

PRESIDENTIAL PERMIT PP-75  
AUTHORIZING  
THE COMISION FEDERAL de ELECTRICIDAD  
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN  
ELECTRIC TRANSMISSION FACILITIES ACROSS  
THE INTERNATIONAL BORDER BETWEEN  
THE UNITED STATES AND MEXICO

BACKGROUND

On June 5, 1981, the Comision Federal de Electricidad (CFE), Departamento de Operacion, Zona Piedras Negras, Coahuila, Republic of Mexico, filed an application with the Economic Regulatory Administration of the Department of Energy (DOE) 1/ for a Presidential Permit pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038. CFE requested authority to construct, connect, operate and maintain at the international border of the United States and Mexico, a 7,200 volt overhead electric distribution circuit. This circuit will pass through the United States National Park Service's Amistad Reservoir Area, cross the Rio Grande River near Comstock, Texas, and terminate at the ranch of Manuel Diego Ainslie in the Piedras Negras, Coahuila, Mexico. This distribution circuit will be used to deliver a maximum of 150 kilowatts of electric power from the Rio Grande Electric Cooperative to the Diego ranch. DOE earlier had received an application for a Presidential Permit for this same circuit from Manuel Diego Ainslie. According to Mr. Diego's August 25, 1980, application, there is no other viable source from which he can purchase or acquire electric energy for his ranch. Subsequently, on April 17, 1981, with Mr. Diego's consent, the CFE notified DOE that the CFE, rather than Mr. Diego, would be the official applicant for the required Presidential Permit.

The Secretary of State by letter dated November 12, 1981, and the Secretary of Defense by letter dated November 18, 1981, have recommended that the Presidential Permit be granted. Upon consideration of this matter, the DOE finds that the issuance of this Presidential Permit, as provided hereafter, is appropriate and consistent with the public interest.

#### AUTHORIZATION

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (10 Code of Federal Regulations section 205.320 et seq.), permission hereby is granted to CFE to construct, connect, operate and maintain at the international border of the United States and Mexico, a 7,200 volt electric distribution circuit as further described in Article 2 below, upon the following conditions:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States without notice, or by DOE after public notice, and may be amended by DOE after proper application thereto.

Article 2. The facilities covered by and subject to this Permit shall include the following facilities, and all supporting structures within the right-of-way occupied by such facilities.

A 7,200 volt overhead distribution circuit located on the international border between the United States and Mexico, near Comstock, Texas. This circuit will deliver a maximum of 150

kilowatts of electric power from the Rio Grande Electric Cooperative to the Diego ranch. The facilities authorized by this Permit are more specifically shown and described in the application filed by CFE and Mr. Diego and also in the negative determination of environmental impacts issued by DOE on January 2, 1981.

Article 3. No change shall be made in the facilities covered by this Permit or in the authorized operation of these facilities unless such change shall have been approved by DOE.

Article 4. CFE or its agent shall at all times maintain the facilities covered by the Permit in a satisfactory condition such that all requirements of the National Electric Safety code in effect at the time of construction are fully met.

Article 5. The operation and maintenance of the facilities covered by this Permit shall be subject to the inspection and approval of a properly designated representative of DOE, who shall be an authorized representative of the United States for such purposes. CFE shall allow officers or employees of the United States with written authorization free and unrestricted access into, through and across any lands occupied by these facilities in the performance of their duties.

Article 6. CFE shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this Permit. Concerning such complaints, CFE shall take appropriate action as

necessary to mitigate the situation. Complaints from individuals residing within one-half mile of the center of the distribution circuit are the only ones which must be resolved. CFE shall maintain written records of all complaints received and of the corrective actions taken.

Article 7. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; or damages to, or loss of the property of CFE; or for damages to, or loss of the property, or injuries to the person of CFE's officers, agents, servants or employees, or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and CFE shall hold the United States harmless from any and all such claims.

Article 8. CFE shall arrange for the installation and maintenance of appropriate metering equipment so as to record permanently the hourly flow of all electric energy transmitted between the United States and Mexico over the facilities authorized herein. CFE shall prepare, maintain and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish to DOE an annual report which will be due on or before February 15th of each year, detailing the transmission of such electric energy, as follows: (1) the gross amount of kilowatt hours of electric energy received or delivered; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month of the preceding calendar year.

Article 9. Neither this Permit nor the facilities covered by this Permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this Permit shall continue in effect for a period of sixty days and then shall terminate unless an application for a new Permit pursuant to 10 Code of Federal Regulations section 205.323 has been received by DOE. Upon receipt by DOE of such an application, this existing Permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

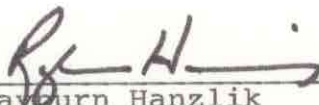
Article 10. Upon the termination, revocation or surrender of this Permit, the 7,200 volt overhead electric distribution circuit which is owned, connected, operated and maintained by CFE shall be removed within such time as DOE may specify and at the expense of CFE. If CFE fails to remove such facilities or any portion thereof authorized by this Permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of same at the expense of CFE. CFE shall have no claim for damages by reason of such possession, removal or repair.

Article 11. CFE shall assure that the transmission line authorized herein shall have a minimum clearance height of forty feet above the maximum lake height at the mid-span crossing of the United States Park Service's Amistad Reservoir. Additionally, CFE shall install appropriately colored indicators (e.g., red balls) on that

portion of the facilities authorized herein which cross the United States Park Service's Amistad Reservoir Area, in order to indicate the presence of this overhead electric distribution circuit to sailboat operators and aircraft pilots. CFE shall coordinate with the United States Park Service in the construction of this overhead facility across the Amistad Reservoir Area.

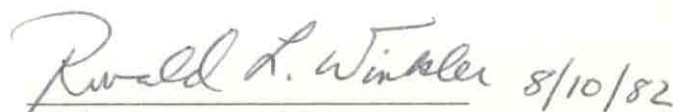
Article 12. This Permit shall be valid upon receipt by DOE of the Testimony of Acceptance properly executed.

In Witness Whereof, I, Rayburn Hanzlik, Administrator, Economic Regulatory Administration <sup>1/</sup>, hereunto sign my name, this <sup>13<sup>th</sup></sup> day of <sup>August</sup>, 1982, in the city of Washington, District of Columbia.

  
 \_\_\_\_\_  
 Rayburn Hanzlik  
 Administrator  
 Economic Regulatory Administration  
 Department of Energy

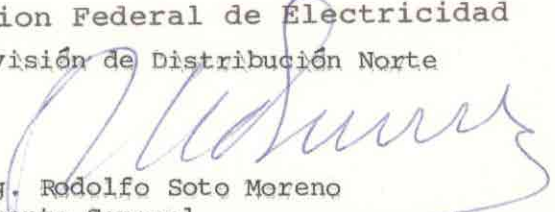
1/ In the recent reorganization within the Department of Energy, responsibility for Presidential Permits was transferred from the Economic Regulatory Administration to the Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness. Actions are underway for the transfer of the authority.

Concur:

  
 Ronald L. Winkler  
 Deputy Assistant Secretary  
 for Energy Emergencies  
 Environmental Protection, Safety,  
 and Emergency Preparedness

IN TESTIMONY OF ACCEPTANCE of all the provisions and conditions of this Permit, the Comision Federal de Electricidad (CFE), this 20th day of August , 1982, has caused its name to be signed and its corporate seal to be affixed hereto and attested by LIC. BERTHA LOPEZ R. DE CELIS , its notary, pursuant to a resolution of its Board of Trustees, duly adopted on this 20th day of August , 1982. A certified copy of this resolution is attached hereto.

Comision Federal de Electricidad  
División de Distribución Norte

  
Ing. Rodolfo Soto Moreno  
gerente General.  
Corporate Officer

=== LA C. LICENCIADA BERTHA LOPEZ DE R. CELIS NOTARIO PUBLICO TITULAR NUMERO (15) QUINCE? EN EJERCICIO PARA ESTE DISTRITO, =====  
=== C E R T I F I C A: que la firma que aparece al calce del documento que antecede, fué puesta en mi presencia por el señor Ingeniero RODOLFO SOTO MORENO, personalmente conocido de la suscrita Notario -- con capacidad legal suficiente para obligarse y contratar, no constándome nada en contrario, quien ratificó el contenido del mismo documento. DOY FE. =====

Gómez Palacio, Dgo., Agosto 24 de 1982.

  
LIC. BERTHA LOPEZ DE R. CELIS.  
Notario Público No. 15.



11025EA 8-3-82

Arturo C. Gonzalez  
ATTORNEY AT LAW  
313 PECAN STREET  
Del Rio, Texas 78840

P. O. DRAWER V  
TELEPHONE  
DIAL 775-4660  
AREA CODE 512

August 3, 1982

Mr. Garet Bornstein  
Presidential Permits  
Department of Energy  
2000 M Street NW, Room 4209  
Washington, DC 20461

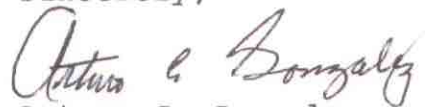
RE: Importation of Energy by  
Comision Federal de Electricidad  
Mexican Government

Dear Mr. Bornstein:

We have been receiving calls from Compania Federal de Electricidad regarding the importation of energy from the U.S. which is to be provided by Rio Grande Electric Coop, Inc., with offices in Brackettville, Texas.

I have previously pointed out in letters to your office and the Department of Interior that the connection of the power lines both in the United States and Mexico have been completed. Your office has advised that the permit has been authorized for the importation of energy, and while I am aware of the many other activities of your department, Compania Federal de Electricidad can not understand the reason for the delay in receiving the written authorization for the Rio Grande Electric Coop. Inc., to furnish them with the power which is so badly needed by Ing. Manuel Diego Ainslie. Due to lack of water, Mr. Diego is suffering the loss of large amounts of live stock. Wells have been drilled but because of lack of energy, the same cannot be used.

In view of these circumstances, I am wondering if it would be possible for the Department of Energy to verbally authorize the Rio Grande Electric Coop. Inc., to begin importation of electrical energy.

Sincerely,  
  
Arturo C. Gonzalez

ACG:ch  
CC: RIO GRANDE ELECTRIC COOP. INC.  
P. O. Box 125  
Brackettville, TX 78832



COMISION FEDERAL DE ELECTRICIDAD  
DIVISION DE DISTRIBUCION NORTE

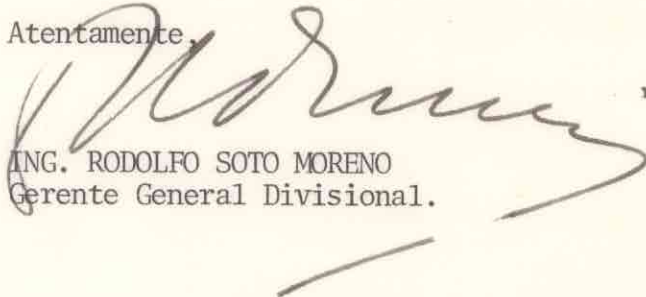
GERENCIA GENERAL DIVISIONAL  
OFICIO No. GG-RSM-108-82  
Gómez Palacio, Dgo., a **3465**

**2 MAR. 1982**

SR. ING. MANUEL DIEGO AINSLIE  
Monterrey 200-4  
Colonia Roma  
Piedras Negras, Coah.

Con relación a la solicitud del National Park Service, me permito comunicar a Ud. que esta Comisión Federal de Electricidad no tiene a la fecha ninguna solicitud para importar energía eléctrica de los Estados Unidos de Norteamérica que contemple un cruce de línea de distribución en el área comprendida entre el Parque Nacional Big Bend y Ciudad Acuña, Coah., a excepción de la negociada con la Compañía Río Grande Co. y aprobada por la Comisión de Utilidad Pública del Estado de Texas en documento No. 3717 de fecha Julio 3 de 1981; para el Rancho Santa Rosa de su propiedad.

Atentamente,



ING. RODOLFO SOTO MORENO  
Gerente General Divisional.

C.c.p. Sr. Ing. Raúl Aguirre Calderón  
C.c.p. Ing. Héctor Frías Salinas.

RSM'ogf.  
820203

Ing. Manuel Diego Ainslie  
Monterrey # 200-3  
Col. Roma  
Piedras Negras, Coah.

P. Negras, Coah. a 22 de Febrero de 1982.

Gentlemen:

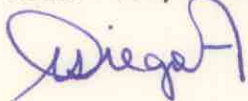
In support of an application by Comision Federal De Electricidad for a permit to construct and maintain a power distribution line across the -- International Boundary (Rio Grande River) to serve my ranch facilities I - offer the following information for your consideration.

My ranch property on the Mexican side of the Rio Grande River extends from a point approximately ten (10) miles below the proposed crossing now - under consideration and approximately fifteen (15) miles North of the - Town of Langtry, Texas.

The point of delivery now under consideration will provide more than adequate electrical energy for my ranch facilities as it will be a line-- of primary voltage which can be extended upon and across my property --- thus eliminating the need for future points of delivery at the Inter- national Border.

I therefore do not propose any future applications for additio-- nal power line corossings between the points herein mentioned.

Yours Very Truly.



ING. MANUEL DIEGO AINSLIE.