

Amendment proposed to the terms for requesting a change to permits for generation of electricity

On February 13, 2020, the National Regulatory Improvement Commission (“CONAMER”) published on its webpage the draft sent by the Energy Regulatory Commission (“CRE”) of the *“Ruling amending the general administrative provisions establishing the terms for requesting the authorization to change or transfer permits for generation or supply of electricity, contained in resolution number RES/390/2017”* (the “**Ruling**”).

This draft Ruling is intended in general terms to (i) prohibit modifications intended to change the persons authorized as beneficiaries of electricity (self-supply) and establishments associated with cogeneration, thus, prohibiting the inclusion of new individuals or entities that were not partners when the self-supply or cogeneration permit was granted by the CRE, or that were not included in the original project of expansion plans; and (ii) prohibit the possibility of registering new loading points, understood as such facilities and equipment that, in a given location or site, allow an end user to receive the Electrical Supply, when such, upon the entry into force of the Electric Industry Act, did not received the public electricity service.

CRE’s main purpose in issuing this draft Ruling is to prevent the distortion of the nature, purpose and object of the self-supply and cogeneration permits caused by permitting the inclusion of persons (individuals or entities) that were not partners at the time of granting the permit, or that were not included in the original draft of the expansion plans.

The CRE has requested CONAMER for an exemption from the public consultation regarding this draft as the Agreement would not generate compliance costs for individuals. Currently any interested party can make comments on such request at the following link:

<http://187.191.71.192/expedientes/24002>

We estimate that the process for this Ruling to enter into force, if it is submitted to the Regulatory Impact Analysis before CONAMER, would be approximately 140 to 180 business days. If the CRE is able to get the exemption from the Regulatory Impact Analysis, the period could be reduced to 40 to 60 business days.

The Fourth Transitory Article of the draft Ruling establishes that this administrative act may only be challenged through the indirect amparo proceeding established in article 27 of the Coordinated Energy Regulating Bodies Law.

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