

**UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY OFFICE OF FOSSIL ENERGY**

NRG Business Marketing LLC

)

Order No. EA-497-\_\_\_\_

**APPLICATION OF NRG BUSINESS MARKETING, LLC  
FOR AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO MEXICO**

Pursuant to Section 202(e) of the Federal Power Act ("FPA") (16 U.S.C. Section 824a(e)) and 10 C.F.R. Section 205.300, *et seq.*, NRG Business Marketing LLC hereby files this application for blanket authority to transmit electric energy from the United States to Mexico for a term of five years.

**I. DESCRIPTION OF APPLICANT**

The exact legal name of the Applicant is NRG Business Marketing LLC ("NRGBM"). NRGBM is a Delaware limited liability company with its principal place of business in Houston, Texas. NRGBM is a wholesale buyer and seller of capacity and energy. NRGBM is a wholly owned subsidiary of NRG Energy, Inc. ("NRG"), a consumer services company built on dynamic retail brands. NRG brings the power of energy to customers by producing and selling energy and related products and services, nationwide in the U.S. and Mexico in a manner that delivers value to all of NRG's stakeholders. NRG sells power, natural gas, and home and power services, and develops innovative, sustainable solutions, predominantly under the brand names of NRG, Reliant, Direct Energy, Green Mountain Energy, Stream, and XOOM Energy.

Presently, NRGBM is qualified to do business in the states of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NRG is qualified to do business in the states of Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, and West Virginia.

NRGBM does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area. NRGBM operates as a marketer<sup>1</sup> and broker of electric power at wholesale and arranges services in related areas such as fuel supplies and transmission services. NRGBM will purchase the energy to be exported from wholesale generators, electric utilities, and federal power marketing agencies.<sup>2</sup> The instant application relates to NRGBM as a marketer of electric energy only.

Direct Energy Business Marketing, LLC (“DEBM”) applied for authorization to export electric energy to Mexico on March 31, 2023 in this docket. On July 31, 2023, DEBM changed its name to NRGBM. This was only a name change; no changes to corporate structure, governance, or ownership occurred. On September 13, 2023, the Department authorized DEBM to export electric energy to Mexico for a five-year term. Pursuant to discussions with Grid Deployment Office Staff, NRGBM is submitting this application, which substantively mirrors the initial application submitted in this docket, to address the name change from DEBM to NRGBM.

## **II. CORRESPONDENCE AND COMMUNICATIONS**

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

Ryan Harwell  
Manager, Regulatory Licensing & Reporting  
NRG Business Marketing LLC  
910 Louisiana Street, Suite B200  
Houston, TX 77002  
Phone: (281) 800-6157  
ryan.harwell@nrg.com

Ryan C. Norfolk  
Baker Botts LLP  
700 K Street NW  
Washington, DC 20001  
Phone: (202) 639-1132  
ryan.norfolk@bakerbotts.com

## **III. JURISDICTION**

Pursuant to FPA Section 202(e) 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 sought in this application.

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

---

<sup>1</sup> As used herein, the terms "marketer" and "power marketer" mean an entity that buys and sells electric power for its own account. NRGBM has a currently effective market-based rate (“MBR”) tariff authorized by the Federal Energy Regulatory Commission (“FERC”). A copy of NRGBM’s currently effective MBR tariff under which it makes sales of electric power at wholesale in interstate commerce is attached hereto as Attachment 1.

<sup>2</sup> Applicant is affiliated with entities that own wholesale generating facilities.

Consistent with the Department's prior orders, NRGBM seeks authority 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. Exhibit C to this Application identifies the international transmission facilities that are currently authorized by Presidential Permit and available for open access transmission pursuant to Executive Order 10485, as amended by Executive Order 12038.

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

NRGBM seeks authority to transmit electric energy to Mexico as a power marketer. As noted above, NRGBM does not have its own "system" on which its exports of energy could have a reliability or stability impact. NRGBM will purchase the energy to be exported from wholesale generators, electric utilities, and federal power marketing agencies. By definition, such energy is surplus to the system of the generator and thus, exportation of said energy will not impair the adequacy of electric power supply within the United States.

NRGBM will make all necessary commercial arrangements and will obtain all regulatory approvals required to affect any exports of electric energy. Such efforts will include: (1) scheduling each transaction with the appropriate control area in compliance with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation ("NERC") and member Regional Entities<sup>3</sup>, which are in effect at the time of export and (2) obtaining all necessary transmission access over the existing facilities listed in Exhibit C.<sup>4</sup>

## **VI. CONSISTENCY WITH LEGAL REQUIREMENTS**

NRGBM's application is consistent with United States energy policy established in the Energy Policy Act of 1992, as amended, the North American Free Trade Agreement of 1993, and other initiatives intended to foster more efficient and competitive North American energy markets. Given that NRGBM 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, such that neither an Environmental Agreement nor an Environmental Impact Statement is required.<sup>5</sup>

NRGBM will continue to comply with such requirements as may be imposed by the Department on other power marketers with blanket electricity export authorization, including making periodic reports to the Department regarding exports, as may be applicable or required.

---

<sup>3</sup> The term Regional Entities is a reference to the entities that, under delegation agreements with NERC, work to ensure a defined area of the Bulk Electric System is reliable, adequate, and secure.

<sup>4</sup> The location, voltage, owner and the Presidential Permits under which the relevant border transmission facilities were constructed and are maintained are also set forth in Exhibit C.

<sup>5</sup> See 10 C.F.R. Part 1021, Subpart D, Appendix B, § B4.2 (2023) (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").

## **VII. EXHIBITS AND ATTACHMENTS**

In accordance with 10 C.F.R. § 205.303, NRGBM provides the following:

**Exhibit A-** Agreements (None)

**Exhibit B-** Legal opinion of NRGBM's counsel

**Exhibit C-** Transmission facility information (Submitted in lieu of maps)

**Exhibit D-** Non-U.S. Applicant's power of attorney (Not Applicable)

**Exhibit E-** Statement of any corporate relationship or existing contract which in any way relates to the control or fixing of electric power rates (Not Applicable)

**Exhibit F-** Operating procedures regarding available capacity and energy (Not Applicable)

**Attachment 1-** NRG Business Marketing LLC's FERC Electric Tariff, Volume No. 1.

**Attachment 2 -** Verification (forthcoming)

## **VII. CONCLUSION**

NRGBM respectfully requests that this application for blanket authority to transmit electric energy to Mexico be expeditiously considered and approved on substantially the same terms as previously authorized in this docket.

Respectfully submitted,

**NRG BUSINESS MARKETING LLC**

/s/ Ryan C. Norfolk

Ryan C. Norfolk

*Counsel for NRG Business Marketing LLC*

Dated: December 29, 2023

**EXHIBIT A**

**Agreements**

**(None)**

## **EXHIBIT B**

### **Opinion of Counsel**

The following opinion, dated December 29, 2023, is given in support of the Application of NRG Business Marketing LLC for Renewal Authorization to Transmit Electric Energy to Mexico.

1. I am an attorney at law, authorized to practice law in the District of Columbia.
2. I am counsel to NRG Business Marketing LLC (“NRGMB”) with respect to the foregoing application.
3. NRGBM is a limited liability corporation, validly existing and in good standing under the laws of the State of Delaware.
4. NRGBM has full corporate power and authority to engage in exports of electric energy as requested in the application.
5. NRGBM has complied or is in the process of complying with all Federal and State laws regarding the matters contemplated in the application.

I am opining here only as the federal laws of the United States, and laws of relevant states within the United States. I express no opinions as to the laws of any other jurisdiction.

/s/ Ryan C. Norfolk  
Ryan C. Norfolk

*Counsel for NRG Business Marketing LLC*

**EXHIBIT C**  
**Transmission System Information**

**International Transmission Facilities  
Located at the U.S. – Mexico Border,  
Authorized by Presidential Permit, and  
Available for Open Access Transmission**

<b>Owner</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit No.</b>
AEP Texas Central Company	Brownsville, TX	138 KV	PP-425
		69 KV	PP-425
	Laredo, TX	138 KV	PP-423
		230 KV	PP-423
	Eagle Pass, TX	138 KV	PP-424
Baja California Power, Inc.	Imperial Valley, CA	230 KV	PP-234
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
El Paso Electric Company	Diablo, NM	115 KV	PP-92
	Ascarate, TX	115 KV	PP-48
Generadora del Desierto - WAPA	San Luis, AZ	230 KV	PP-304*
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-420*

\*These transmission facilities have been authorized but are not yet constructed or operational.

**EXHIBIT D – Irrevocable Power of Attorney**

**(Not Applicable)**



**EXHIBIT E – Statement of Corporate Relationship**

**(Not Applicable)**

## **EXHIBIT F – Operating Procedures**

**(Not Applicable)**

**ATTACHMENT 1**

**NRG BUSINESS MARKETING LLC  
FERC ELECTRIC TARIFF, VOLUME NO. 1**

**NRG Business Marketing LLC**  
**FERC Electric Tariff**

1. Availability

Seller makes electric energy, capacity, and ancillary services available under this tariff to any purchaser, except as prohibited below.

2. Rates

All sales shall be made at rates established by agreement between the purchaser and Seller.

3. Seller Category

Seller is a Category 2 seller in the Central, Northeast and Southwest regions as defined in 18 C.F.R. § 35.36(a)(3) and a Category 1 seller in all other regions, as defined in 18 C.F.R. § 35.36(a)(2).

4. Compliance with Commission Regulations

Seller shall comply with the provisions of 18 CFR Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller's market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller's market-based rate authority. Failure to comply with the applicable provisions of 18 CFR Part 35, Subpart H, and with any orders of the Commission concerning seller's market-based rate authority, will constitute a violation of this tariff.

5. Limitations and Exemptions Regarding Market-Based Rate Authority

Seller has received waiver of Subparts B and C of Part 35, except for sections 35.12(a), 35.13(b), 35.15 and 35.16; Part 41, Part 101 (with the exception that waiver of the provisions that apply to hydropower licensees has not been granted with respect to licensed hydropower projects), and Part 141, except sections 141.14 and 141.15; and received blanket approval under Part 34. *Hess Energy Mktg.*, ER13-1192-000 (2013).

6. Ancillary Services

PJM: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. ("PJM") and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.

New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the

markets administered by the ISO New England, Inc.