November 20, 2026

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From: Solar Energy Industries Association

Subject: Ex Parte Memorandum Bulk-Power System

On November 13, 2026, representatives of the Solar Energy Industries Association (SEIA) met virtually with the U.S. Department of Energy Office of Cybersecurity, Energy Security, and Emergency Response (CESER) on Executive Order 14421 Declaring a National Emergency to Secure the United States Bulk Power System and DOE Request for Information (DOE-HQ-2026-1123) (91 FR 57322 (9/9/2026).

In alignment with SEIA's submission in response to the RFI, SEIA made the following recommendations related to definitions of foreign and domestically produced; clarification of scope; risks of retroactive policymaking; cybersecurity frameworks; change allowances; supply chain scrutiny; intellectual property licensing; and compliance monitoring and industry engagement:

I. Definitions of Foreign and Domestically Produced
   a. Limit any restrictions to CFEs defined as those entities "subject to a United States arms embargo or sanctions regime, under the International Traffic in Arms Regulations (22 C.F.R. 126.1)," as detailed in Executive Order 14421.
   b. Allow energy technology that qualifies for the 45X tax credit or the Buy American standard to qualify as domestically-produced.
   c. Exempt entities that are not deemed a "Specified Foreign Entity" or a "Foreign Influenced Entity" by the One Big Beautiful Bill Act PFE standards from any entity-level prohibition.
   d. Refrain from using foreign design or development criteria, standing alone, to designate equipment foreign-produced or disqualify equipment that otherwise meets domestic-production criteria.

II. Scope Clarification
   a. Exclude equipment that has the capability to be used in – but is not currently operational on – the bulk-power system.
   b. Exclude software, firmware, and digital services in equipment outside the bulk-power system.
   c. Exclude behind-the-meter and front-of-the-meter distribution-connected assets, including those that participate in virtual power plants that bid into wholesale markets.

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d. Exclude assets connected to the sub-transmission system, even if voltages exceed 69 kV, using NERC's definition of the Bulk Electric System (BES). Equipment within the BES framework should therefore generally be covered, while equipment outside it should generally be excluded.

III. Retroactive Policymaking Risk & Alternatives
   a. Avoid replacement and removal of existing equipment operational in the bulk-power system because it would be prohibitively costly, and the resulting operational downtime would pose significant risk to grid reliability and consumer affordability, especially in light of increased load on the grid.
   b. Coordinate with NERC to avoid duplicative requirements that proactively mitigate CFE and cybersecurity risk. NERC CIP standards cover supply chain risk management, network segmentation, access controls and secure remote access, vendor transition, and physical security controls that effectively identify, isolate, monitor, and secure grid equipment.

IV. Cybersecurity Frameworks
   a. DOE should limit restrictions of critical equipment, software, firmware, and digital services to those that exert operational control over safety-critical or operation-critical systems for energy generation and storage technology.
   b. Leverage INL's Consequence-driven Cyber-informed Engineering (CIE) to support risk-based assessments of bulk-power system equipment, including factors like function, consequence if compromised, and cybersecurity capability.

V. Change Allowances
   a. Align with FCC on hardware replacements and permissive changes for equipment that is already operational in the bulk-power system. Such an allowance provides for the safe and continued servicing, substitution, and operation of critical hardware, software, and firmware of equipment such as power inverters and power conversion systems that are key to grid stability and reliability.

VI. Supply Chain Scrutiny
   a. Refrain from imposing restrictions on any equipment beyond the finished product level that does not exert direct operational control over safety-critical or operation-critical systems.
   b. Refrain from mandatory software bills of material (SBOM) and hardware bills of materials (HBOM) disclosures. They are burdensome, contain highly sensitive intellectual property (IP), and do not address the national security risks identified in Executive Order 14421.

VII. Intellectual Property Licensing
   a. Limit licensing restrictions to licenses that give a CFE continuing technical or operational control over covered equipment. Standard commercial technology licenses do not provide CFEs with a continuing ability to influence the operation or availability of covered equipment.

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VIII. Compliance Monitoring and Industry Engagement
   a. Adopt a regime of post-market audits, rather than preemptive bans on foreign-produced bulk-power system electric equipment on suspicion of supply chain compliance issues, that aligns with the FCC's approach to routers and unmanned aircraft systems (UAS) and reduces the burden on industry to comply with already tight timelines for project development.
   b. Establish transparent criteria and procedures when considering new CFE designations, including notice, a clear evidentiary basis, and a process for review, appeal, and removal from the list.

From SEIA, the following representatives were present.

- Emily Burlinghaus, Director of Energy Storage Manufacturing and Supply Chain
- Chelsea Neely, Director of Cybersecurity Policy
- Alec Ward, Senior Director of Regulatory Affairs

From DOE, the following representatives were present.

- Eric Rollison, Assistant Director, Technology Development, Office of Cybersecurity, Energy Security, and Emergency Response
- Samuel Carini, Special Advisor for Intergovernmental and External Affairs, Office of Congressional and Intergovernmental Affairs

Please contact me with any questions regarding this memorandum.

Sincerely,

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