

# BRACEWELL

April 16, 2026

**BY USPS**

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

Re: Application of Clear Power LLC for Electricity Export Authorization; OE Docket No.  
EA-486-A

To Whom It May Concern:

I have enclosed two (2) copies of an Application of Clear Power LLC for Reauthorization to Transmit Electric Energy to Mexico under OE Docket No. EA-486-A.

Please do not hesitate to contact me if you have any questions regarding this application.

Very truly yours,

Bracewell LLP

/s/ Caroline S. Sinegar  
Caroline S. Sinegar

*Counsel for Clear Power LLC*

Enclosure

**Caroline S. Sinegar**  
Associate

T: +1.202.828.5806 F: +1.800.404.3970  
2001 M Street NW, Suite 900, Washington, DC 20036-3310  
caroline.sinegar@bracewell.com bracewell.com



# BRACEWELL

April 16, 2026

**VIA EMAIL**

Office of Electricity  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Re: Clear Power LLC  
Renewal Application for Authorization to Transmit Electric Energy to Mexico,  
OE Docket No. EA-486-A

To Whom It May Concern:

Enclosed for filing on behalf of Clear Power LLC ("Clear Power") is an original of Clear Power's Application for Renewal of Authorization to export electricity from the United States to Mexico and related exhibits.

Clear Power has made payment in the amount of \$500.00 as the filing fee for the application by credit card to the DOE, as per your instructions.

A copy of the Application is being served contemporaneously upon the Federal Energy Regulatory Commission, as required by 10 C.F.R. § 205.309.

If you have any questions regarding this filing, or if you require additional information please contact me at 202-828-5806.

Very truly yours,

Bracewell LLP

/s/ Caroline S. Sinegar

Caroline S. Sinegar  
Bracewell LLP  
2001 M Street, NW, Suite 900  
Washington, DC 20036  
Phone: (202) 828-5806  
caroline.sinegar@bracewell.com  
*Attorney for Clear Power LLC*

Enclosures

cc: Federal Energy Regulatory Commission

**Caroline S. Sinegar**  
Associate

T: +1.202.828.5806 F: +1.800.404.3970  
2001 M Street NW, Suite 900, Washington, DC 20036-3310  
caroline.sinegar@bracewell.com bracewell.com

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

**In the matter of:  
Clear Power LLC**

)

**OE Docket No. EA-486-A**

**APPLICATION OF CLEAR POWER LLC  
FOR REAUTHORIZATION TO TRANSMIT ELECTRIC ENERGY  
TO MEXICO**

Pursuant to Section 202(e) of the Federal Power Act (“FPA”), 16 U.S.C. § 824(e) (2006), and Part 205, Subpart W of the U.S. Department of Energy’s (the “DOE”) regulations, 10 C.F.R. § 205.300, et seq., Clear Power LLC (“Clear Power” or “Applicant”) hereby requests renewal of its authorization to transmit electric energy from the United States to Mexico for a period of five years (“Renewal Application”). DOE previously granted Clear Power authorization to export electric energy from the U.S. to Mexico as a power marketer on December 9, 2020 in Order No. EA-486.<sup>1</sup> Due to administrative oversight, Clear Power did not identify that its existing export authorization had expired on December 9, 2025, so it is undergoing a temporary lapse in its export authority.<sup>2</sup> Clear Power respectfully requests that authorization be granted for an additional term of five years beginning on or before June 16, 2026 to allow Clear Power to expeditiously continue its participation in cross-border electricity markets. In support of this Renewal Application, Clear Power respectfully states as follows:

---

<sup>1</sup> See *Clear Power LLC*, Order No. EA-486 at 11-15 (Dec. 9, 2020).

<sup>2</sup> Clear Power is not currently exporting electricity to Mexico and does not intend to resume export transactions unless and until the DOE grants temporary or permanent authorization.

## I. DESCRIPTION OF THE APPLICANT

The exact legal name of the Applicant is Clear Power LLC. Clear Power is a California limited liability corporation with its principal place of business at 604 Sutter Street, Suite 250, Folsom, CA 95630.

On December 9, 2020, DOE issued Order No. EA 486 authorizing Clear Power to transmit electric energy from the United States to Mexico as a power marketer.<sup>3</sup> Clear Power is a power marketer with authorization from the Federal Energy Regulatory Commission (“FERC”) to market electric energy and capacity at wholesale pursuant to market-based rate authorization granted by letter order issued on January 12, 2021, in FERC Docket No. ER20-2654-000.<sup>4</sup> Clear Power is a wholly-owned subsidiary of the Alaywan Trust which owns or is affiliated with entities that own or control a combined total of 18.0 MW (nameplate) of operating renewable generation facilities, all located in the California Independent System Operator (“CAISO”) market.

Clear Power’s sole business is to provide energy services. Clear Power participates in the domestic energy markets in the United States, including, without limitation, by purchasing wholesale electric energy, capacity and ancillary services at market-based rates for resale to Mexico and importing electric energy from Mexico. Additionally, Clear Power makes wholesale purchases in the Electricity Reliability Council of Texas and CAISO and engages in such transactions in other geographic regions and energy markets in the United States, including without limitation, in the Arizona, New Mexico, Southern Nevada Power Area and the Rocky Mountain Power Area.

---

<sup>3</sup> See *Clear Power LLC*, Order No. EA-486 at 15 (Dec. 9, 2020).

<sup>4</sup> Clear Power LLC, Letter Order issued in Docket No. ER20-2654-000 (Jan 12, 2021) (granting market-based rate authority).

Clear Power does not own or control any electric power generation, transmission or distribution facilities. In addition, Clear Power does not have a franchised service area and has not entered into any contracts that confer ownership or control over generation capacity to Clear Power. Clear Power is ultimately responsible for all electricity trading undertaken by itself and is ultimately responsible for compliance with all applicable laws, regulations and market rules.

## **II. COMMUNICATIONS**

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

Kevin Coffee  
Senior Vice President of Market Operations  
ZGlobal Inc.  
604 Sutter Street, Suite 250  
Folsom, CA 95630  
Phone: (760) 355-0288  
Email: kcoffee@zglobal.biz

Catherine P. McCarthy  
Partner  
Bracewell LLP  
2001 M Street, N.W.  
Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5839  
Fax: (800) 404-3970  
catherine.mccarthy@bracewell.com

Caroline S. Sinegar  
Associate  
Bracewell LLP  
2001 M Street, N.W.  
Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5806  
Fax: (800) 404-397  
caroline.sinegar@bracewell.com

## **III. JURISDICTION**

The authority requested of DOE by Clear Power is a necessary condition for exporting under section 202(e) of the FPA which provides that the DOE is the sole agency with jurisdiction over the proposed export of electric energy to Mexico. DOE's Office of Electricity formerly held the authority to regulate the export of electric energy to a foreign country pursuant to section 202(e)

and 202(f) of the FPA.<sup>5</sup> While this authority was delegated to DOE's Grid Deployment Office, recent publications in the Federal Register indicate that the Office of Electricity currently holds the authority to regulate the export of electric energy despite this delegation.<sup>6</sup> No other known federal, state or local government has jurisdiction over the actions to be taken under the authority sought in this Renewal Application.

#### **IV. RENEWAL AUTHORIZATION, TECHNICAL DISCUSSION AND CONSISTENCY WITH LAWS**

##### **(a) Description of Transmission Facilities**

By this Renewal Application, Clear Power seeks authorization to continue to transmit electric energy, on either a firm or interruptible basis, to Mexico. Clear Power desires to continue its exports of electrical energy acquired from U.S. generating sources to Mexico over international electric transmission facilities. The Presidential Permits under which the relevant border facilities were constructed and maintained, and details related thereto, are set forth in Exhibit C.

##### **(b) Technical Discussion**

Pursuant to Section 202(e) of the FPA, before DOE grants authorization to export electricity, it first evaluates the impact of the export on the reliability of the U.S. electric system. DOE approves an application to export electricity unless it finds that "the proposed transmission would impair the sufficiency of electric supply within the United States," or that "the proposed transmission ... would impede or tend to impede the coordination in the public interest of facilities

---

<sup>5</sup> See Redefinition Order No. S4-DEL-OE1-2021-2 (rescinded).

<sup>6</sup> See Delegation Order No. S1-DEL-S3-2023; Redefinition Order No. S3-DEL-GD1-2023. A new hierarchical chart posted by DOE on November 20, 2025 shows that the Grid Deployment Office is no longer listed as part of the organization, which is now expected to be absorbed by the Office of Critical Minerals and Energy Innovation. However, it appears regulatory authority over the export of electric energy to a foreign country pursuant to section 202(e) and 202(f) of the FPA has yet to be redelegated within DOE as of the date of submittal of this Application.

subject to the jurisdiction of the Commission.”<sup>7</sup> In applying these two criteria to requests for export authorizations submitted by electric power marketers such as Clear Power, DOE has declined to follow a rigid application of the information filing requirements set forth in DOE’s regulations and instead has used a flexible approach to account for the unique nature of power marketers.<sup>8</sup>

Clear Power does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation. Moreover, none of Clear Power’s affiliates owns any electric transmission facilities other than generator interconnection facilities and Clear Power is not affiliated with an entity that holds a franchise or service territory. Thus, Clear Power has no “transmission system” of its own on which power exports could have a reliability or stability impact.

Specifically, with respect to the first criterion used to analyze applications to export electricity, Clear Power is a power marketer that will export electricity purchased from electric utilities, federal power marketing agencies, qualifying cogeneration and small power production facilities, independent power producers, and other sellers. As DOE has recognized, the “power purchased by a power marketer is, by definition, surplus to the needs of the selling entities” and “[w]ith no native load obligations, the power marketer is free to sell its power portfolio on the open market domestically or as an export.”<sup>9</sup> Thus, an export of electricity “occurring under such circumstances” would not impair the sufficiency of electric supply within the U.S.<sup>10</sup>

---

<sup>7</sup> 16 U.S.C. § 824(e).

<sup>8</sup> See, e.g., *Morgan Stanley Capital Group Inc.*, Order No. EA-185-A-CN (Aug. 14, 2000); *NorAm Energy Servs., Inc.*, Order No. EA-105-CN (Aug. 16, 1996); *MidCon Power Servs. Corp.*, Order No. EA-114 (July 15, 1996); *USGen Power Servs.*, Order No. EA-112 (June 27, 1996); *CNG Power Servs. Corp.*, Order No. EA-110 (June 20, 1996); *Destec Power Servs., Inc.*, Order No. EA-113 (May 31, 1996).

<sup>9</sup> See, e.g., *Freepoint Commodities, LLC.*, Order No. EA-379 (Sept. 29, 2011).

<sup>10</sup> See *Powerex Corp.*, Order No. EA-171-E at 6-7 (Sept. 10, 2020).

DOE has interpreted the second criterion used to analyze applications to export electricity “primarily as an issue of the operational reliability of the domestic electric transmission system.”<sup>11</sup> As noted above, Clear Power does not own or control any electric power supply system in the United States. Additionally, in making the necessary commercial arrangements and obtaining transmission capacity necessary to export electricity under the authorization requested herein, Clear Power will comply with existing industry procedures for obtaining transmission capacity, including reserving transmission service in accordance with FERC’s Open-Access Same-Time Information System (“OASIS”) and scheduling delivery of the export with the appropriate Regional Transmission Organization(s) or Independent System Operator(s) and/or Balancing Authority areas.

Additionally, the DOE has consistently found that the “power purchased by a power marketer is, by definition, surplus to the needs of the selling entities” and “[w]ith no native load obligations, the power marketer is free to sell its power portfolio on the open market domestically or as an export.”<sup>12</sup> Accordingly, DOE has routinely granted export authorization to power marketers, even those with affiliates owning electric generation facilities and serving native load obligations.<sup>13</sup> The DOE has not considered power marketers’ affiliated generation as part of its scope of review for applications for export authorization pursuant to FPA Section 202(e), and there is no need for it to do so in order to perform its statutory obligation as directed by Congress.

Clear Power will schedule its exports from the U.S. in compliance with all applicable reliability criteria, standards and guides as are set out by the North American Electricity Reliability

---

<sup>11</sup> See, e.g., *Freepoint Commodities, LLC*, Order No. EA-379 (Sept. 29, 2011).

<sup>12</sup> See, e.g., *TransAlta Energy Marketing (U.S.) Inc.*, Order No. EA-216-C at 2 (May 17, 2011).

<sup>13</sup> See, e.g., *Brookfield Renewable Trading and Marketing LP*, Order No. EA-465-A at 3 (Mar. 25, 2024); *Luminant Energy Co., LLC*, Order No. EA-472-A at 2 (May 30, 2024); *Boston Energy Trading and Marketing LLC*, Order No. EA-464-A at 2-3 (Feb. 21, 2024); *ENGIE Energy Marketing NA, Inc.*, Order No. EA-508 at 2 (June 24, 2024).

Corporation (“NERC”) (or any successor organization), the North American Energy Standards Board (or any successor organization) and regional reliability councils and as applied by U.S. transmission providers.<sup>14</sup>

**(c) Consistency with Laws**

Authorization of the exports proposed by Clear Power is consistent with the United States–Mexico–Canada Agreement (“USMCA”), the replacement to NAFTA, and U.S. energy policy and will foster development of a more efficient and competitive North American energy market. Clear Power 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 reliability criteria, standards and guidelines of the NERC, regional reliability councils, and Balancing Authorities, including any applicable regional transmission organizations or independent system operators. Compliance with these statutes, rules, regulations, and orders will ensure that the proposed transmission will not impede or tend to impede the regional coordination of electric utility planning or operation.

Clear Power believes that DOE is not required to conduct an environmental assessment or an environmental impact statement in connection with this Renewal Application and that DOE’s approval of this Renewal Application is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.2 of the revised DOE regulations implementing the National Environmental Policy Act of 1969.<sup>15</sup>

**V. VERIFICATION**

---

<sup>14</sup> See, e.g., *Sempra Energy Trading Corp.*, Order No. EA-176-A (May 3, 2000).

<sup>15</sup> See, e.g., *Calpine Energy Solutions, LLC*, Order No. EA-284-F at 9-10 (Feb. 20, 2020) (Order Authorizing Electricity Exports to Mexico).

The signed Verification of Ziad Alaywan, Chief Executive Officer of Clear Power, is attached hereto as Exhibit G.

## **VI. PROCEDURAL ISSUES**

If required by DOE, Clear Power agrees to abide by general conditions consistent with those set forth in Clear Power's prior DOE electricity export authorization, as applicable.<sup>16</sup> Clear Power respectfully submits that it satisfies the requirements of Section 202(e) of the FPA and Part 205, Subpart W of DOE's regulations applicable to applications for authorization to transmit electric energy from the United States to Mexico. Clear Power respectfully requests waiver of the requirement to file this Renewal Application six months in advance of the authorization requested herein to allow issuance of an order renewing Clear Power authorization to transmit electric energy to Mexico on or before June 16, 2026. Clear Power also requests any additional waivers deemed necessary for DOE to issue the order requested herein.

## **VII. EXHIBITS**

In accordance with 10 C.F.R. § 205.303, the following exhibits are attached hereto and made a part hereof:

- |           |  |
|-----------|--|
| Exhibit A | Agreements (Not Applicable)  |
| Exhibit B | Opinion of Counsel   |
| Exhibit C | Transmission System Information (submitted in lieu of maps)  |
| Exhibit D | Irrevocable Limited Power of Attorney (Not Applicable)   |
| Exhibit E | Statement of any Corporate Relationship or Existing Contract which in any way Relates to Control or Fixing of Rates for the Purchase, Sale or Transmission of Electric Energy (Not Applicable) |
| Exhibit F | Operating Procedures Regarding Available Capacity and Energy (Not Applicable)  |

---

<sup>16</sup> See *Clear Power LLC*, No. EA-486 at 11-15 (Dec. 9, 2020).

Exhibit G      Verification

To the extent necessary, Clear Power requests a waiver of the requirement to provide the exhibits that are not applicable to this Renewal Application, as noted above.

Pursuant to the requirement of 10 C.F.R. § 205.309, a copy of this Renewal Application is being provided to:

**Federal Energy Regulatory Commission**  
Office of the Secretary  
888 First Street, N.E.  
Washington, DC 20426

**VIII. CONCLUSION**

For the foregoing reasons, Clear Power respectfully requests that the DOE issue an order renewing Clear Power's authorization to transmit electric energy to Mexico for a period of five years, effective upon issuance of the order but no later than June 16, 2026.

Respectfully submitted,  
/s/ Caroline S. Sinegar

Caroline S. Sinegar, Associate  
Bracewell LLP  
2001 M Street, N.W. Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5806  
Fax: (800) 404-3970  
Email: caroline.sinegar@bracewell.com

Catherine P. McCarthy, Partner  
Bracewell LLP  
2001 M Street, N.W., Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5839  
Fax: (800) 404-3970  
catherine.mccarthy@bracewell.com

Dated: April 16, 2026

**EXHIBIT A- TRANSMISSION AGREEMENTS**

*Not Applicable*

Exhibit A

**EXHIBIT B - OPINION OF COUNSEL**

*See Attached*

**Exhibit B**

From the Desk of  
**Ralph Cordova Jr.**  
Attorney at Law

April 13, 2026

United States Department of Energy  
Office of Electricity  
1000 Independence Avenue, SW  
Washington, DC 20585

Ladies and Gentlemen:

This opinion is rendered in connection with the Application of Clear Power LLC (“Clear Power”) for Reauthorization to Transmit Electric Energy to Mexico (the “Application”), pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C. 824a(e), and 10 C.F.R. § 205.300, *et seq.*

Based on my understanding of the Application and my examination of such documents, records and matters of law as I have considered relevant in the premises, it is my opinion that:

1. Clear Power is duly incorporated, validly existing and in good standing under the laws of the State of California;
2. Clear Power has been authorized by the Federal Energy Regulatory Commission to make sales of electric power at wholesale in interstate commerce, at market-based rates;
3. Clear Power is in compliance with all applicable Federal and state laws; and
4. Clear Power has full corporate power and authority to buy, sell, or act as a marketer in the sale and export of electric energy as requested in the Application.

I express no opinion as to the laws of any other jurisdiction or as to any matters of municipal law or the laws, rules or regulations of any local agency in any state. This opinion is issued as of the date hereof and is necessarily limited to the laws in effect at this time. I am not assuming any obligation to review or update this opinion should the law or existing facts or circumstances change. This opinion is provided by me as counsel for Clear Power solely to you for your exclusive use and is not to be made available to or relied upon by any other person or entity without my prior written consent.

Sincerely yours,

By:   
Ralph Cordova Jr.  
Principal, Contracts and Legal

750 West Main Street  
El Centro CA 92243  
Office: (760) 292-8250 Mobile: (760) 604-2670  
Email: ralphcordova@cordovalaw.net

**EXHIBIT C - TRANSMISSION SYSTEM INFORMATION**

*See Attached*

Exhibit C

**Exhibit C – International Electric Transmission Facilities at the U.S.-Mexico Border  
Authorized for Third-Party Use for Clear Power Exports to Mexico**

<b>Present Owner No.</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit</b>
AEP Texas Inc.	Laredo, TX	138 kV 230 KV	PP-423 PP-423
	Brownsville, TX	138 kV 69 kV	PP-425 PP-425
	Eagle Pass, TX	138 kV	PP-424
Baja California Power, Inc.	Imperial Valley, CA	230 kV	PP-234-1 PP-234-2
Comision Federal de Electricidad	Falcon Dam, TX	138 kV	N/A <sup>1</sup>
	Redford, TX	7.2 kV	PP-51
	Presidio, TX	13.8 kV	PP-03
Energia Sierra Juarez U.S. Transmission, LLC	Jacumba, CA	2-230 kV	PP-334 PP-334-1
El Paso Electric Company	Diablo, NM	115 kV	PP-92
	Ascarate, TX	115 kV	PP-48
Generadora del Desierto – WAPA	San Luis, AZ	2-230 kV	PP-304*
Nogales Transmission L.L.C.	Nogales, AZ	230 kV	PP-420*
San Diego Gas & Electric	Miguel, CA	230 kV	PP-68
	Imperial Valley, CA	230 kV	PP-79
Sharyland Utilities, Inc.	McAllen, TX	138 kV	PP-285

\*These transmission facilities have been authorized but not yet constructed or placed into operation.

<sup>1</sup> The international transmission facilities consisting of a 138 kV line at Falcon Dam in Falcon Heights, Texas, were authorized by the treaty between the United States and Mexico titled, "Utilization of Waters of Colorado and Tijuana Rivers and of the Rio Grande," signed February 3, 1944, and offer open transmission access.

**EXHIBIT D - DESIGNATION OF AGENT AND POWER OF ATTORNEY**

*Not Applicable*

Exhibit D

**EXHIBIT E - STATEMENT OF ANY CORPORATE RELATIONSHIP  
OR EXISTING CONTRACT**

*Not Applicable*

Exhibit E

**EXHIBIT F - OPERATING PROCEDURES**

*Not Applicable*

**EXHIBIT G - VERIFICATION**

Exhibit G



# BRACEWELL

April 16, 2026

**VIA EMAIL**

Office of Electricity  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Re: Clear Power LLC  
Renewal Application for Authorization to Transmit Electric Energy to Mexico,  
OE Docket No. EA-486-A

To Whom It May Concern:

Enclosed for filing on behalf of Clear Power LLC ("Clear Power") is an original of Clear Power's Application for Renewal of Authorization to export electricity from the United States to Mexico and related exhibits.

Clear Power has made payment in the amount of \$500.00 as the filing fee for the application by credit card to the DOE, as per your instructions.

A copy of the Application is being served contemporaneously upon the Federal Energy Regulatory Commission, as required by 10 C.F.R. § 205.309.

If you have any questions regarding this filing, or if you require additional information please contact me at 202-828-5806.

Very truly yours,

Bracewell LLP

/s/ Caroline S. Sinegar

Caroline S. Sinegar  
Bracewell LLP  
2001 M Street, NW, Suite 900  
Washington, DC 20036  
Phone: (202) 828-5806  
caroline.sinegar@bracewell.com  
*Attorney for Clear Power LLC*

Enclosures

cc: Federal Energy Regulatory Commission

**Caroline S. Sinegar**  
Associate

T: +1.202.828.5806 F: +1.800.404.3970  
2001 M Street NW, Suite 900, Washington, DC 20036-3310  
caroline.sinegar@bracewell.com bracewell.com

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

**In the matter of:  
Clear Power LLC**

)

**OE Docket No. EA-486-A**

**APPLICATION OF CLEAR POWER LLC  
FOR REAUTHORIZATION TO TRANSMIT ELECTRIC ENERGY  
TO MEXICO**

Pursuant to Section 202(e) of the Federal Power Act (“FPA”), 16 U.S.C. § 824(e) (2006), and Part 205, Subpart W of the U.S. Department of Energy’s (the “DOE”) regulations, 10 C.F.R. § 205.300, et seq., Clear Power LLC (“Clear Power” or “Applicant”) hereby requests renewal of its authorization to transmit electric energy from the United States to Mexico for a period of five years (“Renewal Application”). DOE previously granted Clear Power authorization to export electric energy from the U.S. to Mexico as a power marketer on December 9, 2020 in Order No. EA-486.<sup>1</sup> Due to administrative oversight, Clear Power did not identify that its existing export authorization had expired on December 9, 2025, so it is undergoing a temporary lapse in its export authority.<sup>2</sup> Clear Power respectfully requests that authorization be granted for an additional term of five years beginning on or before June 16, 2026 to allow Clear Power to expeditiously continue its participation in cross-border electricity markets. In support of this Renewal Application, Clear Power respectfully states as follows:

---

<sup>1</sup> See *Clear Power LLC*, Order No. EA-486 at 11-15 (Dec. 9, 2020).

<sup>2</sup> Clear Power is not currently exporting electricity to Mexico and does not intend to resume export transactions unless and until the DOE grants temporary or permanent authorization.

## I. DESCRIPTION OF THE APPLICANT

The exact legal name of the Applicant is Clear Power LLC. Clear Power is a California limited liability corporation with its principal place of business at 604 Sutter Street, Suite 250, Folsom, CA 95630.

On December 9, 2020, DOE issued Order No. EA 486 authorizing Clear Power to transmit electric energy from the United States to Mexico as a power marketer.<sup>3</sup> Clear Power is a power marketer with authorization from the Federal Energy Regulatory Commission (“FERC”) to market electric energy and capacity at wholesale pursuant to market-based rate authorization granted by letter order issued on January 12, 2021, in FERC Docket No. ER20-2654-000.<sup>4</sup> Clear Power is a wholly-owned subsidiary of the Alaywan Trust which owns or is affiliated with entities that own or control a combined total of 18.0 MW (nameplate) of operating renewable generation facilities, all located in the California Independent System Operator (“CAISO”) market.

Clear Power’s sole business is to provide energy services. Clear Power participates in the domestic energy markets in the United States, including, without limitation, by purchasing wholesale electric energy, capacity and ancillary services at market-based rates for resale to Mexico and importing electric energy from Mexico. Additionally, Clear Power makes wholesale purchases in the Electricity Reliability Council of Texas and CAISO and engages in such transactions in other geographic regions and energy markets in the United States, including without limitation, in the Arizona, New Mexico, Southern Nevada Power Area and the Rocky Mountain Power Area.

---

<sup>3</sup> See *Clear Power LLC*, Order No. EA-486 at 15 (Dec. 9, 2020).

<sup>4</sup> Clear Power LLC, Letter Order issued in Docket No. ER20-2654-000 (Jan 12, 2021) (granting market-based rate authority).

Clear Power does not own or control any electric power generation, transmission or distribution facilities. In addition, Clear Power does not have a franchised service area and has not entered into any contracts that confer ownership or control over generation capacity to Clear Power. Clear Power is ultimately responsible for all electricity trading undertaken by itself and is ultimately responsible for compliance with all applicable laws, regulations and market rules.

## **II. COMMUNICATIONS**

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

Kevin Coffee  
Senior Vice President of Market Operations  
ZGlobal Inc.  
604 Sutter Street, Suite 250  
Folsom, CA 95630  
Phone: (760) 355-0288  
Email: kcoffee@zglobal.biz

Catherine P. McCarthy  
Partner  
Bracewell LLP  
2001 M Street, N.W.  
Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5839  
Fax: (800) 404-3970  
catherine.mccarthy@bracewell.com

Caroline S. Sinegar  
Associate  
Bracewell LLP  
2001 M Street, N.W.  
Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5806  
Fax: (800) 404-397  
caroline.sinegar@bracewell.com

## **III. JURISDICTION**

The authority requested of DOE by Clear Power is a necessary condition for exporting under section 202(e) of the FPA which provides that the DOE is the sole agency with jurisdiction over the proposed export of electric energy to Mexico. DOE's Office of Electricity formerly held the authority to regulate the export of electric energy to a foreign country pursuant to section 202(e)

and 202(f) of the FPA.<sup>5</sup> While this authority was delegated to DOE's Grid Deployment Office, recent publications in the Federal Register indicate that the Office of Electricity currently holds the authority to regulate the export of electric energy despite this delegation.<sup>6</sup> No other known federal, state or local government has jurisdiction over the actions to be taken under the authority sought in this Renewal Application.

#### **IV. RENEWAL AUTHORIZATION, TECHNICAL DISCUSSION AND CONSISTENCY WITH LAWS**

##### **(a) Description of Transmission Facilities**

By this Renewal Application, Clear Power seeks authorization to continue to transmit electric energy, on either a firm or interruptible basis, to Mexico. Clear Power desires to continue its exports of electrical energy acquired from U.S. generating sources to Mexico over international electric transmission facilities. The Presidential Permits under which the relevant border facilities were constructed and maintained, and details related thereto, are set forth in Exhibit C.

##### **(b) Technical Discussion**

Pursuant to Section 202(e) of the FPA, before DOE grants authorization to export electricity, it first evaluates the impact of the export on the reliability of the U.S. electric system. DOE approves an application to export electricity unless it finds that "the proposed transmission would impair the sufficiency of electric supply within the United States," or that "the proposed transmission ... would impede or tend to impede the coordination in the public interest of facilities

---

<sup>5</sup> See Redefinition Order No. S4-DEL-OE1-2021-2 (rescinded).

<sup>6</sup> See Delegation Order No. S1-DEL-S3-2023; Redefinition Order No. S3-DEL-GD1-2023. A new hierarchical chart posted by DOE on November 20, 2025 shows that the Grid Deployment Office is no longer listed as part of the organization, which is now expected to be absorbed by the Office of Critical Minerals and Energy Innovation. However, it appears regulatory authority over the export of electric energy to a foreign country pursuant to section 202(e) and 202(f) of the FPA has yet to be redelegated within DOE as of the date of submittal of this Application.

subject to the jurisdiction of the Commission.”<sup>7</sup> In applying these two criteria to requests for export authorizations submitted by electric power marketers such as Clear Power, DOE has declined to follow a rigid application of the information filing requirements set forth in DOE’s regulations and instead has used a flexible approach to account for the unique nature of power marketers.<sup>8</sup>

Clear Power does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation. Moreover, none of Clear Power’s affiliates owns any electric transmission facilities other than generator interconnection facilities and Clear Power is not affiliated with an entity that holds a franchise or service territory. Thus, Clear Power has no “transmission system” of its own on which power exports could have a reliability or stability impact.

Specifically, with respect to the first criterion used to analyze applications to export electricity, Clear Power is a power marketer that will export electricity purchased from electric utilities, federal power marketing agencies, qualifying cogeneration and small power production facilities, independent power producers, and other sellers. As DOE has recognized, the “power purchased by a power marketer is, by definition, surplus to the needs of the selling entities” and “[w]ith no native load obligations, the power marketer is free to sell its power portfolio on the open market domestically or as an export.”<sup>9</sup> Thus, an export of electricity “occurring under such circumstances” would not impair the sufficiency of electric supply within the U.S.<sup>10</sup>

---

<sup>7</sup> 16 U.S.C. § 824(e).

<sup>8</sup> See, e.g., *Morgan Stanley Capital Group Inc.*, Order No. EA-185-A-CN (Aug. 14, 2000); *NorAm Energy Servs., Inc.*, Order No. EA-105-CN (Aug. 16, 1996); *MidCon Power Servs. Corp.*, Order No. EA-114 (July 15, 1996); *USGen Power Servs.*, Order No. EA-112 (June 27, 1996); *CNG Power Servs. Corp.*, Order No. EA-110 (June 20, 1996); *Destec Power Servs., Inc.*, Order No. EA-113 (May 31, 1996).

<sup>9</sup> See, e.g., *Freepoint Commodities, LLC.*, Order No. EA-379 (Sept. 29, 2011).

<sup>10</sup> See *Powerex Corp.*, Order No. EA-171-E at 6-7 (Sept. 10, 2020).

DOE has interpreted the second criterion used to analyze applications to export electricity “primarily as an issue of the operational reliability of the domestic electric transmission system.”<sup>11</sup> As noted above, Clear Power does not own or control any electric power supply system in the United States. Additionally, in making the necessary commercial arrangements and obtaining transmission capacity necessary to export electricity under the authorization requested herein, Clear Power will comply with existing industry procedures for obtaining transmission capacity, including reserving transmission service in accordance with FERC’s Open-Access Same-Time Information System (“OASIS”) and scheduling delivery of the export with the appropriate Regional Transmission Organization(s) or Independent System Operator(s) and/or Balancing Authority areas.

Additionally, the DOE has consistently found that the “power purchased by a power marketer is, by definition, surplus to the needs of the selling entities” and “[w]ith no native load obligations, the power marketer is free to sell its power portfolio on the open market domestically or as an export.”<sup>12</sup> Accordingly, DOE has routinely granted export authorization to power marketers, even those with affiliates owning electric generation facilities and serving native load obligations.<sup>13</sup> The DOE has not considered power marketers’ affiliated generation as part of its scope of review for applications for export authorization pursuant to FPA Section 202(e), and there is no need for it to do so in order to perform its statutory obligation as directed by Congress.

Clear Power will schedule its exports from the U.S. in compliance with all applicable reliability criteria, standards and guides as are set out by the North American Electricity Reliability

---

<sup>11</sup> See, e.g., *Freepoint Commodities, LLC.*, Order No. EA-379 (Sept. 29, 2011).

<sup>12</sup> See, e.g., *TransAlta Energy Marketing (U.S.) Inc.*, Order No. EA-216-C at 2 (May 17, 2011).

<sup>13</sup> See, e.g., *Brookfield Renewable Trading and Marketing LP*, Order No. EA-465-A at 3 (Mar. 25, 2024); *Luminant Energy Co., LLC*, Order No. EA-472-A at 2 (May 30, 2024); *Boston Energy Trading and Marketing LLC*, Order No. EA-464-A at 2-3 (Feb. 21, 2024); *ENGIE Energy Marketing NA, Inc.*, Order No. EA-508 at 2 (June 24, 2024).

Corporation (“NERC”) (or any successor organization), the North American Energy Standards Board (or any successor organization) and regional reliability councils and as applied by U.S. transmission providers.<sup>14</sup>

**(c) Consistency with Laws**

Authorization of the exports proposed by Clear Power is consistent with the United States–Mexico–Canada Agreement (“USMCA”), the replacement to NAFTA, and U.S. energy policy and will foster development of a more efficient and competitive North American energy market. Clear Power 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 reliability criteria, standards and guidelines of the NERC, regional reliability councils, and Balancing Authorities, including any applicable regional transmission organizations or independent system operators. Compliance with these statutes, rules, regulations, and orders will ensure that the proposed transmission will not impede or tend to impede the regional coordination of electric utility planning or operation.

Clear Power believes that DOE is not required to conduct an environmental assessment or an environmental impact statement in connection with this Renewal Application and that DOE’s approval of this Renewal Application is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.2 of the revised DOE regulations implementing the National Environmental Policy Act of 1969.<sup>15</sup>

**V. VERIFICATION**

---

<sup>14</sup> See, e.g., *Sempra Energy Trading Corp.*, Order No. EA-176-A (May 3, 2000).

<sup>15</sup> See, e.g., *Calpine Energy Solutions, LLC*, Order No. EA-284-F at 9-10 (Feb. 20, 2020) (Order Authorizing Electricity Exports to Mexico).

The signed Verification of Ziad Alaywan, Chief Executive Officer of Clear Power, is attached hereto as Exhibit G.

## **VI. PROCEDURAL ISSUES**

If required by DOE, Clear Power agrees to abide by general conditions consistent with those set forth in Clear Power's prior DOE electricity export authorization, as applicable.<sup>16</sup> Clear Power respectfully submits that it satisfies the requirements of Section 202(e) of the FPA and Part 205, Subpart W of DOE's regulations applicable to applications for authorization to transmit electric energy from the United States to Mexico. Clear Power respectfully requests waiver of the requirement to file this Renewal Application six months in advance of the authorization requested herein to allow issuance of an order renewing Clear Power authorization to transmit electric energy to Mexico on or before June 16, 2026. Clear Power also requests any additional waivers deemed necessary for DOE to issue the order requested herein.

## **VII. EXHIBITS**

In accordance with 10 C.F.R. § 205.303, the following exhibits are attached hereto and made a part hereof:

- |           |  |
|-----------|--|
| Exhibit A | Agreements (Not Applicable)  |
| Exhibit B | Opinion of Counsel   |
| Exhibit C | Transmission System Information (submitted in lieu of maps)  |
| Exhibit D | Irrevocable Limited Power of Attorney (Not Applicable)   |
| Exhibit E | Statement of any Corporate Relationship or Existing Contract which in any way Relates to Control or Fixing of Rates for the Purchase, Sale or Transmission of Electric Energy (Not Applicable) |
| Exhibit F | Operating Procedures Regarding Available Capacity and Energy (Not Applicable)  |

---

<sup>16</sup> See *Clear Power LLC*, No. EA-486 at 11-15 (Dec. 9, 2020).

Exhibit G      Verification

To the extent necessary, Clear Power requests a waiver of the requirement to provide the exhibits that are not applicable to this Renewal Application, as noted above.

Pursuant to the requirement of 10 C.F.R. § 205.309, a copy of this Renewal Application is being provided to:

**Federal Energy Regulatory Commission**  
Office of the Secretary  
888 First Street, N.E.  
Washington, DC 20426

**VIII. CONCLUSION**

For the foregoing reasons, Clear Power respectfully requests that the DOE issue an order renewing Clear Power's authorization to transmit electric energy to Mexico for a period of five years, effective upon issuance of the order but no later than June 16, 2026.

Respectfully submitted,  
*/s/ Caroline S. Sinegar*

Caroline S. Sinegar, Associate  
Bracewell LLP  
2001 M Street, N.W. Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5806  
Fax: (800) 404-3970  
Email: caroline.sinegar@bracewell.com

Catherine P. McCarthy, Partner  
Bracewell LLP  
2001 M Street, N.W., Suite 900  
Washington, D.C. 20036-3389  
Phone: (202) 828-5839  
Fax: (800) 404-3970  
catherine.mccarthy@bracewell.com

Dated: April 16, 2026

**EXHIBIT A- TRANSMISSION AGREEMENTS**

*Not Applicable*

Exhibit A

**EXHIBIT B - OPINION OF COUNSEL**

*See Attached*

Exhibit B

From the Desk of  
**Ralph Cordova Jr.**  
Attorney at Law

April 13, 2026

United States Department of Energy  
Office of Electricity  
1000 Independence Avenue, SW  
Washington, DC 20585

Ladies and Gentlemen:

This opinion is rendered in connection with the Application of Clear Power LLC (“Clear Power”) for Reauthorization to Transmit Electric Energy to Mexico (the “Application”), pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C. 824a(e), and 10 C.F.R. § 205.300, *et seq.*

Based on my understanding of the Application and my examination of such documents, records and matters of law as I have considered relevant in the premises, it is my opinion that:

1. Clear Power is duly incorporated, validly existing and in good standing under the laws of the State of California;
2. Clear Power has been authorized by the Federal Energy Regulatory Commission to make sales of electric power at wholesale in interstate commerce, at market-based rates;
3. Clear Power is in compliance with all applicable Federal and state laws; and
4. Clear Power has full corporate power and authority to buy, sell, or act as a marketer in the sale and export of electric energy as requested in the Application.

I express no opinion as to the laws of any other jurisdiction or as to any matters of municipal law or the laws, rules or regulations of any local agency in any state. This opinion is issued as of the date hereof and is necessarily limited to the laws in effect at this time. I am not assuming any obligation to review or update this opinion should the law or existing facts or circumstances change. This opinion is provided by me as counsel for Clear Power solely to you for your exclusive use and is not to be made available to or relied upon by any other person or entity without my prior written consent.

Sincerely yours,

By:   
Ralph Cordova Jr.  
Principal, Contracts and Legal

750 West Main Street  
El Centro CA 92243  
Office: (760) 292-8250 Mobile: (760) 604-2670  
Email: ralphcordova@cordovalaw.net

**EXHIBIT C - TRANSMISSION SYSTEM INFORMATION**

*See Attached*

Exhibit C

**Exhibit C – International Electric Transmission Facilities at the U.S.-Mexico Border  
Authorized for Third-Party Use for Clear Power Exports to Mexico**

<b>Present Owner No.</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit No.</b>
AEP Texas Inc.	Laredo, TX	138 kV 230 KV	PP-423 PP-423
	Brownsville, TX	138 kV 69 kV	PP-425 PP-425
	Eagle Pass, TX	138 kV	PP-424
Baja California Power, Inc.	Imperial Valley, CA	230 kV	PP-234-1 PP-234-2
Comision Federal de Electricidad	Falcon Dam, TX	138 kV	N/A <sup>1</sup>
	Redford, TX	7.2 kV	PP-51
	Presidio, TX	13.8 kV	PP-03
Energia Sierra Juarez U.S. Transmission, LLC	Jacumba, CA	2-230 kV	PP-334 PP-334-1
El Paso Electric Company	Diablo, NM	115 kV	PP-92
	Ascarate, TX	115 kV	PP-48
Generadora del Desierto – WAPA	San Luis, AZ	2-230 kV	PP-304*
Nogales Transmission L.L.C.	Nogales, AZ	230 kV	PP-420*
San Diego Gas & Electric	Miguel, CA	230 kV	PP-68
	Imperial Valley, CA	230 kV	PP-79
Sharyland Utilities, Inc.	McAllen, TX	138 kV	PP-285

\*These transmission facilities have been authorized but not yet constructed or placed into operation.

<sup>1</sup> The international transmission facilities consisting of a 138 kV line at Falcon Dam in Falcon Heights, Texas, were authorized by the treaty between the United States and Mexico titled, "Utilization of Waters of Colorado and Tijuana Rivers and of the Rio Grande," signed February 3, 1944, and offer open transmission access.

**EXHIBIT D - DESIGNATION OF AGENT AND POWER OF ATTORNEY**

*Not Applicable*

Exhibit D

**EXHIBIT E - STATEMENT OF ANY CORPORATE RELATIONSHIP  
OR EXISTING CONTRACT**

*Not Applicable*

Exhibit E

**EXHIBIT F - OPERATING PROCEDURES**

*Not Applicable*

**EXHIBIT G - VERIFICATION**

Exhibit G

