



November 3, 2021

VIA EMAIL

Mr. Christopher Lawrence
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0350
Christopher.Lawrence@hq.doe.gov

**Re: *Tenaska Power Services Co.*, Docket No. EA-431-A,
Application for Renewal of Authorization to Transmit
Electric Energy to Mexico**

Dear Mr. Lawrence:

Enclosed for filing is the “Application of Tenaska Power Services Co. for Renewal of Authorization to Transmit Electric Energy to Mexico.” The filing fee of \$500.00 has been paid electronically via Pay.gov (Pay.gov Tracking ID: 26TSJ2S8).

Thank you for your assistance in this matter.

Very truly yours,

/s/ Neil L. Levy

Neil L. Levy
Stephanie S. Lim

Counsel for **Tenaska Power Services Co.**

Enclosures

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

Tenaska Power Services Co.

)

Docket No. EA-431-A

**APPLICATION OF TENASKA POWER SERVICES CO. FOR RENEWAL
OF AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO MEXICO**

Pursuant to Section 202(e) of the Federal Power Act (the “FPA”),¹ and Part 205, Subpart W of the regulations of the U.S. Department of Energy (the “Department” or “DOE”),² Tenaska Power Services Co. (“TPS”) hereby submits this application (this “Application”) for renewal of its blanket authorization to transmit electric energy from the United States to Mexico for a period of five years. In support of this Application, TPS respectfully states as follows:

I.

DESCRIPTION OF APPLICANT

The exact legal name of applicant is Tenaska Power Services Co. TPS is authorized to do business in the State of Nebraska and such other states as required by the current nature of its business. TPS is a power marketer authorized by the Federal Energy Regulatory Commission (“FERC”) to make sales of electric power at wholesale in interstate commerce at market-based rates.³ It does not own or control any transmission facilities and does not have a franchised service area. TPS is a Nebraska corporation and an indirect, wholly owned subsidiary of Tenaska Energy, Inc. (“Tenaska”).

¹ 16 U.S.C. § 824a(e) (2018).

² 10 C.F.R. §§ 205.300, *et seq.* (2021).

³ *See Tenaska Power Servs. Co.*, Docket No. ER94-389-000 (May 26, 1994) (unreported) (granting market-based rate authority).

TPS's parent company, Tenaska, is a privately held corporation organized and existing under the laws of Delaware. Tenaska is an independent developer and owner of power production facilities located throughout the United States.

On January 26, 2017, the Department issued Order No. EA-431 authorizing TPS to export electric energy to Mexico as a power marketer for a five-year term.⁴ TPS's current authorization to export electric energy to Mexico expires on January 26, 2022.

II.

PARTNERS

TPS is not seeking authorization to export power on behalf of any of its partners or members.

III.

CORRESPONDENCE AND COMMUNICATIONS

All correspondence and communications regarding this application should be addressed to the following persons:

Norma Rosner Iacovo
Vice President and General Counsel
Tenaska Power Services Co.
300 East John Carpenter Freeway
Suite 1100
Irving, TX 75062
(817) 462-1507
niacovo@tnsk.com

Neil L. Levy
MCDERMOTT WILL & EMERY LLP
The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001
(202) 756-8080
(202) 756-8087 (facsimile)
nlevy@mwe.com

⁴ See *Tenaska Power Servs. Co.*, Order Authorizing Electricity Exports to Mexico, Order No. EA-431 (Jan. 26, 2017). TPS has also received authorization to export electricity to Canada. See *Tenaska Power Servs. Co.*, Order Authorizing Electricity Exports to Canada, Order No. EA-243-C (Jan. 11, 2017). A wholly owned subsidiary of TPS, *Tenaska Energía de Mexico, S. de R.L. de C.V.*, has also previously been granted authorization to export electricity to Mexico. See *Tenaska Energía de Mexico, S. de R.L. de C.V.*, Order Authorizing Electricity Exports to Mexico, Order No. EA-417 (June 15, 2016).

IV.

JURISDICTION

Other than the Department, TPS does not know of any other federal, state, or local government agency that has jurisdiction over the actions to be taken under the authority sought in this application.

V.

FACILITIES

Consistent with the Department's prior orders, TPS requests authorization to export power to Mexico over any authorized international transmission facility that is appropriate for open access transmission by third parties in accordance with the export limits authorized by the Department.⁵ Exhibit C to this Application identifies the international transmission facilities that are currently authorized by Presidential Permit and available for open access transmission.⁶

VI.

TECHNICAL DISCUSSION OF PROPOSAL

By this Application, TPS seeks authorization to continue to transmit electric energy to points in Mexico as a power marketer. As noted above, TPS 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 that would cause its electricity exports to have a reliability, fuel use, or system stability impact. TPS will purchase the electricity that it may export, on either a firm or an interruptible basis, from wholesale generators, electric utilities, federal power marketing agencies and affiliates through negotiated agreements that have been voluntarily executed by the selling parties after considering their own need for any such electricity. Accordingly, TPS's proposed electricity

⁵ See, e.g., *Clear Power LLC*, Order Authorizing Electricity Exports to Mexico, Order No. EA-486 (Dec. 9, 2020).

⁶ See *id.* at 12.

exports 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 operations.⁷ Additionally, as a power marketer that does not own or operate a transmission system (and therefore must acquire transmission service pursuant to open access transmission and similar tariffs), TPS does not have the ability to cause a violation of the terms and conditions in the existing authorizations associated with international transmission facilities. Specifically, TPS does not have the ability to cause total electricity exports on Presidential Permit facilities to exceed the authorized instantaneous transmission capacity limits for such facilities.

TPS will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to carry out any electricity 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. TPS agrees to abide by the export limits contained in the relevant export authorization of any transmission facilities over which TPS exports electricity 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 TPS would not impede or tend to impede the coordinated use of transmission facilities within the meaning of FPA § 202(e).

⁷ See 10 C.F.R. § 205.302(g) (2021).

VII.

CONSISTENCY WITH LAWS

TPS's application is consistent with United States energy policy and will foster development of a more efficient and competitive North American energy market. TPS will conduct all operations pursuant to this authorization in accordance with the provisions of the FPA and pertinent rules, regulations, and orders adopted or issued thereunder, and in conformity with the applicable reliability criteria, standards, and guidelines of NERC, reliability coordinators, and balancing authority area operator(s), including any applicable regional transmission organizations or independent system operators.

Given that TPS only intends to export power over existing transmission lines, this application qualifies for a categorical exclusion under the Department's regulations implementing the National Environmental Policy Act of 1969.⁸

VIII.

EXHIBITS AND ATTACHMENTS

In accordance with 10 C.F.R. § 205.303 (2021), the following exhibits are attached hereto:

Exhibit A	Agreements – Not Applicable
Exhibit B	Legal Opinion of TPS's counsel
Exhibit C	Transmission Facilities (submitted in lieu of maps)
Exhibit D	Non-U.S. Applicant's Power of Attorney – Not Applicable
Exhibit E	State of Foreign Relationship – Not Applicable ⁹

⁸ See 10 C.F.R. Part 1021, Subpart D, Appendix B, § B4.2 (2021) (providing a categorical exclusion for the “[e]xport of electric energy as provided by Section 202(e) of the [FPA] over existing transmission systems or using transmission system changes that are themselves categorically excluded”).

⁹ There are no corporate relationships or existing contracts between TPS and any other person, corporation, or foreign government, which in any way relate to the control or fixing of rates for the purchase, sale, or transmission of electric energy.

Exhibit F	Operating Procedures – Not Applicable
Attachment 1	Verification
Attachment 2	Copy of letter order from FERC, dated May 26, 1994, granting TPS market-based rate authority

IX.

CONCLUSION

WHEREFORE, for the reasons set forth herein, TPS respectfully requests that the Department issue an order renewing TPS’s authorization to transmit electric energy to Mexico for a period of five years, effective upon issuance of the order but no later than January 26, 2022.

Respectfully submitted,

TENASKA POWER SERVICES CO.

By: /s/ Neil L. Levy
Neil L. Levy
Stephanie S. Lim
MCDERMOTT WILL & EMERY LLP
The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001

Counsel for **Tenaska Power Services Co.**

Dated: November 3, 2021

Exhibit B

Legal Opinion of TPS's Counsel



November 3, 2021

Mr. Christopher Lawrence
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0350
Christopher.Lawrence@hq.doe.gov

Re: Tenaska Power Services Co.; Docket No. EA-431-A

Dear Mr. Lawrence:

The following opinion is given in support of the “Application of Tenaska Power Services Co. for Renewal of Authorization to Transmit Electric Energy to Mexico.”

1. I am an attorney authorized to practice law in the District of Columbia.
2. I am counsel to Tenaska Power Services Co. in this matter.
3. To the best of my knowledge and belief, the proposed export of electricity is within the corporate power of Tenaska Power Services Co., and Tenaska Power Services Co. has complied, or is in the process of complying with, all federal and state laws relevant to the proposed export.

Neil L. Levy

Counsel for
Tenaska Power Services Co.

Exhibit C
Transmission Facilities

Existing and Planned International Transmission Facilities¹

Owner	Location	Voltage	Presidential Permit No.
Comisión 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
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-92
	Ascarate, TX	115-kV	PP-48
San Diego Gas & Electric Company	Miguel, CA	230-kV	PP-68
	Imperial Valley, CA	230-kV	PP-79
Sharyland Utilities, Inc.	McAllen, TX	138-kV	PP-285
Nogales Transmission	Nogales, AZ	230-kV	PP-470

¹ These international transmission facilities are authorized by Presidential Permit and available for open access transmission as of the most recent order authorizing electricity exports to Mexico. *See Clear Power LLC*, Order Authorizing Electricity Exports to Mexico at 12, Order No. EA-486 (Dec. 9, 2020).

Attachment 1

Verification

VERIFICATION

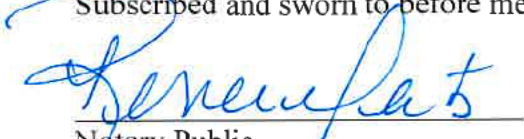
STATE OF TEXAS)
)
COUNTY OF TARRANT)

Norma Rosner Iacovo, being first duly sworn, states that she is the Vice President and General Counsel of Tenaska Power Services Co.; that she is authorized to execute this verification; that she has read the above and foregoing Application and is familiar with the contents thereof; and that all allegations and facts contained therein, are true and correct to the best of her knowledge, information, and belief.



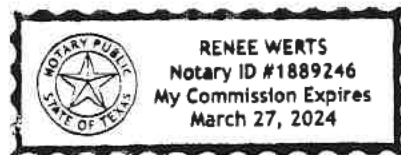
Norma Rosner Iacovo
Vice President and General Counsel
Tenaska Power Services Co.

Subscribed and sworn to before me this 2nd day of November, 2021.



Notary Public
for the State of Texas

My Commission expires: March 27, 2024



Attachment 2

FERC Order Granting Market-Based Rate Authorization

Docket No. ER94-389-000

MAY 26, 1994

Flood & Ward
Attention: Mr. David B. Ward
1000 Potomac Street, N.W., Suite 402
Washington, D.C. 20007

Dear Mr. Ward:

By letters dated December 23, 1993, February 1 and March 28, 1994, you submitted for filing with the Commission, on behalf of Tenaska Power Services Company (TPS), a rate schedule under which TPS will engage in wholesale electric power and energy transactions as a marketer. You also request (1) waivers of various regulations consistent with those granted other marketers, and (2) clarification as to whether the sale of accounts receivable in connection with power marketing transactions requires Commission approval under Section 203 of the Federal Power Act. Authority to act on this matter is delegated to the Director, Division of Applications, under Section 375.308 of the Commission's Regulations; pursuant to Section 375.308(a)(1), your submittal is accepted for filing and designated as shown on the Enclosure.

Your requests for waiver of the Commission's filing requirements are hereby granted, along with the authorizations and subject to the same conditions provided in Citizens Power & Light Corp. (Citizens), 48 FERC • 61,210 (1989). Consistent with Ford Motor Company, 52 FERC • 61,025 (1990), TPS is required to comply with Part 46 of the Regulations. Also, in Enron Power Marketing, Inc. (Enron), 65 FERC • 61,305 at 62,405 (1993), the Commission explained that sales of accounts receivable would not require filing under Section 203.

Consistent with the Commission's action in Citizens, you are directed to submit quarterly informational filings containing the same information required in Citizens for each purchase contract and each sale contract, with the first filing due within 30 days of the calendar quarter ending in June of 1994. Also, consistent with Citizens and Enron, order on reh'g, 66 FERC • 61,244 (1994), you are directed to file promptly with the Commission any change in status. Changes in status include departure from the characteristics the Commission has relied upon in approving market-based pricing for TPS, including but not limited to: (1) lack of ownership of generation or transmission facilities (except for those qualifying facilities (QF) or exempt wholesale

Flood & Ward

generators (EWG) identified in your submittal for which commitments of the entire output were made under long-term contracts prior to the date of this order) or inputs to electric power production; (2) lack of affiliation with any entity which owns generation or transmission facilities (except for QFs and EWGs identified in your submittal for which commitments of the entire output were made under long-term contracts prior to the date of this order) or other inputs to electric power production; (3) lack of affiliation with any entity that has a franchised service area; or (4) lack of business arrangements (including sales of accounts receivable) involving TPS or any entity affiliated with TPS and the entities which buy power from or sell power to TPS or transmit power for TPS.

Notice of your filing was published in the Federal Register with comments, protests, or interventions due on or before May 3, 1994. No comments, protests, or interventions were filed.

Good cause is shown for granting waiver of the notice requirements pursuant to Section 205(d) of the Federal Power Act and Section 35.11 of the Commission's Regulations thereunder; therefore, the rate schedule shall become effective as shown on the Enclosure.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Tenaska Power Services Company.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within thirty days of the date of issuance of this order, pursuant to 18 CFR 385.713.

This letter terminates Docket No. ER94-389-000.

Sincerely,

Donald J. Gelinias, Director
Division of Applications

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Flood & Ward

Enclosure

Enclosure

Tenaska Power Services Company
Docket No. ER94-389-000
Rate Schedule Designation

Designation	Effective Date
Rate Schedule FERC No. 1	February 21, 1994