

US Department of Energy

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

MAR 13 2020

Electricity Delivery and
Energy Reliability

Attention: Mr. Christopher Lawrence

Re: Application for Renewal of authorization to transmit Electric Energy to Mexico,
OE-Docket No. EA 9054

Dear Mr. Lawrence:

Enclosed for filing on behalf of Del Norte Energy LLC is an original and 5 copies of
An Application for Renewal of Authorization to export electricity from the United
States to Mexico. Also is enclosed a check for \$500.00 as the filing fee for this
application.

Please do not hesitate to contact me with any questions regarding this filing.

Very truly yours

Del Norte Energy LLC



Jorge Astorga
Vice President
Del Norte Energy LLC
4023 Kennett Pike, 50027
Wilmington, DE, 19807
Phone (619)709-6599
jorge@delnortenergy.com

US Department of Energy

MAR 03 2020

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

Electricity Delivery and
Energy Reliability

DEL NORTE ENERGY LLC

)

OE Docket No. EA- 405-4

APPLICATION OF
DEL NORTE ENERGY LLC
FOR RENEWAL OF AUTHORIZATION
TO TRANSMIT ELECTRIC ENERGY FROM THE UNITED STATES TO MEXICO

Jorge Astorga
Vice President
Del Norte Energy LLC
4023 Kennett Pike, 50027
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Phone (619)709-6599
jorge@delnortenergy.com

26 February 2020

II. DESCRIPTION OF APPLICANT

The exact legal name of the DNE is Del Norte Energy LLC. DNE is a Delaware limited liability company with its principal place of business in Delaware. DNE is wholly owned by individual investors. DNE does not have any affiliates with authority to export electricity currently. In addition, DNE is not seeking authorization to export power on behalf of, or in conjunction with, any partners or partnerships.

DNE will be in the business of participating in the wholesale market for purchases and sales of electric energy. DNE does not own or control any electric generating or transmission facilities, nor does the DNE have a franchised service area. Upon obtaining renewal of authorization to export power, DNE will operate as a power marketer¹ and broker and buy electric power at wholesale in the United States for sale only in Mexico. DNE does not contemplate making wholesale or retail sales within the United States, but if in the future such sales are contemplated, DNE will seek all appropriate regulatory authorizations, including but not limited to authorization from the Federal Energy Regulatory Commission ("FERC") to make sales of electric power at wholesale in interstate commerce at market-based rates. DNE will purchase the power to be exported from wholesale generators, electric utilities, and power marketing agencies. DNE will have title to any electricity transmitted to Mexico under the authorization sought in this Application. This Application relates to DNE as a marketer of electric power only.

III. COMMUNICATIONS

Communications regarding this Application should be addressed to the following:

Jorge Astorga
Vice President
Del Norte Energy LLC
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Wilmington, DE, 19807
Phone (619)709-6599
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¹ As used herein, the terms "marketer" and "power marketer" mean an entity that buys and sells electric power for its own account.

international transmission facilities identified in Attachment I. Specifically, DNE does not have the ability to cause total exports on Presidential Permit facilities to exceed the authorized instantaneous transmission rate.

DNE will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to carry out any power exports. This would include: (1) scheduling each transaction with the appropriate balancing authority area in compliance with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation and the relevant Regional Entities (collectively, "NERC") in effect at the time of export, and (2) obtaining all necessary transmission access over approved export facilities. Del Norte agrees to abide by the export limits contained in the relevant export authorization of any transmission facilities over which Del Norte exports electric power to Mexico. The controls that are inherent in any transaction that complies with all NERC requirements and the export limits imposed by the Department on the international transmission facilities are sufficient to ensure that exports by Del Norte would not impede or tend to impede the coordinated use of transmission facilities within the meaning of FPA Section 202(e).

In previous orders granting export authorizations 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 and previously authorized export limits of cross-border facilities.² These same considerations demonstrate that DNE'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.

² See, e.g., NorAm Energy Services, Inc., No. EA-105-CN (Aug. 16, 1996); MidCon Power Services Corp., No. EA-114 (July 15, 1996); US Gen Power Services, No. EA-112 (June 27, 1996); CNG Power Services C01p., No. EA-110 (June 20, 1996); Destec Power Services, Inc., No. EA-113 (May 31, 1996); North American Energy Collse111atio11, Inc., No. EA-103 (May 30, 1996); NorAm Energy Services, Inc., No. EA-105-MX (May 30, 1996); Enron Power Marketing, Inc., No. EA-102 (Feb. 6, 1996); Margan Stanley Capital Group Inc., No. EA-185-A-CN (Aug. 14, 2000); Saracen Energy Partners, LP, No. EA-340 (June 18, 2008).

Exhibit D (Not applicable) - Designated Agent.

Exhibit E (Not applicable) - Corporate Relationship or Existing Contract,

Exhibit F (Not applicable) - Operating Procedures. Verification.

Exhibit G Verification

IX. CONCLUSION

Del Norte Energy LLC respectfully requests that the Department of Energy grant this Application as requested herein.

Respectfully submitted,



Jorge Astorga
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CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

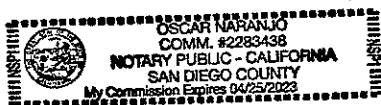
Subscribed and sworn to (or affirmed) before me

on this 26th day of February, 2020,
 by Date Month Year

(1) Jorge Alfredo Vizcarra Astorga

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.



Signature [Signature]
 Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Verification Document Date: 2-26-2020
 Number of Pages: 1 Signer(s) Other Than Named Above: _____

VERIFICATION

STATE OF CALIFORNIA

)

) SS.


CITY OF SAN YSIDRO

)

The undersigned, being duly sworn, states that he is the authorized representative of Del Norte Energy LLC; that he has read the foregoing application and knows the contents thereof; and that all the statements contained therein with respect to Del Norte Energy LLC are true and correct to the best of his knowledge, information and belief.

Subscribed and sworn to before me this 26th day of February 2020

Notary Public



Jorge Alfredo Vizcarra Astorga
VP of Sales

MALDONADO MYERS LLP

750 B STREET, SUITE 1710, SAN DIEGO, CALIFORNIA 92101
TEL. (619) 342 - 1422 | FAX (619) 694 - 4718
<http://www.maldonadomyers.com/>

February 25, 2020

Office of Electricity (OE)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Opinion of counsel in support of renewal of authorization to export electricity from the United States to Mexico.

Dear Sir or Madam:

We are providing this opinion as counsel for Del Norte Energy LLC, a Delaware limited liability company ("Del Norte") pursuant to 10 C.F.R. §205.303(b), in connection with the application ("Application") of Del Norte to renew its authorization ("Authorization") from the Department of Energy ("DOE") to export electricity to Mexico.

For purposes of this opinion, we have examined the following documents (the "Reviewed Documents"):

- (a) Certificate of Formation of Del Norte issued by the Secretary of State of the State of Delaware, dated October 24, 2014 ("Certificate of Formation");
- (b) Limited Liability Company Agreement of Del Norte, dated October 24, 2014, as amended;
- (c) Certificate of Good Standing of Del Norte LLC issued by the Secretary of State of the State of Delaware, dated January 30, 2020 (the "Delaware Certificate");
- (d) Officer Certificate in Support of Legal Opinion executed by Jorge Alfredo Vizarra Astorga, President and CEO of Del Norte, dated February 3, 2020 ("Officer Certificate").

The opinions expressed herein are based solely on our review of the Reviewed Documents. We have relied on the truth, veracity and authenticity of the Reviewed Documents. We have also assumed that the Reviewed Documents contain no untrue statements of material fact or omit a material fact necessary to make such statements or certifications true and correct.

Based upon and subject to the foregoing assumptions, qualifications and other matters set forth in this opinion letter, we are of the opinion that:

1. Del Norte is a limited liability company validly existing under the laws of the

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State of Delaware.

2. Subject to receiving the renewal of its Authorization from the DOE, Del Norte has the corporate power and authority to "broker electricity within the United States and to any export markets authorized by the law".

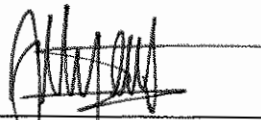
3. Del Norte is a company in good standing in the state of Delaware; and

4. As per the Officer Certificate, Del Norte has complied with all federal and state laws relating to the transition of electric energy to Mexico.

The opinions expressed in this opinion letter: (a) are strictly limited to the matters stated in this opinion letter, and without limiting the foregoing, no other opinions are to be implied; and (b) are made only as of the date of this opinion letter. We are under no obligation, and will not undertake, to advise you or any other person or entity either of any change of law or fact that occurs, or of any fact that comes to our attention, after the date of this opinion letter, even though such change or such fact may affect the legal analysis of a legal conclusion in this opinion letter.

This opinion letter: (a) is delivered to you solely for your benefit in connection with your consideration of Del Norte's Application for renewal of its Authorization and may be relied upon only by you for such specific purpose; (b) may not be relied on by, or furnished to, any other person or entity without our prior written consent; and, (c) without limiting the foregoing, may not be quoted, published or otherwise disseminated, without in each instance our prior written consent. Notwithstanding the foregoing, you may furnish or disseminate a copy of this opinion letter to the extent required by law.

MALDONADO MYERS LLP



Julian B. Myers, Esq.
Partner

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "DEL NORTE ENERGY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRTIETH DAY OF JANUARY, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "DEL NORTE ENERGY LLC" WAS FORMED ON THE TWENTY-FOURTH DAY OF OCTOBER, A.D. 2014.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



5627855 8300

SR# 20200694820

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 202295004


Date: 01-30-20

OFFICER CERTIFICATE IN SUPPORT OF LEGAL OPINION

The undersigned, Jorge Alfredo Vizcarra Astorga, President and Chief Executive Officer of Del Norte Energy LLC, a Delaware limited liability company ("Del Norte"), hereby represents, warrants and certifies:

- The "Reviewed Documents", as defined under that certain Counsel Opinion in Support of Renewal of Authorization ("Legal Opinion"), delivered by the undersigned to Maldonado Myers LLP, are authentic and contain no untrue statements of material fact or omit a material fact necessary to make such statements or certifications true and correct;
- On April 21, 2015, Del Norte obtained authorization from the Department of Energy ("DOE") to export electricity into Mexico, pursuant and subject to the terms, conditions and limitations set forth in order No. EA-405 ("Authorization");
- The corporate purpose of Del Norte includes the power and authority to "broker electricity within the United States and to any export markets authorized by the law";
- To the undersigned's knowledge, Del Norte is a company in good standing in the state of Delaware; and
- Del Norte has complied, and if granted a renewal of its Authorization, will continue to comply with all federal and state laws relating to the transition of electric energy to Mexico

This certification is signed by the current President and Chief Executive Officer of Del Norte. The undersigned recognizes that Maldonado Myers LLP will rely on this officer certificate in issuing its Legal Opinion to the DOE. Third parties may also rely on this certificate as a true statement of the representations, warranties and certifications made herein. Any transaction entered into by a person acting in reliance on this officer certificate shall be enforceable against the undersigned and Del Norte.



Jorge Alfredo Vizcarra Astorga
President/CEO of Del Norte Energy LLC

ATTACHMENT 1

Transmission Facilities Located
At the U.S. - Mexico Border
Authorized for Third-Party Use

Present Owner	Location	Voltage	Presidential Permit No.
Comision Federal de Electricidad	Falcon Dam, TX	138kV	N/A
	Redford, TX P	7.2kV	PP-51
	Presidio, TX	13.8 kV	PP-03
Baja California Power, Inc.	Imperial Valley, CA	230kV	PP-234
Generadora del Desierto - WAPA	San Luis, AZ	230kV	PP-304
AEP Texas Central Company	Brownsville, TX	138kV	PP-94
	Brownsville, TX	69kV	PP-94
	Laredo, TX	138kV	PP-317
	Laredo, TX	230kV	PP-317
	Eagle Pass, TX	138kV	PP-219
El Paso Electric Company	Diablo, NM	115 kV	PP-92
	Ascarate, TX	115kV	PP-48
San Diego Gas & Electric	Miguel, CA	230kV	PP-68
	Imperial Valley, CA	230kV	PP-79
Sharyland Utilities	McAllen, TX	138 kV	PP-285