WAIVER NUMBER: 2025-16
Issued: September 9, 2025
Expires: August 31, 2029

Department of Energy

Build America, Buy America Act

Proposed Project-Specific Non-availability Waiver

For Transmission Line Glass Insulators

BABA WAV 2025-16

Proposed Waiver Summary: The United States Department of Energy (DOE) Grid Deployment Office (GDO) is issuing a project nonavailability waiver of the manufactured products domestic preference requirement of section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) as applied to one federal financial assistance award for Midwest Energy, Inc (the Recipient). This limited nonavailability waiver allows the recipient to purchase non-compliant glass insulators used on transmission lines.

Duration of the Waiver: The effective date of this waiver is from date of issue through the project performance period (August, 2029).

Applicability: The waiver will apply to eligible expenditures incurred by the recipient on or after the effective date of the final waiver for the period that the waiver is active.

Recipient: Midwest Energy, Inc. (LP6URZQUTW48)

Total estimated project cost related to infrastructure: $144,660,119

Estimated total cost of the products being waived: $687,500

Waiver Type: Non-availability waiver of the BABA manufactured products requirement for the products listed below.

Waiver Level: Project-specific wavier for one award.

Funding Mechanics: Funding for the infrastructure project is made available through the 2023 Funding Opportunity Announcement for Grid Resilience and Innovation Partnerships (GRIP) – Bipartisan Infrastructure Law (BIL) (DE-FOA-0002740). The location of the project is on a transmission line that runs through multiple counties within the Recipient's service territory in Hays, Kansas.

Description of Covered Items: The infrastructure project includes two (2) glass insulator products (NAICS: 327212 and PSC: 5970).

Market Research and Justification: Market research and industry outreach were conducted by the Recipient from January 2024 – December 2024. DOE conducted market research from October 2024 – January 2025.

The recipient confirmed through market research that there does not appear to be any other domestic manufactures in the U.S. that provide the specifications the recipient requires, that are also BABA compliant. Delicate procurement and install plans require a multi-phase approach to reduce critical impact timelines, both operationally and logistically, as this project presents with initial procurement by February 28, 2025.

DOE market research revealed that there does not appear to be any additional manufacturers in the U.S. that provide the specifications the recipient requires, that are also BABA compliant.

Justification: The recipient's market research was not able to yield manufacturers who were able to meet the 55% cost of components requirement for the manufactured products listed above that are required for the project's completion. These products were found to be manufactured in the United States but did not meet the 55% cost of components test. After extensive outreach, no domestic manufacturer was able to provide the materials necessary to meet the BABA requirements for all products specified in this waiver. These requirements are important for the systems total lifetime cost and to meet the owner's energy savings targets.

Impact Absent the waiver: Absent this waiver, the project would not be able to be completed. There is a critical-path timeline already in place for this project when products must be installed and the availability of solely domestic products is outside this timetable.

Assessment of Cost Advantage of a Foreign-Sourced Product: Under OMB M–24–02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a nonavailability waiver. DOE's analysis has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Solicitation for Comments:

The proposed waiver request was publicly posted by the Department of Energy for comments during the period of August 11, 2025 through August 25, 2025. No comments were received from the public, and therefore no substantive changes were made in response.