

JUN 24 2019

UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND RELIABILITY

Electricity Delivery and  
Energy Reliability

ALEL TECHNOLOGIES LLC

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Docket No. EA-476

**APPLICATION OF ALEL TECHNOLOGIES LLC  
FOR AUTHORITY TO TRANSMIT ELECTRIC ENERGY TO MEXICO**

Pursuant to Section 202(e) of the Federal Power Act ("FPA")<sup>1</sup> and the regulations promulgated under 10 C.F.R. §§ 205.300, *et seq.*, ALEL Technologies LLC ("ALEL" or "Applicant") hereby submits this application to the Department of Energy, Office of Electricity Delivery and Energy Reliability ("Department") for, and respectfully requests, blanket authorization to transmit and export electricity from the United States to Mexico ("Application") for a period of five (5) years, or the maximum period allowed by the Department. ALEL further respectfully requests that this Application be made effective by June 18, 2019.

**I. DESCRIPTION OF APPLICANT**

The legal name of the Applicant is ALEL Technologies LLC. Applicant is a Delaware limited liability company with its principal place of business located at 778 Boylston St., Unit 6B, Boston, Massachusetts 02199. ALEL is a company organized to seek returns from North American electricity markets. ALEL is managed by Joaquin Leal Jimenez, whose address is 778 Boylston St., Unit 6B, Boston, Massachusetts 02199. The sole member of ALEL is Pangea Technologies LLC, a Delaware limited liability company with its principal place of business located at 778 Boylston St., Unit 6B, Boston, Massachusetts 02199 ("Pangea").

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<sup>1</sup> 16 U.S.C § 824a(e).

ALEL will be engaged in the business of marketing and trading electric energy and other energy-related products, not in the United States, but will acquire power solely for export to Mexico. Accordingly, ALEL will participate in the energy markets in the United States, including without limitation, by purchasing wholesale electric energy, capacity and ancillary services at market-based rates, but solely for resale to Mexico. ALEL will make these wholesale purchases in the Electricity Reliability Council of Texas ("ERCOT") and the California Independent System Operator ("CAISO"); and may also engage in such transactions in other geographic regions and energy markets in the United States, including without limitation, in the Arizona, New Mexico, Southern Nevada Power Area ("AZ/NM/SNV") and the Rocky Mountain Power Area ("RMPA"). ALEL has not previously sought authorization to export, nor has it exported, electricity to Mexico.

Neither ALEL, nor its owner, owns, operates or controls any electric generation, transmission or distribution facilities. In addition, neither ALEL, nor its owner, has a franchised service area or has entered into any contracts that confer ownership or control over generation capacity to ALEL or its owner. The owner of ALEL does not hold a board of director position with any energy company other than ALEL. ALEL is ultimately responsible for all electricity trading undertaken by itself and is ultimately responsible for compliance with all applicable laws, regulations, and market rules.

## **II COMMUNICATIONS AND CORRESPONDENCE**

Communications and correspondence concerning this filing should be addressed to:

Joaquin Leal Jimenez  
ALEL Technologies LLC  
778 Boylston St, Unit 6B, Boston,  
Massachusetts 02199  
Tel: +52 1 462 188 7458  
support@alel.mx

Antonio Peña  
Greenberg Traurig, PA  
333 S.E. 2<sup>nd</sup> Avenue  
Miami, Florida  
Tel: (305) 579-0806  
penaa@gtlaw.com

### **III. JURISDICTION**

Under Section 202(e) of the FPA and the Department's regulations, 10 C.F.R. §§ 205.300, *et seq.*, the Department has jurisdiction over the action proposed in this Application. No other known federal, state or local government has jurisdiction over the actions to be taken under the authority described in this Application.

### **IV. DESCRIPTION OF TRANSMISSION FACILITIES**

ALEL requests authority to export electric energy to Mexico over any international transmission facility authorized by Presidential Permit that is appropriate for open access by third parties in accordance with export limits assessed and authorized by the Department. ALEL intends and requests to export electric energy over the existing international transmission facilities between Mexico and the United States, as identified in Exhibit C. Exhibit C provides the owner name, location, voltage description, and Presidential Permit number of these existing international transmission facilities.

### **V. TECHNICAL DISCUSSION OF PROPOSAL**

Section 202(e) of the FPA and the Department's regulations promulgated thereunder provide that exports of electric energy should be authorized unless the proposed export would impair the sufficiency of electric power supply within the United States or would impede or tend to impede the coordinated use (from an operational reliability and security perspective) of the United States electric transmission system.<sup>2</sup>

ALEL will act as a power marketer that does not own or control electric generation facilities or transmission facilities. ALEL does not own or control a transmission or power supply system on which its proposed exports of power could have a reliability, fuel use or system stability

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<sup>2</sup> See 16 U.S.C § 824a(e); 10 C.F.R. §§ 205.300, *et seq.* (2018); *see, e.g.*, BP Energy Co., Order No. EA-314, at 2 (Feb. 22, 2007), *renewed*, Order No. EA-314-A, at 2 (May 3, 2012).

impact. Nor does ALEL have an obligation to serve native load within a franchised service area. ALEL will purchase the power it plans to export voluntarily through the electric energy markets in the United States (e.g., ERCOT, CAISO, AZ/NM/SNV and RMPA) and/or from electric utilities, wholesale generators, power marketers and other parties, and thus such power will be surplus to the needs of the selling parties or organization. ALEL's export of power will not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operation.

ALEL will make all necessary commercial arrangements and will obtain all other regulatory approvals required to carry out any power exports. This will include: (i) scheduling each transaction with the appropriate balancing authority area in compliance with all reliability criteria, standards and guidelines of the North American Reliability Corporation ("NERC") and applicable Regional Entities in effect at the time of the export, and (ii) obtaining all necessary transmission access over the existing transmission facilities listed in Exhibit C, including, complying with procedures for obtaining such transmission capacity from unaffiliated third parties. ALEL agrees to comply with the export limits contained in the relevant export authorization and Presidential Permit associated with the transmission facilities over which ALEL exports electric power to Mexico.

In prior Department orders granting export authorization to electric power marketers, the Department declined to rigidly apply the information filing requirements contained in its regulations and instead used a flexible approach which takes into consideration the unique nature of power marketers, the requirements of FERC Order No. 888<sup>3</sup> and previously authorized export

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<sup>3</sup> *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 1991-1996 FERC Stats. & Regs., Regs. Preambles ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 1996-20000 FERC Stats. & Regs., Regs. Preambles ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *reh'g denied*,

limits of cross-border facilities.<sup>4</sup> These same considerations demonstrate that the exports proposed by ALEL 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.

## **VI. COMPLIANCE WITH LAWS AND CONDITIONS**

ALEL will conduct its operations (i) in compliance with any authorization conditions imposed by the Department consistent with its prior orders authorizing power marketers blanket authority to export power and (ii) in accordance with the provisions of the FPA and applicable rules, regulations and orders adopted or issued thereunder. ALEL also will conduct its operations in conformity with the applicable reliability criteria, standards and guidelines of NERC, reliability coordinators and balancing authority area operators, including any applicable regional transmission organizations or independent system operators. If required by the Department, ALEL's exports of power will not exceed the export limits for the transmission facilities used by ALEL, or otherwise cause a violation of the terms and conditions established in the export authorization. ALEL will provide the Department with evidence that it has secured sufficient transmission services for the delivery of power and with all periodic reports regarding exports of power, as may be applicable or required.

ALEL respectfully submits that the Application qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 such that neither an Environmental Agreement nor an Environmental Impact Statement is required because the exports of power proposed by ALEL will occur over existing transmission lines.<sup>5</sup>

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Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in part and remanded in part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>4</sup> See e.g., *Morgan Stanley Capital Power Grp. Inc.* Order No. EA-185-A-CN (Aug. 14, 2000); *Saracen Energy Partners, LP*, Order No. EA-340 (June 18, 2008).

<sup>5</sup> See 10 C.F.R. § 1021.410; 10 C.F.R. pt. 1021, App. B to Subpart D, § B4.2; see, e.g., *Morgan Stanley Capital Grp. Inc.*, Order No. EA-185-D, at 8 (July 8, 2015).

## **VII. VERIFICATION, REQUIRED COPIES AND FEE**

The verification executed by ALEL's authorized representative in accordance with 10 C.F.R. § 205.302(h) is enclosed with the Application. In accordance with the requirements of 10 C.F.R. § 205.307, an original and two (2) copies of the Application are being provided to the Department. In accordance with the requirements of 10 C.F.R. § 205.309, a copy of this Application will be provided to the Secretary of the Federal Energy Regulatory Commission at the following address:

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

A check in the amount of \$500.00 made payable to the Treasurer of the United States is enclosed as payment of the fee specified in 10 C.F.R. § 205.309.

## **VIII. REQUIRED EXHIBITS**

In accordance with the requirements of the Department's regulations (10 C.F.R. § 205.303), the following applicable exhibits are attached to this Application:

Exhibit A	Transmission Agreements	Not Applicable
Exhibit B	Opinion of Counsel	Attached
Exhibit C	Transmission Facilities	List of international transmission facilities submitted in lieu of a map
Exhibit D	Designation of Agent	Not Applicable
Exhibit E	Statement of Corporate Relationship or Contract	Not Applicable
Exhibit F	Operating Procedures	Not Applicable

To the extent necessary, ALEL requests a waiver of the requirement to provide the exhibits that are not applicable to this Application, as noted above.

**IX. CONCLUSION**

WHEREFORE, ALEL respectfully requests that the Department grant this Application for blanket authorization to export power from the United States to Mexico, for a period of five (5) years, or the maximum period allowed by the Department, with such authorization to be effective as of June 18, 2019.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Antonio Peña", written over a horizontal line.

Antonio Peña  
Greenberg Traurig, PA  
333 S.E. 2<sup>nd</sup> Avenue  
Miami, FL 33131  
Tel: (305) 579-0806  
penaa@gtlaw.com

**Counsel for ALEL Technologies LLC**

*(Verification Page to Follow)*

UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

ALEL Technologies LLC

)  
) Docket No. EA-\_\_\_\_\_  
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VERIFICATION

I, Carlotta Leal Jimenez, Secretary of ALEL Technologies LLC ("ALEL"), am authorized to provide this verification on behalf of ALEL, have knowledge of the matters set forth in the foregoing Application of ALEL for Authority to Transmit Electric Energy to Mexico, and hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.



\_\_\_\_\_  
Carlotta Leal Jimenez  
Secretary

COMMONWEALTH

STATE OF MASSACHUSETTS )

) SS:

COUNTY OF SUFFOLK )

The foregoing instrument was signed and sworn to before me this 18th day of June, 2019, by Carlotta Leal Jimenez, who personally appeared before me and ☐ is personally known to me or ☒ produced MEXICO PASSPORT NO G32485007 as identification.

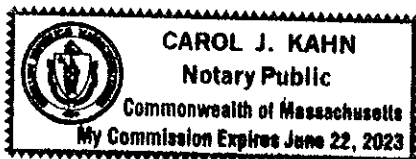


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Notary Public (sign above)

Print Name: CAROL J. KAHN

COMMONWEALTH  
Notary Public, State of: MASSACHUSETTS

My Commission Expires: JUNE 22, 2023



[Notary stamp and signature]



**EXHIBIT A - TRANSMISSION AGREEMENTS**

*Not Applicable*

**EXHIBIT B - OPINION OF COUNSEL**

*See Attached*

June 18, 2019

The United States Department of Energy  
Attention: Mr. Christopher Lawrence  
Office of Electricity, 8G-017  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Ladies and Gentlemen:

Greenberg Traurig, PA (the “Firm”) has acted as special legal counsel to ALEL Technologies LLC (“ALEL”), a Delaware limited liability company, for the purpose of delivering this Opinion Letter in connection with the Application of ALEL for Authority to Transmit Electric Energy to Mexico (the “Application”) submitted to the U.S. Department of Energy (the “DOE”). This Opinion Letter is provided in connection with the Application as required by 10 C.F.R. §205.303(b) (2018).

This Opinion Letter is rendered only to you and is solely for your benefit in connection with the Application. This Opinion Letter may not be relied upon by you for any other purpose; nor may it be quoted, circulated, referred to or delivered to or relied upon by any other person, firm or entity for any purpose without our prior express written consent.

ALEL is proposing to export electricity to Mexico. The Firm has been engaged by ALEL to provide an Opinion Letter regarding ALEL’s intent to comply with pertinent federal and state laws.

**A. Limitations and Exclusions.** This Opinion Letter is subject to the following limitations and exclusions:

- (1) It is limited in scope to the material federal permits, registrations, notifications, certifications and other regulatory approvals that are necessary pursuant to any law, rule, regulation, order or other instrument known to the Firm and which are required of ALEL to export electricity to Mexico. We did not examine, and this Opinion Letter specifically excludes from coverage, any other federal, state, and local permits, registrations, notifications, certifications, governmental approvals or regulatory authorizations that ALEL may be required to obtain;
- (2) It specifically excludes from coverage all approvals required to be obtained by or from the owners or operators of the transmission facilities and interconnecting utilities;
- (3) Any ongoing reporting requirements arising after ALEL commences the export of electricity to Mexico, such as those typically detailed in agency permits and rules (e.g., self-reporting, record keeping, and permit renewals), are also excluded;
- (4) Future changes in applicable laws, regulations and programs, or in their implementation, may require approvals different from or in addition to those discussed herein. Future legal requirements are beyond the scope of this Opinion Letter and excluded from coverage; and

- (5) It is based solely on the actual present knowledge of the attorneys in the Firm who are directly involved in the representation of ALEL and the Officer's Certificate of ALEL annexed to this Opinion Letter.

**B. Reliance.** With respect to the factual and technical matters arising in connection with our examination of the Application and relevant to the opinion expressed herein, the Firm has assumed the truth and veracity of the representations, certifications and documents provided by ALEL without independent investigation, verification or analysis, including without limitation the following documents, which we have examined and with which we are familiar:

- (1) The ALEL Officer's Certificate, annexed to this Opinion Letter; and
- (2) The Application to which this Opinion Letter is attached as Exhibit B.

**C. Assumptions.** In preparing this Opinion Letter, the Firm has assumed the following:

- (1) the authenticity of original documents and the genuineness of all signatures;
- (2) the conformity to the originals of all documents submitted to the Firm as copies;
- (3) the due authorization, execution, and delivery of documents on behalf of the parties to such documents and the legal, valid, and binding effect of such documents on the parties;
- (4) the absence of any extrinsic evidence that the parties to a document intended a meaning contrary to that expressed by the provisions of the document; and
- (5) the truth and accuracy of all statements and certifications made by ALEL and by any person on behalf of ALEL, and of all documents and other factual and technical matters furnished by ALEL or on behalf of ALEL, and that none of such entities or persons have made, and that none of such documents or other factual and technical matters contain, an untrue statement of any material fact or omit a material fact necessary to make such statements or certifications, in light of the circumstances in which they were made, not misleading.
- (6) Opinion. Based upon and subject to the foregoing, and the other limitations and qualifications set forth herein, the Firm is of the opinion that to the best of our knowledge, ALEL intends to comply with all applicable and pertinent federal and state laws regarding the exportation of electric energy from the United States to Mexico and the matters contemplated in the Application.

Very truly yours,

*Greenberg Traurig PA*  
Greenberg Traurig PA


## ALEL OFFICER'S CERTIFICATE

This ALEL Technologies LLC Officer's Certificate ("Certificate") is being delivered to Greenberg Traurig, PA (the "Firm") for reliance hereon by the Firm in rendering their opinion letter to which this Certificate is annexed (the "Opinion Letter"). The undersigned understands, acknowledges and agrees that the facts set forth in the Opinion Letter and this Certificate are being relied upon by the Firm in rendering the Opinion Letter and by each addressee thereof and other parties to the Application to which the Opinion Letter relates. Capitalized terms not defined herein have the meanings assigned to them in the Opinion Letter and the Application. The undersigned hereby represents, warrants, covenants and certifies, after reasonable investigation and review and consultation as appropriate with its attorneys and independent accountants, as follows:

1. ALEL Technologies LLC ("ALEL") does not engage in the wholesale sale of power in interstate commerce and virtual energy and other financial transactions within the wholesale energy markets in the United States.
2. ALEL does not engage in any retail sales of power or any other retail transactions, nor does it engage in the generation, distribution or transmission of power.
3. ALEL has applied to participate as a market participant within the energy markets of the Electricity Reliability Council of Texas ("ERCOT") and the California Independent System Operator ("CAISO").
4. ALEL intends to comply with all applicable and pertinent (i) rules and regulations of the ERCOT and CAISO and any other organized energy markets in the United States (e.g. AZ/NM/SNV and RMPA), and (ii) federal laws, rules and regulations, including those under the Federal Power Act and implemented by the North American Reliability Corporation and its regional entities and by the U.S. Department of Energy in connection with the exportation of electric energy from the United States to Mexico.
5. ALEL intends to comply with all applicable and pertinent state laws, rules and regulations, including those of the States of Texas and California.
6. ALEL takes no actions to solicit transaction counterparties in the United States, whether within the ERCOT and CAISO markets or otherwise, except as otherwise permitted as a market participant in those markets.
7. ALEL is a limited liability company duly organized under the laws of Delaware. Reference is made to the organizational documents of ALEL, that is, the Limited Liability Company Agreement dated November 7, 2018, and the Certificate of Formation dated November 7, 2018 (collectively, the "LLC Agreement"). The LLC Agreement is in full force and effect at this date and has not been amended or waived and neither the manager nor the member of the limited liability company have passed, confirmed or consented to any amendments or variations of the LLC Agreement.

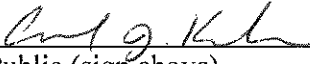
As of the date of the Opinion Letter, I, Carlotta Leal Jimenez, Secretary of ALEL, am authorized to provide this Certificate of ALEL, have knowledge of the matters set forth in the foregoing Certificate, and hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.

**ALEL TECHNOLOGIES LLC**

By:   
Name: Carlotta Leal Jimenez  
Title: Secretary

COMMONWEALTH  
STATE OF MASSACHUSETTS )  
 ) SS:  
COUNTY OF SUFFOLK )

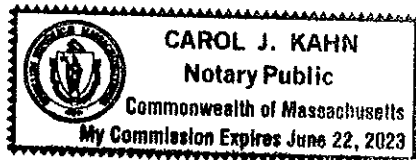
The foregoing instrument was signed and sworn to before me this 18th day of June, 2019, by Carlotta Leal Jimenez, who personally appeared before me and ☐ is personally known to me or ☒ produced MEXICO PASSPORT NO. 6 32485007 as identification.

  
Notary Public (sign above)

Print Name: CAROL J. KAHN

COMMONWEALTH  
Notary Public, State of: MASSACHUSETTS

My Commission Expires: JUNE 22, 2023



[Notary stamp and signature]

## EXHIBIT C

### International Transmission Facilities Located At the U.S. – Mexico Border Authorized for Third-Party Use and Appropriate for Export

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.<sup>1</sup></u>
Comisión Federal de Electricidad	Falcon Dam, TX	138 kV	N/A <sup>2</sup>
	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>3</sup>
AEP Texas Central Company	Brownsville, TX	138 kV	PP-425
	Brownsville, TX	69 kV	PP-425
	Laredo, TX	138 kV	PP-423
	Laredo, TX	230 kV	PP-423
	Eagle Pass, TX	138 kV	PP-424
El Paso Electric Company	Diablo, NM	115 kV	PP-98
	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> The international transmission facilities consisting of a 138 kV line at falcon Dam in Falcon Heights, Texas, were authorized by the treaty between the United States and Mexico titled, "Utilization of Waters of Colorado and Tijuana Rivers and of the Rio Grande," signed February 3, 1944, and are open for access transmission.

<sup>3</sup> These transmission facilities have been authorized but not yet constructed or placed into operation.

**EXHIBIT D - DESIGNATION OF AGENT AND POWER OF ATTORNEY**

*Not Applicable*



**EXHIBIT E - STATEMENT OF ANY CORPORATE RELATIONSHIP OR EXISTING  
CONTRACT**

*Not Applicable*

## **EXHIBIT F - OPERATING PROCEDURES**

*Not Applicable*