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The Energy Map in Mexico 2025–30: Spaces and Barriers to Private Investment

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Introduction

This working paper will address the energy legal and policy framework and the place of private investment in Mexico following the constitutional amendment of October 31, 2014, and the legislative changes enacted on March 18, 2025. The regulatory changes and administrative provisions enacted throughout 2025 are also considered. The objective is to assess the opportunities for private capital, foreign or domestic, to participate in the country's energy landscape, in the understanding that even when private companies are not excluded from participating in the energy industry, they are now subject to substantial limitations, which break the competitive paradigm of the 2013 energy reform.

Preliminary Thoughts

The constitutional amendments of interest in this paper took place following the first 30 days of the beginning of the Claudia Sheinbaum administration (2024–30). The changes to the constitution pushed by the Sheinbaum administration effectively redefine the energy as "Strategic Companies and Activities."[1] In Mexican legal and political jargon, the term "strategic" has a specific, and politically laden, connotation. When an activity or a company is labeled "strategic" by Mexico's government, it means that it is subject to being tightly controlled by the state, primarily because the government considers it as a public good and the government is the sole guarantor of the same. Thus, the Sheinbaum constitutional reform reverses the 2013 energy reform and revives a model in which the state is reinstated as the primary player in the energy industry, not only in policy making, but also as a producer and provider of energy. Thus, at first glance, it can be assumed that the energy industry shuts out private actors. This is not the case, although the participation of private capital is considerably restricted.

In fact, the Constitution did not exclude private capital entirely, but the opportunities open to it, within the boundaries of the energy policy space, may render the model inefficient, as examined in this paper. In other words, while the amended text of the constitution does not revert to an explicitly statist model, it generates an energy industry where state planning and regulatory control are strengthened, privileging national energy companies with extraordinary market power under the label of "State Owned Public Companies."[2]

Until the enactment of the secondary legislation on March 18, 2025, there was speculation about what the Constitution was meant to do. Some terms were rather

vague. A key issue, for example, is the term "*prevalence*"[3] now included in Article 27, and which is relevant only to the power sector. This provision mandates the National Electricity Commission (Comisión Federal de Electricidad, or CFE), or any state-owned company (SOC), to produce at least 54% of the electricity injected into the grid each year. Even so, the text was rather imprecise as to what *prevalence* may mean in practice. In fact, analysts contended that the constitutional wording was vague enough to allow a degree of flexibility to draft the secondary legislation and the administrative regulations that could open space and opportunities for private investment.[4] How did that play out in the secondary legislation of March 18, 2025?

Several new laws make up the new implementing legislation, but those most relevant to private investors include *The Law of the Electric Sector (LES), The Law of the H*ydrocarbons Sector (LHS), *The Law of Planning and Energy Transition (LPET*), and the *Law of the National Energy Commission (CNE)*.[5] Most investors awaited the ensuing regulatory framework for most of the remainder of 2025. The respective regulations for each of these laws were finally issued on November 9, 2025. The regulation was crucial in clarifying some of the key concepts in both the constitutional changes and the secondary legislation. The regulatory framework clarified key points that could act either as incentives or barriers to private investment.

This working paper examines the final definition of the key concepts imprinted in the Constitution and the secondary legislation as clarified by the regulatory framework, arguing that understanding these concepts is key to deciphering the place of private investment in the energy sector, as these definitions intend to act as *both* the boundaries and connections between State Owned Companies (SOCs) and industry investors. To be sure, these concepts themselves should be interpreted considering an overarching notion that frames the spaces where state and private investment are bounded and where they are joined: "Mandatory Planning" (Planeación Vinculante, in Spanish). Mandatory planning is the all-encompassing concept, and no other one can be understood without approaching its meaning.

Section 1 of this paper will address and analyze the scope and meaning of "Mandatory Planning," as this expression entitles the State, through the Energy Ministry (SENER), to exert unprecedented control over all the actors involved in the Mexican energy industry, regardless of whether a company is state or privately owned. Although this concept did not emerge in the constitutional text, it has become the center piece of Mexico's energy policy. Established in Article 2 of the LPET, the concept empowers SENER to mark the territory in which energy projects are to be developed, to choose the players that may participate in energy project development and, most importantly, under what conditions they can do so. By exercising "Mandatory Planning," SENER has been granted ultimate decision power as the gate keeper of the energy sector.

After the discussion of what "Mandatory Planning" means, section 2 of this paper will address how this concept defines an investment space that is exclusively assigned to the State. In this study, this will be called "Space A." In this realm, CFE enjoys "prevalence." In this same sense, in the oil industry Pemex is labeled "dominant." This

section will analyze state prevalence, as it is a term particularly referring to the power sector, which has been much more active than the hydrocarbon industry, where PEMEX is said to be the dominant player. From how the power industry legal framework has been put to work in the award of permits and contracts, it is possible to discern how key legal concepts materialize and interfere with market dynamics.

Interestingly, “Mandatory Planning” does not exclude private actors outright. There is in fact room for private investment. In this paper, this space will be called “Space B.” Space B is fully discussed in section 3. Space B is in fact where Pemex and CFE are meant to partner with private investors by way of associations and other legal arrangements set forth by the laws and regulations. This realm is open with a twofold purpose. On one hand, it allows private companies to partner with the SOC’s, providing them with certain competitive advantages when compared with projects where private companies choose to go it alone. As these public-private partnerships are backed by the state, they would presumably be less vulnerable to being affected by adverse legal and regulatory changes. But not all is a privilege, of course, as the preferred status that might come with partnering with an SOC has a price: private companies must bear the financial burden of the project, while, at the same time, the state exerts greater control over them. At this point, the evolution of these mixed ventures is still to be observed, and their success or their failure depends on the variables that will be discussed further in this paper.

Beyond Space A and Space B, there is a third space. In section 3, there exists a “Space C,” which is an option where companies, whether state or private, can pursue market activities, although always subject to “Mandatory Planning.” This paper argues that Space C is where Mexican energy policy shows its greatest systemic contradictions. While the law and policy of the 2025 reform seem to be permissive of market activity, any participation in energy projects is to be undertaken within the will of the state. This raises additional questions: Can competition occur if “Space C” is governed by “Space A”? Also, can “Space C” compete with “Space B” when the latter is occupied by the players that receive preferential treatment of the state as they are its partners? These questions go directly to the complex nature of the energy sector in Mexico after the 2024 constitutional reform and the 2025 legislative and regulatory changes.

The final section of this paper presents some thoughts about whether the model that comprises the sum “Spaces A, B, and C” is viable in practice, especially to allow Mexico to achieve the objectives of the country’s stated energy policy. As it will be argued in the sections of this paper, the legal framework intends to create an “orderly blueprint,” where limits are clearly drawn between the spaces that are exclusive to the state and the spaces where state and private investors can engage in partnerships and, finally, define the space for opportunities for private companies where they can participate in an open market.

In this paper, the ultimate argument is that the model of energy policy laid out by Mexico in 2024 and 2025, although it may have been intended to structure an integrated energy landscape in which players are orderly arranged in a well-governed space, may be

unviable in practice. The policy generates a high degree of uncertainty about how the various pieces fit in a blueprint that establishes too strictly areas where the state has exclusivity, the area where mixed projects are permitted and under what conditions; and the space where market competition can take place. Moreover, this is uncharted territory in international practice, and thus it is difficult to conceive how this model may work. These various spaces (A, B, and C) put together in this paper are called "Space X."

Section I

Open Market Model (2013–18) to State-Managed Model

On October 10, 2014, in the early days of the Sheinbaum government, her party, MORENA, undertook one of the main objectives of the López Obrador administration (2018–24): a significant constitutional reform that transitioned from the open market model to a state-managed model for the energy industry.

During the fleeting existence of the open market model of the Peña Nieto energy reform, and for the first time in the modern history of the Mexican energy industry, private investment took precedence over state-led companies. The shift was both surprising and well received by global companies, many of which entered Mexico eager to invest and to compete, not only among themselves, but also with Mexico´s hydrocarbon and power giants, Pemex and CFE.[6]

The emerging competition in Mexico's energy sector, however, lacked widespread political and social backing. Still, certain promises, such as an immediate drop in energy prices, remained unfulfilled.[7] In effect, such promises at the outset of the market-oriented reform were politically fatal. The Peña Nieto government had promised that gasoline and electricity prices would drop instantly, which caused unfulfilled expectations in Mexican consumers because it simply was not possible. Thus, the politically most appealing point of the reform in the end was also never fully realized.[8]

Energy Sovereignty Model

Peña's unfulfilled promises handed then-opposition leader Andrés Manuel López Obrador compelling arguments against a reform that promised lower energy prices and failed to deliver, and done so with some reason. Individually speaking, Mexicans were not better off despite competition, while collectively, the country remained vulnerable energy-wise. Prices did not drop. And production stayed below demand growth. As a result of growing demand and declining production, gasoline and natural gas imports rose significantly during the Peña Nieto administration, but imports did not bring lower energy prices in any event during the open-market period.[9] Thus, López Obrador had the statistics and the argument at hand to justify his counterarguments on what he called a failed reform. In his view, private investment and competition did not meet the nation's needs and only threatened the viability of CFE and Pemex.[10] In sum, in the words of López Obrador, the winners of the Peña Nieto market-oriented reform were the

companies that had entered Mexico to mistreat consumers and overutilize its natural resources at the expense of Mexico's "energy sovereignty."[11] For the López Obrador government, "energy sovereignty" had to be restored and meant state control of the energy sector. To López Obrador, only state control of the energy sector could safeguard the well-being of energy-vulnerable Mexicans, and the open markets did not mean any advantage for them.

Consequently, under the banner of "Energy Sovereignty," MORENA's constitutional reform reverted the energy sector back to (nearly) full control of the state. It intended to do so by branding the SOCs and their activities "strategic" to the nation. Market aversion was also manifest in the new label used for these companies. The Peña reform had called them "State Owned Productive Companies," whose legal and corporate purpose was value creation. This new label used today is "State Owned Public Companies,"[12] with the stated purpose of improving public welfare rather than focusing on profit.[13]

Aside from the label given to the SOCs in the Constitution, the law, and the regulatory framework, additional conceptual frameworks are added such as term "prevalence" or "domination," concepts which raised great concern among private sector actors and investors. In the case of the power industry, as already stated, the term "prevalence" was coined in Article 27 of the Constitution itself and served to give priority to CFE over any other power company, purportedly to ensure the provision of the electric service as a public good rather than a market good — although these may not necessarily be contradictory. Prevalence means that CFE is now entitled to generate 54% of the national supply of electricity. Although Pemex is not granted such an explicit advantage in the Constitution, it is understood that, by virtue of its being a state-owned company, and deemed a pillar of the public good, it is under special protection and privileges and thereby enjoys dominance in its own corner of the energy industry.

'Mandatory Planning'

At this point, it is important to return to the concept of "Mandatory Planning." The legal foundation of "Mandatory Planning" is Article 4 of the LPET, which establishes that the plan for the energy sector should be issued, enforced, and observed by the Energy Secretariat (SENER) and the National Energy Commission (CNE), in accordance with their respective competences. "Mandatory Planning" is the governing principle behind the awards of entitlements, contracts, permits, concessions, and authorizations, in relation to the LES, the LHS, and any other applicable laws and regulations. Interestingly, the concept of "Mandatory Planning," although it may seem to limit the power of the SENER, actually gives the secretariat significant discretionary powers. This is in part precisely because "Mandatory Planning" lacks a legal definition, and thus the SENER is empowered to define its meaning, breadth, and scope and to lead in the design of the energy model for the entire industry.

In sum, "Mandatory Planning" creates not a limit to SENER's power but rather the policy instrument that makes it a commanding agency in energy policy. Although "Mandatory

Planning" appears to direct the government to create and follow a strict roadmap for energy policy, in truth it entitles it to exert control over all players and activities in the energy sector with ample discretion and with little to no forms of accountability.[14] This clearly generates considerable uncertainty for investors, as policy can change at the discretion of SENER and any of their top occupants.

Another aspect that intensifies uncertainty is that the objectives of the so-called mandatory planning are vague enough to allow discretionary interpretation even after a regulation has been issued or a project has been approved. According to the LPET and its regulation, the purpose of "Mandatory Planning" is to guarantee "energy security, sovereignty, sustainability and domestic self-sufficiency,"[15] not to guarantee a level playing field for all actors. These concepts are the key pillars that guide the main planning instruments, such as the Electric Power Sector Development Plan (Plan de Desarrollo del Sector Eléctrico, PLADESE),[16] the Hydrocarbons Sector Development Plan (Plan de Desarrollo del Sector Hidrocarburos, PLADESHI,[17] the Plan for Energy Transition and Sustainable Energy Use (Plan para la Transición Energética y el Aprovechamiento Sustentable de la Energía, PLATEASE)[18] and the overarching planning instrument for the energy sector as a whole known as Sectoral Energy Programs (Programas Sectoriales de Energía, PROSENER).

Moreover, one of the new features of the planning documents to be issued is that they mandate specific actions to be taken in areas that require special attention or are deemed as priorities for the current government. For example, one of the main axis of "Mandatory Planning" is "energy justice,"[19] which is a new concept in Mexican law and, although it may seem primarily ideological, it does have important practical consequences in terms of which projects are given priority status.[20] Public or private projects that, according to the government, serve the needs of the most vulnerable, will be given in theory preferential status.

This is an important shift in the organization of the energy landscape in Mexico. Formerly, private investors could choose the areas in which they detected opportunities for investment and profit. These criteria, of course, drove the infrastructure into the zones of greater industrial development in Mexico. Today, as the PLADESE and the PLADESHI are harmonized with the "Welfare Development Zones" (Polos de Desarrollo para el Bienestar" or PODECOBI, in Spanish), investors are obligated to consider zones that are favored by those instruments, but which may not necessarily be the most developed or industrial regions of the country. In sum, "Mandatory Planning" results in binding instruments, which identify and force a relocation of priority projects to energy-poorer areas, a push to reconcile commercial (profit) and social (welfare) criteria.

Considering the above, "Mandatory Planning" has the following implications for all the players in the energy field, regardless of whether they are part of Space A, B, or C:

- Planning instruments, such as PLADESE, PLADESHI, PLATEASE and PROSENER, are binding. This means that CFE, Pemex, any SOCs, and local governments must

abide by the guidelines contained therein and those present in other applicable administrative regulations.[21]

- The key criteria of "Mandatory Planning," which bind Pemex, CFE, and any other players in the energy industry, are the satisfaction of energy demand, reliability, efficiency, but these are accompanied by a "just" transition to clean energy sources and the reduction of greenhouse emissions.
- "Mandatory Planning" strengthens state stewardship over the energy sector under the control of SENER. But the new regulatory agency, the National Energy Commission (Comisión Nacional de Energía, CNE, in Spanish) is now a technically independent division within SENER, and is tasked with performing the analysis and enforcement of energy policy.[22] Despite its technical autonomy, CNE is now subject to "Mandatory Planning." Thus, when analyzing and authorizing any permits for regulated activities, it must abide by its guiding principles, however vague they may be. This amounts to bounded autonomy.
- As mentioned, private investment is not barred from the model. However, the law and policy underscore that it must participate in an "orderly" way. The new "order" is that private participation must not surpass the terrain of state exclusivity, which we call Space A. It must either partner with CFE, Pemex, or any state company in their terms for Space B or otherwise participate in an oddly secluded market in Space C.

Drafting the Maps: PLADESE and PLADESHI as Blueprints

PLADESE is the blueprint for the electric sector. Issued on October 17, 2025,[23] PLADESE is a detailed document that explains the status of power infrastructure and lays out the roadmap towards its expansion, including state and private investment requirements. With a vision of the medium and long term, it presents a 15-year forecast, which is supposed to be updated on a yearly basis.

At the time of the writing, the PLADESHI has not been published; thus, only general comments on its contents can be provided. Most of this paper's observations on the PLADESE are thus largely based on official government communications. But it can be surmised that the plan to add generation capacity to the National Electric System (SEN) is to be based on the data provided by CFE, the National Infrastructure Fund (Fondo Nacional de Infraestructura, FONADIN), as well as a forecast of renewable energy projects, for which private investment is crucial. PLADESE also includes the guidelines for expanding power transmission and storage.[24] But the greatest challenge of PLADESE is to reconcile private investment with public investment. The Mexico Institute for Competitiveness (Instituto Mexicano para la Competitividad, IMCO) analyzed the PLADESE from the perspective of the inclusion of private investment. It makes some important conclusions, discussed below:

- Its mandatory nature may cause barriers to attracting financial and material resources for energy projects, make the permitting process more difficult, and in general depress incentives for private investment.[25]

- For example, prevalence empowers CFE, or any other SOC, to inject 54% of power into the national grid on a yearly basis. This obligates the government to direct resources to comply with this percentage, regardless of whether it is technically, financially, environmentally, or socially optimal.[26] The mandatory nature of the plan leaves no option but to channel public resources to CFE, even when other companies could be more efficient. To fulfill the required 54%, IMCO believes that public-private investment partnerships could be more practical.[27] However, whether private investment is willing to engage CFE in PPPs (Public-Private Partnerships) will depend on the specific terms and conditions of such arrangements.
- IMCO notes that, under the Regulation of the Law of the Electric Sector, state involvement should not interfere with economic dispatch. This means that CFE prevalence must not affect market dynamics. This is a contradiction in terms: How can a semi-monopolistic strategy not be an entry barrier for generators willing to offer the most cost-efficient energy? This point has not been clarified by the government and is still a pending question for analysts and investors.
- PLADESE also considers a segment of the industry in which a market is expected to operate. Companies are allowed to generate and participate in the market. Under PLADESE, the government has initiated competitive bids for solar and wind generation permits, provided the private sector does not exceed 46%. Although the government has actively pursued engaging private companies into the power sector, doubts remain about the transparency and clarity of the processes by which permits are awarded. Will the best and most efficient companies be chosen? Or will other criteria apply? However, the most important question is: How is an unstable market supposed to coexist with a prevalent CFE? Is it technically and commercially possible?

As mentioned, PLADESHI, which is the master plan for the hydrocarbon sector, has not been issued yet. However, from government's public statements and presentations,[28] its forthcoming features and contents are as follows:

- PLADESHI is the plan for the modernization and development of the infrastructure of the hydrocarbons sector for a 15-year period.
- Its main purpose is to plan the development and modernization of the national facilities for oil and gas, while guaranteeing a reliable and secure hydrocarbon supply.
- It is being drafted by SENER, with the aid of Pemex, the National Center for Natural Gas Control (Centro de Control de Gas Natural, CENAGAS, in Spanish), and other relevant industry actors.
- It encompasses planning for hydrocarbon exploration, production, transport, storage, distribution, compression, liquefaction and regasification, be it in the form of oil, gas, fuels, or petrochemicals.

In sum, PLADESHI is the roadmap of the Mexican government to ensure oil and gas remain within the framework of "energy sovereignty and security" while integrating

these goals with national energy policy, which seeks energy transition towards clean energy and the sustainable enjoyment of energy.[29]

Section II: Space A

State Ownership of the Energy Sector

The boundaries of Space A — in which the state acts as the sole planner, regulator, owner, and producer of Mexico's energy goods and services — are set by the Constitution and the secondary law, and established by the principles of "Mandatory Planning." In sum, while the legislation drafts the general boundaries of the map, the principles of "Mandatory Planning" reinforces the barriers to non-governmental actors with concrete limitations and requirements.

In this section, two distinct activities, shielded by the boundaries of Space A will be analyzed. It is important to note that not only are these activities under surveillance and protection, but also the actors who participate in the space are as well. When referring to prevalence, Article 27 of the Constitution sets forth that the secondary legislation will establish the ways in which third companies can participate in the electric sector, without detriment of the "prevalence" of the SOC. Once enacted in October 2024, predictably, the constitutional amendment raised great concern about what "prevalence" really meant.

Ambivalence of 'Prevalence' in Power Generation Policy

Lacking a clear definition, the term "prevalence" is fleshed out as a primary concept in the LES. From its beginning, in Article 1, section III, the law states that one of its purposes is to "recognize the prevalence of the State in the activities in the electric sector, as the former is the guarantor of the continuity, access, security, safety and reliability of the Electric Public Service and of the National Power Service." Importantly, prevalence is defined in Article III, section XXXVII of the LES as "the preferential status held by the State before private companies in power generation and supply, as the former is the guarantor of the Reliability, Security, Continuity and Accessibility of the Electricity Public Service." As established in the second paragraph of the above cited provision, "Mandatory Planning" is a policy tool by which such preference will be enforced, "in order to provide the Mexican people with electricity at the lowest price possible."

One of the most notable features of "prevalence" is the way in which it is measured. Pursuant to the second paragraph of Article 12, section VI, the state must provide at least 54% of the electricity injected into the grid on a yearly basis, as per the applicable rules and regulations. This means that the mandatory planning instruments must ensure that third companies do not surpass the remaining 46% limit at any point in time.

Thus, in terms of the provisions of the LES, "prevalence" is the concept that allows the state to draw the line between CFE and other companies' generation, as the former is entitled to preferential treatment by the law and "Mandatory Planning" instruments. This preferential status is justified by the government's position that CFE has a central role in guaranteeing the "Continuity, Access, Security, Safety and Reliability of the Electric Public Service and of the National Power Service," and one of its most important tasks is to provide cheap electricity to the Mexican people.

However that may be, the concept of "prevalence" raises many questions as concerns its viability in practice. For one, there seems to be no logical basis for the 54% reserved for the SOC. Neither energy analysts nor the Sheinbaum government have given a sound explanation of the rationale that sustains that share as the minimum goal of power supply. A possible explanation is that currently CFE already generates 54% of national electricity, as was stated by Manuel Bartlett, former Director General of CFE, in one of the presidential morning conferences.[30] Thus, what seems to be a "goal" could in reality be the minimum baseline, which CFE can already do and upon which it is bound to grow with the forthcoming development of power plants.[31]

Regarding the concept of prevalence, IMCO has expressed the following concerns. First, it puts CFE under significant financial pressure, as this centralization and the obligation to maintain 54% or more power supply force the company to depend more on government cash transfers to avoid financial strains. Taxpayers, the presumed beneficiaries, would foot the bill in any case — before as a hike in price or after as a subsidy to avoid financial troubles for the company. Regardless, as a result of such pressures, "prevalence" may become a burden in the path towards the modernization of the sector. Second, to guarantee supply IMCO emphasizes that the state must not overlook the urgency of investing in transmission,[32] where Mexico has already underinvested dramatically. Another aspect of "prevalence" that is important to private investors is whether the 54% marker includes the electricity supplied by CFE but is generated by third companies hired by CFE under what the LSE calls long-term contracts.[33] Although there is no specific legal provision that explicitly includes third party generation within "prevalence" there is a consensus amongst analysts that companies that supply power generation solely to CFE will be included and protected under the same.[34]

However, even if shielded by the concept of "prevalence," being a service provider under this scheme has some crucial disadvantages. In accordance with the Regulation of the Electricity Sector Act (RLSE, in Spanish), these power plants are not eligible to obtain additional permits, cannot be engaged for alternative purposes, and may not supply electricity to parties other than CFE, even if they have surplus generation capacity. Also, their sole intermediary in the wholesale electricity market must be CFE.[35] This means that CFE will oversee any arrangements and negotiations concerning technical, administrative, and economic matters, such as payments, charges, and any dealings with the system operator (CENACE).[36] Thus, long-term contract companies are bereft of any autonomy.

Aside from that lack of autonomy, there are other significant burdens that must be endured by the company. Article 77 of the Regulation of the LSE establishes that private parties must build, operate, and maintain the power plant as well as its associated infrastructure and accessory facilities. Hence, CFE does not finance or provide any capital for the development of the project. This shifts the entire financial risk to the partner. Also, at the end of the contract, the transfer of assets is optional on the condition that the same will be free of cost. The terms and conditions under which such transfer will take place shall be established in the contract. To compensate for these burdens, the SOC must make payments related to the electricity generated, as well as other associated products at the time that the plant enters commercial production. But this may further erode incentives, since the partner company will receive no payment until the plant begins commercial operation, which is a notable risk for the investing firm.

Following the review of the applicable legal framework, the following risks were identified in becoming a long-term power supplier to CFE:

- The commercial convenience of such contracts will depend on their terms and conditions. Neither the LSE, nor the regulation, establish the basic provisions which will govern the relationship between the company and the SOC.
- The law prohibits the company from having title to other generation permits, leaving the company with CFE as the sole off-taker of the electricity. Although this may appear to be a more secure arrangement, it does leave the company entirely dependent on the good faith of CFE.
- As for excess generation, it is a significant constraint that the company is prohibited by law from selling it to the market. Excess generation can only be sold by CFE; and, until today, it is uncertain whether the company will be compensated. This may be the greatest drawback of being a long-term energy generator for CFE. Formerly,[37] generation companies were allowed to sell excess electricity, whereas now CFE is the only party allowed to do so. Thus, the long-term contract generator is barred from participating in the market in any way. The investing firm is therefore beholden to a single buyer, CFE.
- The final material risk that is observed has to do with the CFE's optional transfer of the facilities used for generation once the permit has expired. First, should CFE acquire such assets, it will be at no cost, which could have a significant financial impact on the company. On the other hand, should CFE decide against the transfer of such assets, the company may have to do the following: negotiate an extension of the contract with CFE until the assets are fully depreciated; file for a distinct permit in which the company may generate for the wholesale market, which is contingent upon the authorization of the SENER authorities or the regulatory agency, which is within SENER itself; or attempt to sell the assets to another company authorized to participate in generation, be it for CFE or for the market. Any of these options may be functional depending on the duration of the contract, which is not set forth in the law. The financial recovery of the assets is also contingent upon policy, political, social, and economic conditions that may

be taking place at the time of contractual termination, which is something unforeseeable at this time in Mexico.

Following this analysis, it is possible to see that by determining the "prevalence" of the state in the power sector, it creates an "order" in which the state and its SOCs are under preferential treatment at all times. Furthermore, as a result of "Mandatory Planning," where the state SOC "occupies" at least 54% of the generation per year, the state ensures domination in an imaginary territory — Space A in this paper. Observed from the surface, it is a demarcation that can be put into practice in an orderly fashion. By constitutional mandate, Space A, in which "prevalence" rules, is dominated by the state. As mentioned above, the reasoning is that, by allowing this preference, the electric service will be provided under the mandatory conditions of accessibility, quality, reliability, continuity, efficiency, security, and sustainability.

However, Space A is under great pressure at various levels, as it faces the constraints that the Mexican government itself has in its ability to actually make full prevalence effective. Financial constraints are one of the biggest burdens. For 2026, the investment budget to the electric sector through CFE is 61.1 billion pesos, which amounts to a real reduction of 16.7%, if compared to the budget approved for 2025. Meanwhile, the plan for strengthening and expansion of the National Electric System estimates that 104.1 billion pesos are required per year until 2030 to cover the needs of the system.[38] Hence, the 2026 budget is 43 billion pesos less than the estimated amount. To fill that gap, it is crucial that the private capital enters the picture.

Section III: Space B

Partnerships Between State and Private Companies

The Sheinbaum government is conscious of Pemex and CFE's financial and operational constraints. Otherwise, the 2025 reform may have excluded all private investment from the energy industry altogether. On repeated occasions, Luz Elena González, the Secretary of Energy, has recognized the relevance of private investment in an energy policy model that goes beyond "energy business as usual." Even so, in her view, although the industry is in need of investment, the Mexican model is not just about profit, although it may be profitable.[39] This creates a peculiar space for private companies to enter, as they are being asked to participate in a policy model that leaves business (and their need for profit) as a secondary purpose. Nonetheless, the legal framework is in place, and it is expected that public-private partnerships will fulfill certain, albeit limited, financial and operational needs of the industry.

Secretary González announced that she believes that this realm of public-private partnerships within the new legislation will be successful. She expressed confidence that companies will find the associations with Pemex and CFE attractive enough to bring forth investment. With Pemex, companies will be and have already been able to

enter into associations for hydrocarbon exploration and production,[40] while the law has enabled CFE to join companies in mixed contracts for power generation.

Notwithstanding González´s optimism, estimated investment reveals that the greatest share will come from the state. The total capital required for new projects is $247.9 billion U.S. dollars, out of which $37,364 billion will be allotted to the power sector, while $202.1 billion will be destined to the hydrocarbons sector. In electricity, private parties are expected to contribute only $18.73 billion of the total investment. In oil and gas, private investors are expected to provide $17.5 billion. González emphasized that these partnerships should contribute to a cleaner and more diversified energy mix.[41] These numbers reveal that, although financially constrained, the state is willing to provide most of the capital for the development and modernization of the energy sector. This means that Space A" will be larger and will dominate Spaces B and C (discussed below).

If the Model Fits, Wear It: The Shape and Form of Public-Private Associations

The main public-private partnerships established in the laws and regulations are the associations for hydrocarbon exploration and production (E&P)[42] and the mixed development generation contracts with CFE. In this section, only the electric model will be analyzed in accordance with its applicable rules and regulations. It should be mentioned that although there has already been a tender process for the award to E&P associations with Pemex, the lack of public information has become a significant barrier to undertake policy research, so this paper cannot address neither the procedure nor the results.

In electricity, the mixed development model consists of a direct association between the private companies and the state (it may be through CFE, another state company, or any special purpose vehicle) to develop power facilities in which the state owns a stake of at least 54%. State participation can be made by way of cash or in-kind contributions or even through intangible assets.[43]

These projects have a maximum duration of 30 years, as this is the estimated time frame for investment recovery. The selection of private partners takes place by way of competitive procedures, although the recently published guidelines establish that direct awards may take place when the partnering company already owns the principal assets necessary for the viability of the project, such as land, permits, authorizations, patents, equipment, and concessions, among others.[44]

Process of Partnering With CFE

On February 6, 2026, SENER, CNE, and CFE undertook an invitation-only event in which companies, the press, and other interested parties attended to learn about these

partnerships with greater detail.[45] In this subsection, the most relevant parts of this mixed investment scheme will be analyzed. Further, some observations will be made in terms of its attractiveness for investors and functionality within the energy model at large.

From the event's beginning, González underscored the following major points. First, the call to participate in CFE's call for partners is subject to the rules and principles of "Mandatory Planning," which are, as already discussed, discretionary and create much uncertainty. However ambivalent this statement may seem, it may be construed in the sense that the location, construction, technical features, and other material conditions of the projects are non-negotiable.[46] Thus, the "Mixed Development Group,"[47] or the CFE board administrators,[48] which are the key players in the materialization of these partnerships, are limited by the principles of "Mandatory Planning" while allowing changes and making concessions while forming these partnerships.

According to the presentation made by the call for proposals, the main goal of these partnerships is "to guarantee energy security, operational safety, environmental sustainability and reliability of the National Electric System, under schemes of public-private responsibility and regulatory alignment." Further, the government explains the benefits of these partnerships as follows:[49]

- A repeatable, financially feasible, and scalable model for renewable projects that adhere to the parameters of the government.
- A co-investment model with the largest electricity company in Latin America, in the mode of "priority State projects."
- Structured and competitive, long-term Power Purchase Agreements (up to 25 years) that maximize profitability and contribute to decarbonization.
- Complete interest alignment, in accordance with current national policy.

The salient message of these points is that the alignment with current policy may be profitable. Also, partnering with the state has the advantage of achieving priority status, which allows the company to have preferential, even privileged status, when referring to going through the applicable administrative procedures to be awarded permits, other applicable authorizations, and even land rights.

However profitable, there is a cost when partnering with CFE. In all mixed development projects, CFE must own 54% of the Joint Venture and/or Special Purpose Vehicle (SPV), which entitles it to have control over the project. However, as mentioned above, the private partner must provide all liquid assets (cash) and bear all responsibility during the construction and development of the plant until the start of commercial operations. Meanwhile, CFE, to have control of the venture, is obligated to make, as capital contributions, land for the projects and the Power Purchase Agreement, and to obtain applicable permits and authorizations. Also, the plant will be operated by CFE.[50] It is important to add that 70% of the power generated will be purchased by CFE itself, while 30% will be destined to the market. Thus, while it may seem attractive to have an anchor

contract with CFE, as both partner and principal off-taker, questions remain as to whether the price agreed to in the PPA will be profitable enough for the private company and whether revenue distribution will be fair.[51] For such purposes, clear and enforceable revenue distribution rules will be key to be agreed upon between the parties from the start.

So far, and although there appear to be certain advantages of partnering with the state by way of this mixed model, two major concerns arise from the information in the cited presentation. On one hand, once the private investor reaches its targeted rate of return, or at the end of the contract, the facility will be entirely owned by CFE; on the other, CFE may make additional capital contributions to accelerate the partner's exit. The former creates significant legal uncertainty as the "rate of return target" could be subject to interpretation and there could be disputes regarding when it has been reached, if enforceable and clear provisions are not included in the contractual framework.[52] Another worrisome condition is CFE's right to make capital contributions to accelerate the partner´s early exit. This can only be possible when sound contractual provisions are accorded in the very early stages of the partnership. Further, how will CFE increase its share of equity?

By April 26, 2026, CFE's first initial partners will be part of Mexico's energy model. The results of this call for partnerships will be revealing insofar as the identity of these companies will tell the extent to which private parties feel safe and comfortable within this Space B. If this call attracts operationally and financially sound partners, this will mark the beginning of a new business model, whose potential of attracting capital and technology hails the successful inauguration of Space B. However, the challenges mentioned above in this paper make for an uncertain outlook, in the best of scenarios.

Sector IV: Space C

Questioning the Market's Openness

The Sheinbaum government has insisted that private investment has a place in the energy sector, albeit in an "orderly fashion," and in accordance with the governing "Mandatory Planning." The issue here is that "Mandatory Planning" is a flexible concept, which allows ample discretionary powers to restrict but also to open certain business decisions. Under these parameters, there emerges a third space, Space C. Although Space C is purportedly the realm in which companies can participate safely in a market, there are important risks associated with operating therein. The main one is that this "market" is shared with CFE, Pemex, and any existing or future state company, all of which have preferential rights according to the law, regulation, and, of course, the planning instruments. In truth, the presence of the state runs throughout Spaces A and B and remains strongly present in Space C as well. In both hydrocarbons and electricity, SOCs have material preferential rights that hinder the development and operation of an efficient market.

Space C is modeled from the constitutional level downward — through the law and the regulatory framework. The constitutional text is rather broad regarding how much private participation will be allowed in the energy sector. For both hydrocarbon and electricity activities, it states that the scope and breadth of private participation will be established in the secondary legislation. As regards electricity, the only direct reference to private participation is in paragraph 6 of the Constitution, which states that the former shall, at no time, have prevalence over the state. As concerns hydrocarbons, the subordination of private companies to state owned ones is not explicit. In fact, Article 27 allows contracts for the exploration and production of hydrocarbons, same as in the Peña administration. Hence, market operation is still a possibility within the constitutional framework.

At the legislative level, an attempt to preserve market operation can be observed. The energy legislation enacted under Sheinbaum's, when compared to Peña Nieto's, is strikingly similar — or even identical — in some provisions.[53] Textual similarity reveals Sheinbaum's attempt at accommodating private parties. However, the fit of private participation, within the model drawn by the LSE, is incompatible at best, for the following reasons:

- Space C is still heavily governed by "Mandatory Planning." This means that all market activities are to be undertaken under the control and supervision of the State.
- "Mandatory Planning" implies that companies can only operate in the locations and under the conditions imposed by the central planning of the Energy Ministry.
- Space C, although allegedly secured for market activities, is shared with the state-owned companies, which have preferential rights and already dominate the hydrocarbon and electric industry.
- There are contradictions in the scope and meaning of "profit." One of the key concepts of the reform is that SOCs are barred from profiting, as their main object is to provide for the public good. Meanwhile, markets should be efficient, although not necessarily inexpensive. This puts the SOCs in a dilemma: Are Pemex and CFE to operate with a price policy depending on the role they play? Can state-owned companies be profitable and look after the public good? At the same time, can businesses be profitable, and at the same time, be one of the pillars of energy justice?

How private companies are entering the electricity "market" will be analyzed in the following section.

Under Pressure: The First Call To Participate in Priority Electricity Generation Permits

The first call to participate in Priority Electricity Generation Projects was published on October 17, 2025, by the Energy Ministry.[54] This was a significant event as the call was made to apply for permits to participate in the wholesale electricity market.[55] Previously,

companies interested in participating in the market required only to file for a permit before the now closed Federal Regulatory Energy Commission, or CRE.

This call displayed relevant features in both procedural and substantive ways. Procedurally speaking, that these projects are deemed as "priority"[56] projects accounts for the accelerated process by which permits were awarded.[57] When looking at the calendar, one can observe a "fast track" procedure that must have put the companies and the government under significant pressure. Between October 31, 2025, and December 19, 2025, only renewable power companies had a tight deadline for submission of studies and documents that take significant time and effort to obtain. Therefore, it can be noted that this timeline was suitable for companies that had made significant progress in advancing their projects. At the moment of their application, companies had to present technical, environmental, and social impact studies, which, due to their complexity, take at least several months to be completed. Further, whereas formerly permit applications were analyzed, rejected, and approved by CRE, this call required the intervention of several coordinated authorities:[58]

- SENER was competent to analyze the company's suitability in the regions open for permitting.
- CENACE, the independent system operator, had competence to analyze whether the company complies with the technical guidelines or technological requirements, and could meet with the projected start date.
- SENER and the Ministry of the Environment jointly evaluated social and environmental compliance.
- Finally, CNE, the new energy regulatory authority, was in charge of analyzing and approving the permits, while enforcing the criteria of "Mandatory Planning."

This "prioritized" permitting procedure had many hurdles. Not only was the calendar very tight, but the criteria to fulfill the requirements of "Mandatory Planning" were open to interpretation. Many potential participants did not necessarily understand what the concept meant in practice. In accordance with the call, these were the criteria:[59]

1. Contribution to the satisfaction of the demand and accessibility to the electric service.
2. Explanation of how the project may strengthen the reliability, continuity, quality, and safety of the National Electric System.
3. Assurance of the generation plant's optimal efficiency.
4. Promotion of energy transition and sustainability.
5. Lack of effect on the prevalence of the state.
6. Support of energy justice.
7. Emphasis on innovation and technological development.

If two or more companies exceeded the required capacity for a specific location, the tie-breaking criteria were the project´s contribution to the reliability, continuity, and quality of the electric system, energy justice, and technological innovation.

As can be observed, the "Mandatory Planning" criteria are subject to ample interpretation, particularly regarding the extent to which a project can contribute to the demand and access. Thus, electricity would require the valuation and creation of data, as well as benchmarks that require great efforts to assess with any precision. The same applies to criteria 2, 3, and 4. As for criteria 5, it is uncertain how a company could argue that it is *not* interfering with state prevalence. On the other hand, should the government be the one determining that the company is not surpassing such a limit, it is still an enigma how, and with the basis on what projections, the same can arrive at such a conclusion. For the purposes of this paper, there has been no public information about how the projects were assessed and the reasons that support the award of the permits. Unlike its predecessor, the CRE, the CNE does not hold open sessions, and its website lacks the rulings pertaining to these permits.

The Permits Are Here: Where Is the Market?

This call for permits delivered fair results, when considering that it was an entirely new procedure undertaken by an equally new government. For Mexico's central region, 80% of the megawatts (MW) offered were awarded. Another successful area was the Yucatan Peninsula, which also won coverage of 80% of the MW offered. Less fortunate locations were the Northeast, with a success of 25%, the West with 35%, while the North was devoid of any offers. According to SENER, an estimate of 78% of the projects will start operations by 2028, which is an optimistic forecast given the complexities and hurdles of large-scale construction in Mexico.

As a result of this first call, the Sheinbaum administration can account for 18 new permits. Twelve of them will be for solar power, while six will be for wind with a total capacity of 3,475 MW.[60] However, although the permits were awarded in a rush, in just a three-month period, there are many other milestones to be completed until they materialize as power facilities. Today, the 14 companies that were awarded the permits only have paper to show to the banks. Among other key conditions, construction partnerships are yet to happen. More importantly, however, is that these companies must enter into power purchase agreements for which they must find buyers. The government can award permits, but it cannot create a market for the 3,474 MW offered by them.[61] According to Víctor Ramírez Cabrera, the financial leverage of these projects will largely depend on the companies' success in finding clients that will purchase their power,[62] and this must occur in a country where the rules of the energy markets are unclear and the boundaries between state and private investment are unclearly drawn.

Conclusions and Recommendations: Spaces A + B + C = Space X

This paper assembles the electricity model drafted by the constitutional, legal, and regulatory changes that took place during 2024–25. By imagining different spaces and dividing them by the grade of openness to private companies, this paper attempted to draft the full map of the Mexican energy model, under the assumption that, as argued by

the Sheinbaum government, the reforms have created a new order in which the different players know and take their place.

In the view of the Sheinbaum government, contracts, permits, and authorizations were given out indiscriminately under the Peña administration, devoid of any clear logic, other than to weaken the state and to benefit private companies at the expense of the public good.[63]

As has been argued, in energy, "Mandatory Planning," whose contents indicate a strengthening of state control, is the master tool to build spaces for each of the players. However, at the end of this analysis, we observe that Space A is expansive to the extent that it occupies Spaces B and C. That is, because the state is present in all spaces, there remains a very restricted terrain for the market.

In electricity, CFE will generate 54% of the power for Mexico and can do so by itself (as a monopoly) or by partnering with private companies (by way of the Mixed Development Projects). In either case, CFE would surpass its competitors by rights bestowed upon it by law and policy.

Thus, although the model in force allegedly intends to find balance between state and private participation, the new "order" is found to be one in which the state expands all through Spaces A, B and C, while drawing an uncertain future for the Mexican energy industry. Thus, for this paper's purposes, the Mexican energy model that combines all the spaces thus discussed is called Space X due to the significant uncertainties and risks it involves, for instance:

1. "Mandatory Planning" as a key tool for industry modeling is the policy element that creates the most uncertainty due to the vagueness by which the state defines it regarding where and when energy investment is needed. The exact meaning and operationalization of the concept should be clarified for everyone. When there have been calls to participate in energy projects, the selection criteria have been seen as too open to discretionary action on behalf of the government at any time. This generates too much uncertainty for investors.
2. CFE "prevalence" should be subject to the principles of "Mandatory Planning," just as they are required from private parties. Only when CFE complies with "accessibility, quality, reliability, continuity, efficiency, security, and sustainability," it should be entitled to generate over 54% of the electricity per year.
3. For the case of partnerships, be they with Pemex, CFE, or with any other SOC, there should be more transparency and publicity regarding prior conditions of participation. There should be a reasonably paced official calendar for calls for these partnerships so they can be truly competitive. The same applies to the resulting contracts with companies whose public versions should be made available.
4. Calls for companies to participate in markets should be public, timely, and transparent. Also, although it is understood that they should be governed by "Mandatory Planning," the selection criteria should not lead to discriminatory

interpretation to favor certain companies or tilt the field toward the SOCs. In every partnership there should be winners — or investment will not show up.

At this point of its implementation, Sheinbaum's energy policy model has a mix of opportunities and uncertainties. Despite emphasizing the significance of private investment, Mexico should address the many uncertainties baked into the policy model to enable secure entry into its energy sector.

Notes

[1] Holland and Knight Client Alert, "Reforma constitucional en materia de áreas y empresas estratégicas en México," October 14, 2024 in https://www.hklaw.com/en/insights/publications/2024/10/reforma-constitucional-en-materia-de-areas-y-empresas.
[2] In Spanish, the term is "Empresas Públicas del Estado," which tries to emphasize the public service purpose of such companies.
[3] Holland and Knight, Op. Cit.
[4] See Chapter 2, Article 7, of the Reglamento De La Ley Del Sector Eléctrico (the Regulation of the Law of the Electric Sector), published in the Federal Official Gazette, October 3, 2025.
[5] IMCO, Mercado Eléctrico en México: Nuevas Reglas y Camino Regulatorio Pendiente, October 14, 2025, in https://imco.org.mx/mercado-electrico-en-mexico-nuevas-reglas-y-camino-regulatorio-pendiente/#:~:text=La%20Ley%20del%20Sector%20El%C3%A9ctrico,red%20en%20un%20a%C3%B1o%20calendario.
[6] Gobierno de México. "México recibe reconocimiento internacional por reforma energética," February 22, 2022 in https://www.gob.mx/sre/articulos/mexico-recibe-reconocimiento-internacional-por-reforma-energetica.
[7] Daniel Venegas, "Apertura energética permitió bajar tarifas domésticas: Peña," Milenio, August 16, 2017, https://www.milenio.com/politica/apertura-energetica-permitio-bajar-tarifas-domesticas-pena.
[8] Hector Usla, Reforma energética de Peña fue un fracaso: 'Nunca llegaron los 200 mmdd de inversión,' dice Luz González, Financiero. November 7, 2025, https://www.elfinanciero.com.mx/economia/2025/11/07/reforma-energetica-de-pena-fue-un-fracaso-nunca-llegaron-los-200-mmdd-de-inversion-dice-luz-gonzalez/.
[9] Arturo Solís, "A México le fue mejor con Calderón en petróleo y gas que con EPN," Forbes, September 5, 2018, https://forbes.com.mx/a-mexico-le-fue-mejor-con-calderon-que-con-pena-en-produccion-de-petroleo-y-gas/
[10] Karol García, "Reforma energética de Peña Nieto trajo sólo 0.7% de la inversión prometida: AMLO," El Economista, January 12, 2018, https://www.eleconomista.com.mx/empresas/Reforma-energetica-trajo-solo-0.7-de-la-inversion-prometida-AMLO-20181201-0023.html.
[11] Ibid.
[12] Holland & Knight, Op. Cit.
[13] Ibid.

[14] IMCO, Op Cit.
[15] Holland & Knight, Op. Cit.
[16] IMCO, "El sector eléctrico ante el nuevo panorama regulatorio: 2025," https://imco.org.mx/el-sector-electrico-ante-el-nuevo-panorama-regulatorio-2025/.
[17] Ibid.
[18] Ibid.
[19] "Energy Justice" is a guiding concept which intends to remedy the lack or insufficiency of energy services, in particular in places where vulnerable groups are identified. It is established in Article 3, section XXVIII of the LSE.
[20] Article 1, section VII, of the LSE establishes one of the main objectives of said law is the attainment of energy justice.
[21] IMCO, "El sector eléctrico ante el nuevo panorama regulatorio: 2025," Op. CIt.,
[22] See Ley de la Comisión Nacional de Energía, published in the Federal Official Gazette, on March 18, 2025, https://www.diputados.gob.mx/LeyesBiblio/pdf/LCNE.pdf.
[23] Gobierno de México, Plan de Desarrollo del Sector Eléctrico (PLADESE), December 12, 2025, https://www.gob.mx/sener/articulos/plan-de-desarrollo-del-sector-electrico-pladese.
[24] Ibid.
[25] IMCO, "El sector eléctrico ante el nuevo panorama regulatorio: 2025," Op. CIt.
[26] Ibid.
[27] Ibid.
[28] "Plan de Desarrollo del Sector Hidrocarburos, 2025-30" presentation made by Victor Rodríguez Padilla, General Director of Pemex, on February 12, 2025, https://www.youtube.com/watch?v=Mv0mAgztkBM&t=5s.
[29] Ibid.
[30] La Jornada Zacatecas "Se logró el rescate de la CFE y genera 54% de electricidad," July 13, 2024, https://ljz.mx/13/07/2024/se-logro-el-rescate-de-la-cfe-y-genera-54-de-electricidad/.
[31] IMCO, "El sector eléctrico ante el nuevo panorama regulatorio: 2025," Op. CIt.
[32] Ibid.
[33] In accordance with Article 76 of the LES.
[34] IMCO, Op Cit.
[35] Rosanety Barrios, "El nuevo modelo energético mexicano: la planeación como instrumento de control estratégico," Mexico Cómo Vamos/Animal Político, February 26, 2026, https://animalpolitico.com/analisis/organizaciones/mexico-como-vamos/modelo-energetico-planeacion-instrumento-control.
[36] CENACE is the independent system operator of the Mexican National Electric System.
[37] This was in accordance with Article 2 of the now abrogated Law of the Electric Industry.
[38] Camila Ayala Espinosa, "CFE se endeuda por 5 mil 400 mdp mientras el presupuesto eléctrico se queda corto," Proceso, December 16, 2925 https://www.proceso.com.mx/economia/2025/12/16/cfe-se-endeuda-por-mil-400-mdp-mientras-el-presupuesto-electrico-se-queda-corto-364843.html.
[39] Javier La Fuente, Karina Suárez, "No estamos en contra de la inversión privada, es fuente importante del desarrollo de México," El País, August 9, 2025,

https://elpais.com/mexico/2025-08-10/luz-elena-gonzalez-no-estamos-en-contra-de-la-inversion-privada-es-fuente-importante-del-desarrollo-del-pais.html.
[40] These contracts are awarded in accordance with Article16, sections XXX and XXXI of Law of the State Company, Petroleos Mexicanos, in relation with Article 25, section III of the LSHI.
[41] These contracts are awarded in accordance with Article16, sections XXX and XXXI of Law of the State Company, Petroleos Mexicanos, in relation with Article 25, section III of the LSHI.
[42] Camila Ayala Espinosa, Op Cit.
[43] Projects may be undertaken by way of trusts, associations and/or commercial vehicles, as long as favorable conditions are guaranteed for the SOC and the National Electric System, IMCO, Op Cit.
[44] This is pursuant to section IV.5 of the "Guidelines of Mixed Development Projects with CFE," published in the Federal Gazette on December 28, 2025, https://dof.gob.mx/nota_detalle.php?codigo=5778994&fecha=28/01/2026#gsc.tab=0activos.
[45] This occurred in the informative session for Mixed Development Projects in the Ministry of Energy on February 8, 2026.
[46] This is in accordance with section II. 1. 2 of the Mixed Development Project Guidelines.
[47] This group is established in section II.2 of the Mixed Development Project Guidelines.
[48] In accordance with section 1.I of the Mixed Development Project Guidelines in which the powers of the CFE Board of Administrators are established.
[49] Global Energy "Sener y CFE presentan Esquemas para el Desarrollo Mixto hacia 2030," February 9, 2026, https://globalenergy.mx/noticias/sener-y-cfe-presentan-esquemas-para-el-desarrollo-mixto-hacia-2030/.
[50] Ulises Juárez, "Garantiza Sener certeza jurídica para los contratos mixtos en electricidad," Energía a Debate, February 6, 2026, https://energiaadebate.com/garantiza-sener-certeza-juridica-para-los-contratos-mixtos-en-electricidad/.
[51] Institute of the Americas, Op. Cit.
[52] Institute of the Americas, Op Cit.
[53] For example, Article 70 of the LSHI establishes that it is the obligation of the Energy Ministry to ensure that the "State Owned Companies" do not interfere with market efficiency.
[54] "The Call for Permits is the first formal binding planning exercise for the Mexican electricity sector. Through it, SENER and the National Energy Commission ('CNE') will define which generation projects will be eligible for permits and interconnection to the National Electricity System ('SEN') during the 2025-2030 cycle, based on criteria of reliability, sovereignty, energy justice, environmental sustainability and technological innovation" (Von Wobeser y Sierra, "The Ministry Of Energy Issues A Call For Priority Attention Of Electric Power Generation Permit," November 13, 2026, https://www.mondaq.com/mexico/renewables/1705012/the-ministry-of-energy-issues-a-call-for-priority-attention-of-electric-power-generation-permit#:~:text=The%20Call%20for%20Permits%20is,private%20proposals%20within%20that%20framework).

[55] The call “is in line with the publication of the Electric Sector Development Plan ("PLADESE"), which sets forth a long-term vision (2025–2039) involving 76,000 MW of new capacity and 1,800 MW of replacements, of which nearly 80% will correspond to clean technologies. The Plan also defines the system's expansion and reliability objectives, identifying areas with capacity deficits and priority technologies, while the Call and the DACG establish the general criteria for evaluating private proposals within that framework.” Ibid.
[56] SENER considers “priority projects” those that are part of a strategic initiative for the development of infrastructure for and associated with power generation, in order to reach energy, accelerate the transition to clean energies, and foster national development. Its main three pillars are: 1) Justice and Energy Sovereignty (to guarantee energy access to the most vulnerable); 2) Energy Transition (by focusing on solar and wind technologies to meet the goal of 35% of renewal power generation by 2030); and 3) Strategic Location (priority projects are located in places where power infrastructure needs to be strengthened or is lacking). Ibid.
[57] “The process consists of five stages with defined deadlines: registration (Oct. 20–24), integration of documentation (Oct. 20–Nov. 5), project evaluation (Nov. 6–Dec. 9), approval and notification (Dec. 10–12), and a post-call execution phase beginning Dec. 12. Projects not aligned with the national planning framework may continue through standard permitting channels but will not receive priority attention. SENER noted that missing deadlines or failing to comply with permit terms could result in revocation.” Ibid.
[58] Ibid.
[59] Ibid.
[60] Mexico News Daily, “Mexico greenlights 20 new renewable energy plants in push to transform the nation’s power grid”, December 18, 2025, https://mexiconewsdaily.com/news/mexico-greenlights-20-new-renewable-energy-plants-in-push-to-tranform-the-nations-power-grid/.
[61] Karol García Zubía, “Convocatorias para proyectos privados de energía requieren ajustes: expertos,” El Economista, December 25, 2026, https://www.eleconomista.com.mx/empresas/convocatorias-proyectos-privados-energia-requieren-ajustes-expertos-20251225-792797.html.
[62] Ibid.
[63] Iliana Chávez, “Claudia Sheinbaum presenta Plan Nacional de Energía 2024-2030: inversiones estimadas de 23,400 mdd; 9,000 mdd del sector privado,” Factor Energético, November 6, 2024, https://factorenergetico.mx/claudia-sheinbaum-presenta-plan-nacional-de-energia-2024-2030-inversiones-estimadas-de-23400-mdd-9000-mdd-del-sector-privado/#:~:text=%E2%80%9CPara%20consumo%20propio%2C%20entre%200.5,el%20Plan%20Nacional%20de%20Energ%C3%ADa.