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Institute for Energy Law (IEL) of The Center for American and International Law
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Institute for
ENERGY LAW



4th IEL-ANADE Conference

The New Energy Legal Framework in Mexico: Lessons Learned and the Way Forward



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IEL-ANADE Conference
The New Energy Legal Framework
in Mexico: Lessons Learned and
the Way Forward

August 25-26, 2016

Marquis Reforma Hotel - Mexico
Mexico City • Mexico

Highlights Include

- Successes and Challenges of the Energy Reform So Far
- Regulation of Import, Transportation, Storage, and Marketing of Fuels
- Developments in the Bidding Process Based on Lessons-Learned
- The Gas and Power Regulatory Agenda
- The New Natural Gas Market: Participants' Perspectives
- Regulation of the Electricity Market in Texas and Mexico
- The New Electricity Market: Participants' Perspectives
- Infrastructure and JVs in the Energy Sector
- New Paradigms in Financing Energy Projects in Mexico

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The new Mexican energy legal framework is largely in place, and implementation is underway. The four-part first upstream bid round is near completion, the fuels market is open to competition, the gas and power market rules are set and power auctions are ongoing.

This year's program will explore the successes and challenges of the energy reform thus far, the legal and practical issues of its implementation, and upcoming opportunities in the upstream, midstream, downstream, electricity and alternative energies, drawing upon the experience of the participants: the lawyers, business people and government officials who are making the Mexican energy reform a reality.

7:30 REGISTRATION AND LIGHT BREAKFAST

8:45 OPENING REMARKS

– **Lic. Ricardo Cervantes**, President of ANADE, Anade Colegio de Abogados, A.C., México, D.F.

– **Steven P. Otilar**, Partner, Akin Gump Strauss Hauer & Feld LLP, Houston, Texas

CONFERENCE CO-CHAIRS:

– **Lic. Nicolás Borda**, Partner, Haynes and Boone, S.C., Chair of the Energy Committee, ANADE, Ciudad de México

– **Kenneth S. Culotta**, Partner, King & Spalding LLP, Houston, Texas

9:00 KEYNOTE: SUCCESSES AND CHALLENGES OF THE ENERGY REFORM SO FAR

– **Dr. Aldo Flores Quiroga**, Deputy Secretary of Hydrocarbons, Secretaría de Energía (Sener), Ciudad de México

9:30 PANEL – UPSTREAM ROUND 1: THE PARTICIPANTS' EXPERIENCE

Three of the four Round 1 bid rounds are complete, and the final round is scheduled for end of 2016. With each round, the participants have faced different challenges and learned important lessons. This panel presents a comparative analysis by representatives of government, majors, and independents.

MODERATOR:

– **Steven P. Otilar**, Partner, Akin Gump Strauss Hauer & Feld LLP, Houston, Texas

PANELISTS:

– **Arq. Jorge De Dios Morales**, CEO, Grupo Diarqco, S.A. de C.V., Villarhermosa, Tabasco, México

– **Lic. Juan Antonio Del Hoyo Huidobro**, Director, Cotemar, S.A. de C.V., Cd. Del Carmen, Campeche

– **Ing. Carlos Morales Gil**, CEO, PetroBal, S.A.P.I. de C.V., Ciudad de México

– **Ash Shepherd, J.D.**, Commercial Manager - Mexico, Talos Energy LLC, Houston, Texas

10:45 COFFEE BREAK

11:15 ROUND TABLE DISCUSSION: REGULATION OF IMPORT, TRANSPORTATION, STORAGE, AND MARKETING OF FUELS

As the opening of fuel imports into Mexico by private entities was moved forward to April 1st, 2016, and Pemex's gas transportation and



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storage infrastructure is about to be offered through open seasons, great opportunities are envisaged for companies throughout the fuel market value chain. This segment will explore the regulations that govern the fuel market, as well as the challenges and opportunities that the private sector will face as this market is liberalized.

MODERATOR:

— Lic. **Benjamín Torres-Barrón**, Partner, Baker & McKenzie Abogados, S.C., Ciudad de México

PANELISTS:

— Lic. **Dante Y. San Pedro Jacobo**, Dacs, Ciudad de México

— Lic. **Hans Valadez**, Legal Representative, Gulf Energy, Ciudad de México

12:00 UPSTREAM ROUND 2: DEVELOPMENTS IN THE BIDDING PROCESS BASED ON LESSONS LEARNED IN ROUND 1

Round 1 has been a success partly because it was done through a series of carefully crafted *licitaciones* that took into account government prerogatives and early industry input, and partly because all the parties used each *licitacion* as a basis for further discussion. So each phase informed the next. How do the collective phases of Round 1 inform the government's approach to Round 2? Two of the CNH's leading executives will provide the current view.

MODERATOR:

— Lic. **Manuel Cervantes**, Partner, MCM Abogados, Ciudad de México

PANELISTS:

— Ing. **Gaspar Franco Hernández**, Commissioner, Comisión Nacional de Hidrocarburos (CNH), Ciudad de México

— Mr. **Darío Lamanna**, Mexican Chapter Director, Association of International Petroleum Negotiators, Ciudad de México

1:00 LUNCHEON PRESENTATION: THE GAS AND POWER REGULATORY AGENDA

INTRODUCTION:

— Lic. **Ricardo Cervantes**, President of ANADE, Anade Colegio de Abogados, A.C., México, D.F.

SPEAKER:

— Lic. **Guillermo García Alcocer**, President, Comisión Reguladora de Energía (CRE), Ciudad de México

2:30 PANEL: THE NEW NATURAL GAS MARKET: PARTICIPANTS' PERSPECTIVES

The natural gas provisions of the energy reform demonstrate a commitment by the government to open the natural gas market to competition in a whole new way, transferring assets, capacity rights and market share from incumbents to independent operators and market participants. How is this process proceeding, and what do participants in the market have to say about this vast market transition?

MODERATOR:

— **Kenneth S. Culotta**, Partner, King & Spalding LLP, Houston, Texas

PANELISTS:

— **Shelley Corman**, Vice President Business Development, Howard Energy Partners, Houston, Texas

— Lic. **Álvaro Enfraín Téllez Rangel**, Founder Partner, Enix, Ciudad de México

— Lic. **Carlos Rodríguez Sámano**, General Counsel, Gas Natural Fenosa, Ciudad de México

3:45 COFFEE BREAK

4:15 ROUND TABLE DISCUSSION: REGULATION OF THE ELECTRICITY MARKET IN TEXAS AND MEXICO

No less than the gas market, the Mexico electricity market is being transformed by regulatory changes. And trade in electricity between Texas and Mexico is growing. Our roundtable discusses the main regulatory provisions of each jurisdiction and some of the issues that face Texas and Mexico as their energy markets become more integrated.

MODERATOR:

— **Dr. César Alejandro Hernández Alva**, Director of Analysis and Monitoring of Electricity Market, Secretaría de Energía (SENER), Ciudad de México

PANELISTS:

- **Dr. Rubén Flores**, Advisor, Comisión Federal de Electricidad, Ciudad de México
- **Ing. Erith Hernández Arreortúa**, Deputy Director of Market Operation, Centro Nacional de Control de Energía (CENACE), Ciudad de México

5:00 PANEL: THE NEW ELECTRICITY MARKET: PARTICIPANTS' PERSPECTIVES

As the Mexico electricity market is unbundled, market participants offer their perspectives on what is working, where the challenges remain and their approach to participation in the evolving market.

MODERATOR:

- **Lic. Cynthia R. Bouchot Preciat**, CEO, Energía CB, Deputy Chair, Energy Committee, Anade Colegio de Abogados, A.C., México, D.F.

PANELISTS:

- **Lic. Alejandro Fleming Kauffman**, General Counsel, Iberdrola, Ciudad de México
- **Mr. Israel Hurtado Acosta**, President, Mexican Academy of Energy Law (AMDE), Secretary, Mexican Association of Photovoltaic Solar Energy (ASOLMEX), México, D.F.
- **Luke Marriott**, Managing Director/Founder, Commodity Risk Solution, LLC, Denver, Colorado
- **Dra. Diana Sasse**, Sr. Counsel, Head of Energy – Mexico, SolarCity Ilios, Mexico City
- **Dr. Benigno Villarreal**, CEO, Vive Energía, S.A.P.I de C.V., Ciudad de México

6:15 RECEPTION

FRIDAY, AUGUST 26

9:00 PANEL: INFRASTRUCTURE AND JOINT VENTURES IN THE ENERGY SECTOR

The energy industry worldwide is characterized by its huge capital requirements and, in the upstream, the outside risk of exploration. From the beginning, market participants have used joint ventures to mitigate investment cost and risk. Many of these are contractual, governed by common law choice of law clauses. In Mexico's energy sector, JVs are a relatively new feature of the industry; our panelists will discuss how they are using joint ventures, and give their observations on how Mexico is adapting to global contracting norms.

MODERATOR:

- **Lic. Nicolás Borda**, Partner, Haynes and Boone, S.C., Chair of the Energy Committee, ANADE, Ciudad de México

PANELISTS:

- **Lic. Jorge E. Kim Villatoro**, General Counsel, Petróleos Mexicanos (Pemex), Ciudad de México
- **Lic. René Buentello Carbonell**, VP and General Counsel, Infraestructura Energética Nova, S.A.B. de C.V., Ciudad de México

10:15 PANEL: NEW PARADIGMS IN FINANCING ENERGY PROJECTS IN MEXICO

Another common feature in midstream and downstream energy infrastructure projects is project finance. Our panelists discuss the evolving features of Mexican energy project finance.

MODERATOR:

- **Lic. Thomas Mueller Gastell**, Partner, Ritch, Mueller, Heather y Nicolau, S.C., Ciudad de México

PANELISTS:

- **Lic. Luis Arizaga**, Founding Partner and CEO, EIRA Capital, Ciudad de México
- **Royal Daniel**, Managing Director Power, EIM Capital, Ciudad de México
- **Lic. Alejandro de la Vega Solórzano**, Head of Project Finance, Santander Global Banking & Markets, Ciudad de México
- **Diego Ordóñez Zaragoza**, Sustainable Projects Manager, Nacional Financiera, SNC, Ciudad de México

11:30 COFFEE BREAK

12:00 PANEL: KEY ENVIRONMENTAL AND MARITIME ISSUES IN THE OFFSHORE OIL & GAS PROJECTS

With two offshore Round 1 phases completed, and Round 1.4 (deepwater blocks) approaching, companies need to understand the Mexican legal provisions and issues that accompany offshore oil and gas activities.

MODERATOR:

— Dr. Héctor Herrera, Partner, Haynes and Boone, S.C., Ciudad de México

PANELISTS:

— Derek J. Anchondo, Shareholder, Greenberg Traurig, LLP, Houston, Texas

— Lic. Saturnino Hermida Mayoral, Deputy Director of Maritime Industrial Development, Secretaría de Comunicaciones y Transportes, Ciudad de México

— Lic. Carlos A. Morán, Partner, Cogan and Partners LLP, Houston, Texas

— Lic. Alfredo Orellana Moyao, General Counsel, Agencia Nacional de Seguridad Industrial y de Protección al Medio Ambiente (ASEA), México D.F.

1:30 FINAL REMARKS AND CONCLUSIONS

— Lic. Carlos A. Morán, Partner, Cogan and Partners LLP, Houston, Texas

— Steven P. Otilar, Partner, Akin Gump Strauss Hauer & Feld LLP, Houston, Texas

ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)



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Part of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents numerous educational conferences and seminars each year, publishes papers, periodicals and *The Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed. For more information, visit cailaw.org/iel.

ABOUT THE MEXICAN CORPORATE COUNSEL ASSOCIATION (ANADE)



The Asociación Nacional de Abogados de Empresa, A.C. (Mexican Corporate Counsel Association, Civil Association – ANADE) was founded in 1970 and groups more than 700 in-house and external corporate attorneys. ANADE has its national headquarters in Mexico City and has six chapters, namely: Baja California, La Laguna area, Chihuahua, Jalisco, Nuevo León and Querétaro. ANADE is an organization that promotes, facilitates and furthers the interchange of information, experience, knowhow, methods and techniques with respect to the functions and practices of its members. Furthermore, it promotes the compliance with professional ethical standards and efficiency of corporate attorneys. Learn more at anade.org.mx.

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6th
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Lessons Learned and the Way Forward

August 25-26, 2016

Marquis Reforma Hotel • Mexico City, Mexico

Registration includes the Conference, all meals and the course material provided online, which may be printed or saved by customer. It does not include a printed binder of program material.

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by July 28, 2016. E-mail cancellation notice to lgaspar@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The IEL-ANADE Conference will be taking place at the Marquis Reforma Hotel - Mexico (Paseo de la Reforma 465 Col. Cuauhtemoc. Mexico, D.F. 06500). Registrants should call 52 (55)-5229-1200 ext. 4152, 4153 & 4140 and provide the group code "Grupo ANADE AC" to receive a reduced room rate of \$170 + tax.

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