

RECORDS OF CATEGORICAL EXCLUSION DETERMINATION

Rainbow Energy Marketing Corporation Docket EA-375-B

PROPOSED ACTION: Rainbow Energy Marketing Corporation (Rainbow or Applicant) applied to the United States Department of Energy (DOE) Office of Electricity for an electricity export authorization to export electricity to Mexico pursuant to Section 202(e) of the Federal Power Act.¹ Rainbow is a privately-owned North Dakota corporation with its principal place of business in Bismarck, North Dakota. It is partially owned by United Energy Corporation. The Applicant states that it “does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area.”² Rainbow proposes to use existing authorized international electric transmission facilities that are appropriate for open access by third parties.³

Rainbow is a power marketer seeking renewal of an export authorization to sell electric energy into Mexico for a term of five years. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. The Presidential permits for these facilities were issued by DOE after an appropriate level of NEPA review.

CX TO BE APPLIED: The elements identified above fit within the class listed in Appendix B to Subpart D, of Part 10 C.F.R. 1021-Categorical exclusions applicable to specific agency actions. Specifically:

B4.2 Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission systems that are themselves categorically excluded.

10 C.F.R. Part 1021, App. B to Subpart D, § B4.2.

REGULATORY REQUIREMENT: The proposed action has previously been determined by DOE to not have a significant effect on the human environment, either individually or cumulatively. Authorizing the proposed action will not (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive orders; (2) require siting of new facilities or expansion of existing facilities; (3) disturb hazardous substances, pollutants, or contaminants; or (4) adversely affect environmentally sensitive resources.

DETERMINATION: Based on my review of the above information concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Policy 451.1), I have determined that the proposed action fits within the specified class of actions, that other regulatory requirements set forth above are met, and that the proposed action is hereby categorically excluded from further NEPA review.

¹ 16 U.S.C. § 824a(e).

² See Application of Rainbow Energy Marketing Corporation for Renewal of Authorization to Transmit Electric Energy to Mexico, at 2 (June 5, 2020).

³ See *id.* at 4

Signature: 

Date: September 09, 2020

Charles P. Kosak
Deputy Assistant Secretary
Transmission Permitting and Technical Assistance Division
DOE Office of Electricity