

RITCH

M U E L L E R

Energy Regulatory Commission lifts suspension on legal deadlines

On January 18, 2021, the Energy Regulatory Commission ("CRE") published the Decree A/001/2021 (the "Decree") in the Federal Official Gazette, by means of which the CRE suspended its legal deadlines for responding to submissions or requests, as a measure to prevent the spread of COVID-19. This Decree established that the suspension would not apply to those cases that the CRE considered to be "urgent", which was used as a mechanism for delaying the processing of such submissions and was therefore widely challenged.

However, on February 28, 2023, the CRE published a decree in the Federal Official Gazette lifting the suspension of legal deadlines, which took effect on March 1, 2023 (the "Lifting Decree").

Under the Lifting Decree, the CRE established that its activities would resume progressively, taking into account the following measures:

- The submissions made to the CRE during the suspension of legal deadlines will be processed in order of precedence and will be considered as having been made as of March 1, 2023.
- After March 1, 2023, submissions will be processed according to the folio number assigned through the Electronic Filing Office's ("OPE") website.
- Only one request per month per individual or entity will be processed, and folios will be assigned as follows:
 - i) 50 per month in hydrocarbon matters;
 - ii) 15 per month in electricity matters; and
 - iii) 120 per month in pre-registrations.

In addition, please note that the Lifting Decree makes a direct reference to the CRE's website (www.cre.gob.mx), where individuals and companies can consult the specific deadlines that the CRE will abide by for processing existing or future submissions. However, it is important to be aware that the CRE may modify the content of the website at its discretion and without prior notice, which creates uncertainty about the process and schedule that it will follow to handle such submissions going forward.

As of the date of this document, the CRE has published a calendar on its official website indicating the processing dates for submissions made since 2019, for each subject matter¹.

¹ The calendar can be viewed through this [link](#).

RITCH M U E L L E R

The calendar anticipates considerably long processing times and includes some exceptions regarding the application of the Lifting Decree.

In our view, the Lifting Decree contains constitutional flaws that directly affect companies and individuals (i.e., violations to the right to petition, legal certainty, free competition, legal hierarchy, and access to justice). As a result, companies and individuals may choose to challenge the Lifting Decree as follows:

- For those submissions made during or before CRE's deadline suspension, which are still pending resolution, the Lifting Decree will affect them from the date of the Lifting Decree's enactment; thus, companies and individuals would be able to challenge its constitutionality within 30 business days thereafter (deadline that would expire on April 12, 2023).
- For submissions that were made after the enactment of the Lifting Decree, companies and individuals could challenge its constitutionality within 15 business days of the submission of the corresponding procedure or request, as it is until that moment that they would be considered to be affected.

Should you require further information, our team of professionals is available and remains at your disposal. We encourage you to reach out to your ordinary Ritch Mueller contacts to discuss any such issues so we can assist you in determining the most appropriate course of action. Otherwise, feel free to reach out to us at contacto@ritch.com.mx so we may direct your query to the appropriate team members.

**Torre Virreyes, Av. Pedregal No. 24 10th floor
Molino del Rey, 11040 Mexico City
+52 55 9178 7000
contacto@ritch.com.mx / www.ritch.com.mx**