President BioUrja Power, LLC 1080 Eldridge Parkway, Suite 1175 Houston, TX 77077 Tel. 832-775-9066

Email: cody.moore@BioUrja.com

#### III. JURISDICTION

Pursuant to section 202(e) of the FPA, DOE has jurisdiction over the action to be taken in this Application. Applicant is not aware of any other federal, state, or local government agency that has jurisdiction over the action to be taken in this Application.

#### IV. DESCRIPTION OF TRANSMISSION FACILITIES

Applicant hereby applies for authorization to transmit electric power to Mexico as a power marketer over any authorized international transmission facility that is appropriate for open access transmission by third parties in accordance with the export limits authorized by DOE. Applicant plans to export electric power over authorized transmission interconnections between Mexico and the United States. Transmission to the point of

delivery will be arranged by Applicant over any of the existing international electric transmission facilities set out in Figure 1, and also over any international transmission facilities that may be approved in the future.

Figure 1

			Presidential
Owner	Location	Voltage	Permit #
Comision Federal de Electricidad	Falcon Dam, TX	138 kV	N/A
	Redford, TX	7.2 kV	PP-51
	Presidio, TX	13.8 kV	PP-03
Daia California Dougas tan	Impunial Mallace CA	222 (2)	DD 024
Baja California Power, Inc.	imperial Valley, CA	230 kV	PP-234
Generadora del Desierto - WAPA	San Luis, AZ	230 kV	PP-304
AEP Texas Central Company	Brownsville, TX	138 kV	PP-94
	Brownsville, TX	69 kV	PP-94
	Laredo, TX	138 kV	PP-317
	Laredo, TX	230 kV	PP-317
	Eagle Pass, TX	138 kV	PP-219
Pl Dans Claricis Causes	bali suu	44= l.s.i	BB 40
El Paso Electric Company	Diablo, NM	115 kV	PP-92
	Ascarate, TX	115 kV	PP-48
San Diego Gas & Electric	Miguel, CA	230 kV	PP-68
	Imperial Valley, CA	230 kV	PP-7 <del>9</del>
Sharyland Utilities	McAllen, TX	138 kV	PP-285

Applicant does not currently own or control electric generation or transmission facilities, and does not have a power supply of its own in the United States on which its exports of power could have a reliability, fuel use, or system stability impact. The electric power that Applicant will export, on either a firm or interruptible basis, will be purchased from others (generators, marketers, electric utilities, etc.) voluntarily and therefore will be surplus to the needs of the selling entities. Accordingly, 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, but instead will conform to system requirements as they may change over time.

Additionally, as a power marketer that does not own or operate a transmission system, Applicant does not have the ability to cause a violation of the terms or conditions in the existing authorizations associated with the international transmission facilities identified in Figure 1. Specifically, Applicant does not have the ability to cause total exports on Presidential Permit facilities to exceed the authorized instantaneous transmission rate.

Further, BioUrja will comply will all applicable scheduling and reliability standards of NERC.

In previous orders granting export authorizations to electric power marketers, the DOE has taken into consideration the unique nature of power marketers who do not have franchised service areas and, consequently, do not have native load obligations that could be impaired by exports. These same considerations indicate that Applicant's proposed exports will not impair or tend to impede the sufficiency of electric supplies in the United States or the regional coordination of electric utility planning or operations.

#### V. CONSISTENCY WITH LAWS

Authorization of the exports proposed by Applicant is consistent with the North

American Free Trade Agreement and US energy policy and will foster development of a more efficient and
competitive North American energy market. Applicant will conduct all operations pursuant to this Export

Authorization in accordance with the provisions of the FPA and pertinent rules, regulations and orders adopted
or issued thereunder, and in conformity with the reliability criteria, standards and guidelines of NERC, regional
reliability councils, and control area operator(s), including any applicable regional transmission organizations or
independent system operators.

Because the proposed exports will occur over existing transmission facilities, Applicant respectfully submits that the Application qualifies for a categorical exclusion under the National Environmental Policy Act of 1969, such that neither an environmental assessment nor an environmental impact statement is required.

#### VI. EXHIBITS

Pursuant to Section 205.303 of DOE regulations, the following Exhibits are attached hereto:

Exhibit A:

Not Applicable

Exhibit B:

Legal Opinion of BioUrja Power's Counsel

Exhibit C:

Maps - Not Applicable

Exhibit D:

Designated Agent - Not Applicable

Exhibit E:

Corporate Relationship of Existing Contract - Not Applicable

Exhibit F:

Operating Procedures - Not Applicable

Exhibit G:

Verification

Pursuant to 10 C.F.R. §205.309, a copy of the Application is being provided to:

Federal Energy Regulatory Commission 888 First Street, N.E. Washington, DC 20426

Public Utilities Commission of Texas 1701 N. Congress Avenue P.O. Box 13326 Austin, TX 78711

#### VII. CONCLUSION

In consideration of the foregoing, BioUrja Power, LLC respectfully requests that the Department of Energy approve this Application for authorization to export electric energy to Mexico for a term of five (5) years.

Respectfully submitted.

Shek Jain

BioUrja Power, LLC

1080 Eldridge Parkway, Suite 1175

Then fair

Houston, TX 77077

Attorney for BioUrja Power, LLC

September 7, 2016

### **EXHIBIT B**

# LEGAL OPINION

I, Shek Jain, General Counsel and Senior Advisor of BioUrja Power, LLC (the "Company"), hereby certify on behalf of the Company and without personal liability in support of the Application of BioUrja Power, LLC for authorization to transmit electric energy into Mexico (the "Application") dated September 9, 2016, that:

- 1. The Company is duly established, validly existing, and in good standing under the corporate laws of the State of Delaware;
- 2. The Company has the means and capacity to act in the manner described in the Application, and;
- 3. To the best of my knowledge and belief, the Company and its officers and directors have complied with all pertinent federal and state laws related to the actions to be undertaken pursuant to the Application.

Shek Jain, General Counsel and Senior Advisor

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BioUrja Power, LLC

September 7, 2016

## **EXHIBIT G**

# **VERIFICATION**

STATE OF TEXAS	)
	) SS.
COUNTY OF HARRIS	)

I, Shek Jain, General Counsel and Senior Advisor of BioUrja Power, LLC, having knowledge of the matters set forth in the Application of BioUrja Power, LLC for Authorization to Transmit Electric Energy into Mexico and its exhibits and attachments, hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.

Shek Jain, General Counsel and Senior Advisor

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2016.

Notary Public

