

UNITED STATES OF AMERICA

MAR 30 2018

BEFORE THE

Electricity Delivery and  
Energy Reliability

DEPARTMENT OF ENERGY

OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

VIASYN, INC.

Docket No. EA-451

**APPLICATION OF VIASYN, INC.**

**FOR AUTHORIZATION TO TRANSMIT ELECTRICITY TO MEXICO**

Viasyn, Inc. ("Applicant") hereby files this application pursuant to 10 C.F.R § 205.300, *et seq.*, with the Department Of Energy, Office Of Electricity Delivery And Energy Reliability (the "Department"), for authority to transmit electric energy from the United States to Mexico.

**I. DESCRIPTION OF APPLICANT AND BACKGROUND FOR REQUEST**

Applicant is a Delaware corporation based in San Ramon, California, which expects to provide a wide spectrum of energy-related services to a diverse range of customers located in Mexico. Applicant is not a franchised public utility with a transmission or distribution system, and does not have captive customers.

Viasyn intends to apply for market-based rate authority at FERC, however, it has not made that application at this point in time.

**II. INFORMATION REQUIRED PURSUANT TO 10 C.F.R. SECTION 205.302**

**a. Exact legal name of applicant:**

Viasyn, Inc.

**b. Exact legal name of all partners:**

Not applicable.

**c. Name, title, post office address, and telephone number of the person to whom correspondence in regard to the application shall be addressed:**

RJ Schembs

Viasyn, Inc.  
2440 Camino Ramon, Suite 299  
San Ramon, CA 94583  
(925) 904-4421  
rschembs@viasyn.com

**d. State or territory under the laws of which the applicant is organized or incorporated, or authorized to operate. If the applicant is authorized to operate in more than one state, all pertinent facts shall be included.**

Applicant is a Delaware corporation, incorporated in 2000, and is currently authorized to operate in California.

**e. Name and address of any known Federal, State or local government agency which may have any jurisdiction over the action to be taken in this application and a brief description of that authority.**

Pursuant to Section 202(e) of the Federal Power Act, the Department's Office of Electricity Delivery and Energy Reliability is the sole agency with jurisdiction over the proposed export of electric energy to Mexico. The address is:

Office of Electricity Delivery and Energy Reliability  
OE-20, Room 8G-024  
1000 Independence Avenue, S.W.  
Washington, DC 20585

No other known Federal, State or local government entity or agency has jurisdiction over the proposed exports described in this application.

**f. Description of the transmission facilities through which the electric energy will be delivered to the foreign country, including the name of the owners and the location of any remote facilities.**

Applicant seeks authorization to export electric energy to Mexico over the planned or existing authorized international electric transmission facilities listed in Exhibit C to this application. Applicant's request for authorization under this application qualifies for a categorical exclusion under the Department's regulations implementing the National Environment Policy Act of 1969, inasmuch as Applicant's request for export authority is limited to the use of transmission facilities for which a Presidential Permit has been issued.

- g. Technical discussion of the proposed electricity export's reliability, fuel use and system stability impact on the applicant's present and prospective electric power supply system. Applicant must explain why the proposed electricity export will not impair the sufficiency of electric supply on its system and why the export will not impede or tend to impede the regional coordination of electric utility planning or operation.**

Applicant seeks authority to transmit electric power to Mexico as a power marketer for a period of five (5) years, or for such other period as the Department deems appropriate, effective from the date of the order granting this application. In previous orders, the Department has endorsed a flexible approach for evaluating the reliability issues associated with proposed export transactions. When considering applications from power marketers for export authorizations involving planned or existing international transmission facilities, the Department has relied on the technical analyses available for those facilities. Applicant submits that it is appropriate for the Department to apply the same standard with respect to this request.

As noted above, Applicant does not have its own system on which its exports of energy could have an impact with respect to electric supply. As such, Applicant's proposed exports would not impair the sufficiency of the electric supply on "its system," as Applicant does not own or operate an integrated transmission or distribution system. The electric energy that Applicant would export on a firm or interruptible basis would be surplus energy purchased in wholesale markets in bilateral, voluntary transactions. Moreover, any such energy would be surplus to the needs of the relevant system, and exportation of said energy would not impair the adequacy of electric power supply within the United States by adversely impacting native load customers or other market participants.

The requested authorization will not impede or tend to impede regional coordination of electric utility planning or operations. Applicant's export transactions will be completed using the relevant procedures and/or market structures, and coordinated with all parties as required pursuant to the applicable market rules, as well as the reliability standards implemented by the North American Electric Reliability Corporation ("NERC"). Applicant further agrees to abide by the export limits contained in the relevant authorization of any transmission facility over which it exports energy to Mexico. Therefore, Applicant's export transactions will not compromise transmission system security or reliability.

- h. The original application shall be signed and verified under oath by an officer of the applicant having knowledge of the matters set forth therein**

The Verification is included in Attachment 1 to this application.

### **III. EXHIBITS REQUIRED BY 10 C.F.R. SECTION 205.303**

In compliance with 10 C.F.R. § 205.303, the following exhibits are attached to this application:

- a. Exhibit A. A copy of the agreement or proposed agreement under which the electricity is to be transmitted including a listing of the terms and conditions. If this agreement contains proprietary information that should not be released to the general public, the applicant must identify such data and include a statement explaining why proprietary treatment is appropriate.**

Not Applicable. Applicant will purchase transmission services from regulated transmission providers under applicable tariff terms and conditions.

- b. Exhibit B. A showing, including a signed opinion of counsel, that the proposed export of electricity is within the corporate power of the applicant, and that the applicant has complied or will comply with all pertinent Federal and State laws.**

Please see opinion of counsel attached hereto as **Exhibit B.**

- c. Exhibit C. A general map showing the applicant's overall electric system and a detailed map highlighting the location of the facilities or the proposed facilities to be used for the generation and transmission of the electric energy to be exported. The detailed map shall identify the location of the proposed border crossing point(s) or power transfer point(s) by Presidential Permit number whenever possible.**

The owner, location, voltage, and the Presidential Permits under which the relevant border transmission facilities are constructed and maintained is set forth in **Exhibit C.**

- d. Exhibit D. If an applicant resides or has its principal office outside the United States, such applicant shall designate, by irrevocable power of attorney, an agent residing within the United States. A verified copy of such power of attorney shall be furnished with the application.**

Not applicable.

- e. Exhibit E. A statement of any corporate relationship or existing contract between the applicant and any other person, corporation, or foreign**

**government, which in any way relates to the control or fixing of rates for the purchase, sale or transmission of electric energy.**

Not applicable. Applicant has never engaged in energy transactions that relate to the control or fixing of rates for purchase, sale or transmission of electric energy.

- f. Exhibit F. An explanation of the methodology (Operating Procedures) to inform neighboring electric utilities in the United States of the available capacity and energy which may be in excess of the applicant's requirements before delivery of such capacity to the foreign purchaser. Approved firm export, diversity exchange and emergency exports are exempted from this requirement. Those materials required by this section which have been filed previously with the ERA may be incorporated by reference.**

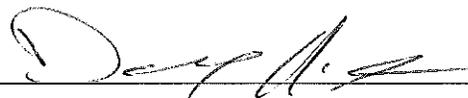
Not applicable. Applicant is a power marketer, and is not a franchised public utility with captive customers. Any export of electric energy from the United States to Mexico by Applicant will be completed using all applicable procedures and/or market structures, and coordinated with relevant parties as required pursuant to the reliability standards and market rules as implemented by NERC, FERC and all affected transmission operators.

#### **IV. CONCLUSION**

In consideration of the foregoing, Applicant respectfully requests approval of this application for authorization to export electrical energy to Mexico.

Dated: 3/15/18

Respectfully submitted,



By: Donald R. Sutphin  
Chairman, CEO

**Attachment 1**

I, Donald R. Sutphin, being first duly sworn, state that I am CEO and Chairman of the Board of Viasyn, Inc.; that I have reviewed this **APPLICATION OF VIASYN, INC. FOR AUTHORIZATION TO TRANSMIT ELECTRICITY TO MEXICO** and its exhibits and am familiar with the contents thereof; and that all of the statements contained therein are true and correct to the best of my knowledge, information and belief.

Sincerely,



Donald R. Sutphin, Chairman, CEO  
VIASYN, Inc.

925-904-4411 Office  
415-260-7348 Mobile  
dsutphin@viasyn.com

**NOTARIZATION:**

Subscribed and sworn to before me on this 15 day of March, 2018.



Notary Public  
My commission expires: 08/11/2019  
State of California  
county of contra costa

## **EXHIBIT A**

Not Applicable. Applicant will purchase transmission services from regulated transmission providers under applicable tariff terms and conditions.

**EXHIBIT B**

**Showing and Signed Opinion of Counsel that Proposed Export is within Viasyn's  
Corporate Power, and that Viasyn has and will Comply with Pertinent Federal and State  
Laws.**

Opinion of Counsel is attached.

March 19, 2018

US Department of Energy  
Office of Electricity Delivery and Energy Reliability  
OE-20, Room 6H-034  
1000 Independence Avenue, SW  
Washington, D.C. 20585

**RE: Application of Viasyn, Inc. for Authorization to Transmit Electricity to Mexico  
Docket No. EA-\_\_\_**

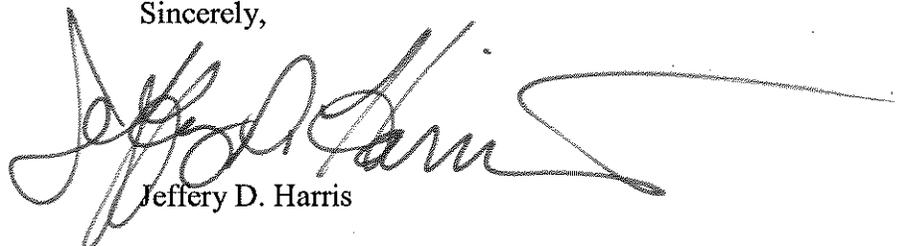
To whom it may concern:

This opinion is provided pursuant to Section 205.303(b) of the Department of Energy's regulations, 10 C.F.R. § 205.303(b) and in support of the Application of Viasyn, Inc. ("Viasyn, Inc.") for authorization to transmit electric energy to Mexico (Application).

We are counsel for Viasyn, Inc., a corporation organized under the Delaware General Corporation Law. We have reviewed and relied upon the incorporation documents of Viasyn, Inc., and a draft of the Application of Viasyn, Inc. for Authorization to Transmit Electricity to Mexico. Based on the foregoing, we are of the opinion that the activities described in the application are within the corporate powers of Viasyn, Inc.

Viasyn, Inc. has further represented to us that it has to date and will continue to comply with all pertinent Federal and State laws with respect to any undertaking related to the application.

Sincerely,



Jeffery D. Harris

## EXHIBIT C

### Location of Proposed Border Crossing or Power Transfer Point(s) Including Presidential Permit Number.

<u>Current Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.<sup>1</sup></u>
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
Baja California Power, Inc.	Imperial Valley, CA	230 kV	PP-234
Generadora del Desierto – WAPA	San Luis, AZ	230 kV	PP-304 <sup>2</sup>
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
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-79
Sharyland Utilities	McAllen, TX	138 kV	PP-285

<sup>1</sup> These Presidential Permit numbers refer to the generic DOE permit number and are intended to include any subsequent amendments to the Permit authorizing the facility.

<sup>2</sup> These transmission facilities have been authorized but not yet constructed or placed into operation.

**EXHIBIT D**

**Verified Copy of Power of Attorney if Applicant Resides or  
Has Principal Office Outside of the United States**

Not applicable.

## **EXHIBIT E**

### **Statement of Corporate Relationships or Existing Contracts Relating to Control or Fixing of Rates for Purchase, Sale or Transmission of Energy**

Not applicable. Applicant has never engaged in energy transactions that relate to the control or fixing of rates for purchase, sale or transmission of electric energy.

## **EXHIBIT F**

### **Explanation of Methodology (Operating Procedures) to Inform Neighboring Electric Utilities in the United States of the Applicant's Requirements in Excess of Applicant's Requirements**

Not applicable. Applicant is not a franchised public utility with captive customers. Any export of electric energy from the United States to Mexico by Applicant will be completed using all applicable procedures and/or market structures, and coordinated with relevant parties as required pursuant to the reliability standards and market rules as defined and implemented by NERC, FERC and all relevant balancing authorities and transmission operators.