

Preliminary Draft of regulatory amendments applicable to self-supply generation permits

February 2020

Authors: [Vicente Corta Fernández](#), [Francisco de Rosenzweig](#), [José Daniel Franco](#)

On February 13, 2020, the Energy Regulatory Commission (“**CRE**”) made public knowledge¹ of a preliminary draft that proposes to amend the *General provisions that establish the terms to request an authorization to modify or transfer electricity generation permits or electricity supply permits*,² in connection with the possibility of modifying self-supply electricity generation permits (the “**Preliminary Draft**”). The amendment proposal consists of the following:

1. Removing, on the corresponding self-supply generation permits, the possibility to register:
 - *Load points* that have not received electricity supply before the entrance into force of the Electricity Industry Law (August 12, 2014).
 - *Load points* that have entered into a supply agreement under the Electricity Industry Law.
 - *Load points* that have been registered, voluntarily or mandatory, in the Qualified Users Registry, and have concluded their registration by removal or term ending.
2. Removes the possibility of adding, in the expansion plans, individuals or entities different from those already authorized in the corresponding self-supply permit.

Self-supply generation permit holders and owners of load points interested in being included under this scheme may adopt certain measures given the potential implementation of the Preliminary Draft. Among such measures are: (i) request CRE to modify the expansion plans or include new load points in the self-supply permits, prior to the implementation of the Preliminary Draft; and, (ii) obtain legal advice for the filling of appropriate means of defense against this possible regulatory modification.

It should be noted that the Preliminary Draft is currently in the regulatory improvement process before the National Commission of Regulatory Improvement, which allows the public to submit comments or observations. Once this process is completed, the approval of the Preliminary Draft by the CRE’s board of commissioners will be required. Finally, the document approved by the CRE must be published in the *Federal Official Gazette* in order to come into effect.

¹ In the website of the National Commission of Regulatory Improvement, available here: <http://187.191.71.192/expedientes/24002>

² *Disposiciones administrativas de carácter general que establecen los términos para solicitar la autorización para la modificación o transferencia de permisos de generación de energía eléctrica o suministro eléctrico.*

White & Case, S.C.
Torre del Bosque - PH
Blvd. Manuel Avila Camacho #24
11000 Ciudad de México
Mexico

T +52 55 5540 9600

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