



Department of Energy

Washington, DC 20585

January 25, 2023

Thomas M. Myers
Vice President, AEP Energy Partners, Inc.
1 Riverside Plaza, 31st Floor
Columbus, OH 43215

Carol Gosain
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

RE: Temporary Extension of Existing Export Authorization; Order No. EA-318-C

Dear Mr. Myers and Ms. Gosain:

This letter Order is being issued in response to the Emergency Request for a Continuance or Temporary Extension of Existing Export Authorization or for a Temporary Export Authorization and Request for Expedited Consideration ("Request"), filed by AEP Energy Partners, Inc. (AEP-EP) with the Department of Energy (DOE) on January 11, 2023.

Section 202(e) of the Federal Power Act provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export. (16 U.S.C. § 824a(e)). On June 13, 2022, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Delegation Order No. S1-DEL-S3-2022-2 and Redelegation Order No. S3-DEL-GD1-2022. AEP-EP currently holds an export authorization issued by DOE in Docket No. EA-318-C. That authorization expires January 28, 2023. On October 19, 2022, AEP-EP filed an Application for Renewal of Authorization to Export Electricity from the United States to Mexico ("Renewal Application") for a period of five years. DOE has not yet noticed AEP-EP's Renewal Application in the Federal Register but has assigned a docket number of EA-318-D.

The Request seeks emergency temporary authority for AEP-EP to continue exports of electric energy to Mexico until such time that DOE acts on the pending Renewal Application.¹ The Request is based on the possible adverse consequences that would be caused by a lapse in AEP-EP's export authority. Specifically, AEP-EP states that "an unexpected and abrupt lapse in AEP-EP's export authorization would cause harm to cross-border commercial transactions and to AEP-EP's competitive position relative to other power marketers transacting in the cross-border market." AEP-EP contends that "it would be unfair and inequitable to cause a lapse in AEP-EP's export authorization when its Renewal Application is fully compliant with existing regulations and requirements applicable to such authorizations."

¹ Per the Q3 2022 Form EIA-111 filed by AEP-EP, AEP-EP is currently exporting electricity.



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In the past, DOE has provided temporary emergency authority to other exporters, pending completion of a full proceeding to determine whether to grant a particular export authorization (e.g. EA-318-B). Therefore, and based upon the above, DOE hereby grants a Temporary Extension of Existing Export Authorization EA-318-C to AEP-EP. All terms and conditions contained in the current Order No. EA-318-C issued to AEP-EP shall remain in effect and fully applicable during the period of this temporary authorization. This authorization shall remain in effect until DOE completes its review of the Renewal Application (Docket No. EA-318-D) and issues a final decision.

DOE notes that it will satisfy its responsibilities pursuant to DOE's National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR Part 1021) at the conclusion of the Renewal Application. DOE finds that because the activities under the emergency authority granted by this Order are virtually identical to those activities encompassed by AEP-EP's current authorization, the use of the categorical exclusion for the current authorization will suffice to satisfy DOE's NEPA responsibilities for the issuance of this temporary authorization.

Should you have any questions regarding this Order, please do not hesitate to contact me at electricity.exports@hq.doe.gov.

Sincerely,

A handwritten signature in black ink, reading "Maria D. Robinson".

Maria Robinson
Director
Grid Deployment Office