

MEXICO'S ENERGY SECTOR: COMMERCIAL & POLICY OUTLOOK

2015

July

TUE, JUL 28, 15 **What was Lost in Round 1.1: How government expectations were not met**

File **788**
Pages 10
Charts 2

This report itemizes what went well and what went badly in the seven-month process that culminated in the public auction for 14 exploration blocks that was administered by the Hydrocarbon Commission on July 15 (Tables 1 and 2). For the government, the outcome represented the penultimate worst-case scenario: the worst would have been had there been no bidders at all. We provide consideration for what alternatives could be adopted to minimize the risk of such an outcome happening in the future. 1

SAT, JUL 18, 15 **SHCP Awards in Round One: How the policy of “zero discretionality” backfired**

File **1000076**
Pages 9
Charts 4

The auction of 14 offshore blocks on July 15, 2015, by officials from the Hydrocarbon Commission (CNH) was an historic first in Mexico's century long history as an oil exporter. That it went well is to the credit of the Peña Nieto administration; but the blame for the failure of 8 of 14 blocks to receive bids goes primarily to the Finance Ministry (SCHCP), which, by law, set the bidding parameters for the auction. The report asks: What lessons are to be derived from this first auction of petroleum blocks? 2

TUE, JUL 14, 15 **Zero CNH Discretionality: The Counter-Arguments**

File **1000075**
Pages 6
Charts 3

A week before the CNH auction scheduled for July 15 for awarding blocks for 14 shallow-water fields, Energy Secretary Pedro Joaquín accompanied by other senior officials briefed the press on what to expect during the day. Emphasis was given to the transparency of the process, evidenced by a policy of “zero discretionality” and by the participation of multiple government agencies, as if to suggest that a system of checks and balances was in place. This report sets forward counter-arguments that support giving the Hydrocarbon Commission (CNH) discretionality in determining the best offer in each case. 3

FRI, JUL 10, 15 **Mexican Codex: Untangling the meaning of “secondary legislation”**

File **787**
Pages 8
Charts 3

This report takes as its premise that “constitución” and “constitution” are false cognates, for which reason the finding an article of the Hydrocarbon Law as “inconstitucional” carries a meaning quite different from a case in a common-law jurisdiction in which a law were ruled as unconstitutional. 4

June

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TUE, JUN 30, 15

Injunctive Relief (Amparo) in Mexico: A legal recourse available to obstruct energy policy

File 786

Pages 6

Charts 2

This report introduces the legal theory and vocabulary that will be employed in resolving the request for injunctive relief by Mineral del Norte, S.A., in relation to Article 27 of the Hydrocarbon Law. In December 2014, a federal court order the suspension of all activities authorized by this article of the law in the area of the coal concession. One result of this order was the removal of the Anáhuac field from the 3rd cycle of bidding Round One; another effect was to freeze Pemex's plans to convert risk-service contracts of the Olmos, Pirineos and Monclova fields; a third effect was to tarnish the process.

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MON, JUN 29, 15

LA ENERGIA DE BAKER: Concesión vs. Licencia

File 062915

Pages 1

Charts 0

A contentious issue in Mexico concerns the fine line between a) allowing private parties to explore and produce oil and gas and b) violating a political taboo against allowing them to exploit hydrocarbon resources. In 1960, this issue was resolved by prohibiting both oil concessions and contracts, two precepts that amended Article 27. Fast forward to 2013: a constitutional amendment was approved that eliminated the ban against contracts but kept the one about concessions. The jocular dialogue in George Baker's column in MILENIO questions the logic and merit of this solution.

6

FRI, JUN 26, 15

Concession vs. License in Mexico

File 785

Pages 8

Charts 0

This report examines the background and consequences of the constitutional prohibition against oil concessions in Mexico, noting that the prohibition was inserted in 1960 along with a ban on "contracts." The latter prohibition was removed in 2013 but the former was not. This situation tripped up the government in 2015 when a court order suspended gas contracts in areas designated in a coal concession.

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SAT, JUN 20, 15

Anáhuac-Gate: How AHMSA caused the CNH to reset the 3rd cycle of Round One

File 1000074

Pages 10

Charts 4

Updated 6/26/2015

This report comments on the decision by the Energy Ministry to remove the Anáhuac non-associated gas field from the list of onshore blocks that had been scheduled for auction in the 3rd cycle of Round One. The decision was prompted by a court order that suspended the right of CNH to award an exploration block in an area where a coal concession had already been granted. In laws and regulations, the Mexican government had defined the terms by which a concession-owner could produce coalbed methane. In asking for injunctive relief, AHMSA claimed that a CNH contractor would violate its rights.

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THU, JUN 18, 15

CNH's License Contract Model: Definitions

File 100208

Pages 24

Charts 1

On May 25, 2015, Mexico's Hydrocarbon Commission (CNH) issued its first model contract for a license to explore and extract hydrocarbons (which are now defined to include methane hydrates). Continuing with our effort to compile an online DICTIONARY OF MEXICAN ENERGY, we added some 130 lexical items to our database taken from this model contract.

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TUE, JUN 16, 15

Glossary of Pemex's Reserve Report with English Translations

File 100207

Pages 19

Charts 2

Pemex's annual reserves report, Las Reservas de Hidrocarburos de Mexico, includes a glossary and a list of acronyms. In this report, we note that the 2014 edition may be the last in a series, as it will likely be taken over by CNH for 2015. We added the lexical items of the glossary with English definitions to the database of our DICTIONARY OF MEXICAN ENERGY.

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May

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THU, MAY 28, 15

Prospective Bidders in Round One: Great, but subtle, expectations

File 784

Pages 4

Charts 2

This report asks about the indirect benefits that are likely to come from successful bidding rounds: As expectations of increasing oil production and oil exports improve, the cost of borrowing in international capital markets will fall, and the exchange rate of the Mexico *peso* against the dollar will stabilize. Much depends on the character of those companies who actually bid on the initial 14 blocks. Table 1 sorts the names of prequalified bidders for the initial 14 blocks by region and country. Table 2 sorts them by reference to their size or market niche. 11

FRI, MAY 22, 15

The Silent Dispute over Contract Term Limits

File 1000073

Pages 3

Charts 0

This report comments briefly on the continuing (if below the public radar) dispute between prospective major oil companies and government authorities in the energy sector over term limits. An oil company wants his mineral lease to extend to the commercial life of the reservoir; but the political leadership (as distinct from technical leadership) wants to avoid any impression that the equivalent of a concession has been granted (in contravention of Constitutional Article 27). The vehicle of farmout may be adapted in Mexico to strengthen IOC confidence regarding term limits. of a contract. 12

MON, MAY 18, 15

The Farmout Opportunity in Mexico: The Pillar of Pemex's Frontier Strategy

File 783

Pages 8

Charts 3

Updated 5/21/2015

Until September 13, 2014, the oil industry term "farmout" was all but unknown in Mexico. On that date, in a briefing at the Energy Ministry, it was revealed that 4/5ths of the properties for which Pemex had received permits for exploration and extraction would continue to be under Pemex's operatorship; some of these properties, however, were labeled as "farmouts." Those properties included mature fields as well as frontier plays in heavy oil, deepwater gas and deepwater oil. This report examines the nature of a farmout agreement as understood outside Mexico. Pemex's negotiating options are presented. 13

MON, MAY 11, 15

Global Hiring in Mexico's Energy Sector: Insights from OTC 2015

File 782

Pages 14

Charts 2

Continuing with a theme of earlier reports going back to 2010 about the need for global hiring in Pemex, in this report we identify the need for an HR-driven business strategy that is global in scope. Drawing on presentations and discussions during the week of the 2015 Offshore Technology Conference (OTC), we observe that Pemex continues with its strategy to focus on being the dominant player in the oil value chain in Mexico, thus leaving opportunities outside of Mexico to global competitors. The report predicts that the farm-out component of its strategy will not deliver the results that are expected. 14

April

THU, APR 30, 15

Overcoming the Mexican Accent in English (Part IV)

File 100205

Pages 6

Charts 4

Updated 5/2/2015

Mexico's first bid round presents not only legal and commercial challenges for Mexican authorities, academics and business people, but also phonological ones. It turns out that "bid" is a difficult word for native Spanish speakers to pronounce correctly. How so? The vowel of "bid" does not exist in Spanish. This report, drawing on earlier reports on applied linguistic theory, offers guidance on how to pronounce just five words: bid, law, knowledge, regulatory and Paula. The explanations are presented in greater detail in our Advanced English Proficiency Workshop. 15

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MON, APR 27, 15

Ideological Constraints in Mexico's Bid Round One

File 781
Pages 9
Charts 3
Updated 5/2/2015

In this report, we examine the ideological and political constraints that explain the rationale for the many points of unexpected misalignment between Mexico's new petroleum regime and standard conventions in other jurisdictions. Consider that the petroleum regime must be designed in such a way that it will not become a major campaign issue for populist parties in the general elections of 2018. For this reason alone the regime must give the impression of strict adherence to Mexico's traditional petroleum narrative.

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WED, APR 22, 15

El Director General de Pemex en el Instituto Baker (I)

File 1000071
Pages 2
Charts 0

On April 21, following a presentation at CERA WEEK, Pemex Director General Emilio Lozoya gave a public presentation to some 400 invited guests of the Rice University's Baker Institute. This report, in Spanish, comments on points made during his remarks, also on remarks expressed afterwards by members of the audience. In a separate report, we shall offer a critique of Pemex's pretensions. The video is posted on the Baker Institute: <http://bakerinstitute.org/videos/clarity-lecture-series-conversation-emilio-lozoya/>

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MON, APR 20, 15

The Macondo Accident (Post Litigation)

File 10032
Pages 7
Charts 2

Now that most of the litigation related to the Macondo accident has been settled, persons familiar with the events, testimony and back-office stories associated with the event are beginning to speak in industry conferences and published papers. In this report we take note of the first of two enduring questions: 1) Why the influx of formation fluids into the wellbore post-cementing? 2) Why the failure of well monitoring and control? In another report, we shall present new time lines for the physical and human events of the accident.

18

MON, APR 13, 15

Another Mexico Energy Conference: To Attend or Not?

File 1000070
Pages 6
Charts 2

Since 2014 there have been an uncounted number of conferences on the Mexican Energy Reform with special attention to new investment opportunities in the upstream for operators. Conference-goers may suffer from consumer overload. This report offers guidance regarding attendance at Mexican energy conferences in general and specifically in regard to a conference scheduled for May 11-13, 2015 in Mexico City. The report comments on what to expect and what not to expect. Comments are offered in relation to several of the speakers, while others are considered as a group.

19

FRI, APR 10, 15

Mexico's E&P Model as a Transitional Regime (II): The Energy Reform of 2026

File 780
Pages 10
Charts 1

This report examines problematic features of the upstream market design that is contained in the petroleum legislation of 2014 and in the successive model contracts for Round One in 2015. The requirement that awards to private oil companies be carried out through public tenders will inhibit wildcat exploration. We predicted that by 2026, this regime, which in other reports we have termed "fictive agency" and which has existed since the end of the Cárdenas presidency in 1940, will be replaced by a third energy reform in which the regime of a mineral lease will be restored.

20

WED, APR 8, 15

Petroleum Regimes in Mexico (II): Inventory of Legal Dispositions, by Historical Period

File 779
Pages 5
Charts 1

This report complements a related report on the *Petroleum Regimes in Mexico* (MEI 778), in which the succession of petroleum regimes is shown and in which each regime is critiqued. In this report, we provide a three-page list of 52 titles (in English) of laws and other legal and institutional documents are given for each period.

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TUE, APR 7, 15

Lo que México necesita es un Pemex 2.0 [Mexico Needs a Pemex 2.0]

File 040715

Pages 1

Charts

The first column (with photo) by George Baker in MILENIO, a major Mexico City newspaper. The discussion is a critique of aspects of the energy reform, noting that there numerous positive steps that the government chose not to take, among them, an update of the national oil narrative and the restructuring of Pemex into a standard, stock-issuing corporation. Although the glass of water may be seen as half-empty, there is considerable goodwill in Houston toward the CNH, SHCP and SENER about an eventual alignment of interests. http://www.milenio.com/firmas/george_baker/Mexico-necesita-Pemex_18_495730454.html

22

MON, APR 6, 15

Petroleum Regimes in Mexico (I): Review of Historical Periods

File 778

Pages 7

Charts 1

This report examines the current and previous petroleum regimes in Mexico, going back to the Colonial Period. It identifies five distinct periods, corresponding to a change of political authority or to a change in the legal regime. Each period is evaluated in relation to vectors of commercial development such as the miner/oil company's legal relationship to the mineral resource. The current period, which began in 1940, is one in which it is "the Nation" that is deemed to be the entity that carries out the development of Mexico's petroleum estate. Each of these periods is evaluated by reference to its promotion of the deployment of private capital and talent.

23

SUN, APR 5, 15

Upward Mobility of Children of the Undocumented: Escaping the Culture of Poverty

File 1000069

Pages 3

Charts 1

This report observes that the concept of culture of poverty may apply not only to neighborhoods and families but also to institutions. But escape from poverty is often possible. The report gives an example of how, starting with all of the challenges associated with illegally immigrating to the United States, the upward mobility of one's children is possible. Included is an extract of an alumnus report of an interview with a high school applicant for admission as a freshman at a major university. Pemex E&P is an institution in which a culture of poverty exists, where poverty is in English skills and operational experience in deepwater, shale and heavy oil. For Pemex, the Energy reform of 2014 is an anti-poverty program.

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THU, APR 2, 15

Mexico's E&P Model as a Transitional Regime (I)

File 776

Pages 11

Charts 1

This report expands the scope of our analysis of early December (Market Note 200) in which we found that the new hydrocarbon laws offer a minerals contract, but not a minerals lease as understood in both the U.S. and in the Mexican Mining Law of 1992. In this report, we examine the legislation of earlier mineral regimes, with special attention to the Mining Code of 1884 and the Petroleum Law of 1901. It was under this regime that the Mexican oil sector grew to enjoy international prominence. We foresee that the present regime will last but 2 administrations before, in 2026, it is superseded by a third energy reform.

25

March

WED, MAR 25, 15

Turmoil in Mexico's Gasoline Market: Lawlessness Jeopardizes Downstream Deregulation

File 777

Pages 11

Charts 7

Updated 6/29/2015

The turmoil in Mexico's gasoline market puts in jeopardy the calendar of the government's strategy to deregulate the gasoline market in 2018. In this report, we try to squeeze insights out of institutional data from Pemex about the incidents of product theft, and we examined press and other reports to see how specific industries were being affected by the activities of a given drug cartel. The situation in Nigeria should be a warning to government authorities that the lack of asset and product security onshore could lead oil companies to restricting their principal investments offshore.

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TUE, MAR 17, 15

The Aristegui Affaire (Part II)

File 1000068
Pages 4
Charts 1

On March 16, arguably the most popular journalist in Mexico lost her job when her employer, MVS Radio, chose to reject her demand that two terminated members of her team be reinstated. As in 2011, when she was allegedly terminated for a breach of protocol in a radio broadcast, there has been massive public support for her cause. Our view is that this drama is a distraction for journalists who want to ask serious questions.

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MON, MAR 16, 15

Drilling Deeper into Spanish-202

File 100203
Pages 8
Charts 7
Updated 3/23/2015

In this report, we continue with our series on intercultural communication. Again, the message is that a mental understanding of the phonological system helps the ear to discriminate between one's native language (L1) and Spanish (L2). The informed mind will teach the ear which will, in time, teach the tongue to speak Spanish clearly. Focusing on consonants, we identify those that are common and unique to English and Spanish. We also examine how the common Latin alphabet can cause confusion regarding pronunciation, as often there are different ways to spell the same sound.

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MON, MAR 9, 15

CNH in 2015: Scenario Analysis (Update of Market Note 077)

File 1000067
Pages 5
Charts 4

In January 2011, at the suggestion of a commissioner, we prepared a scenario analysis of how the CNH might look at year-end 2015. We visualized four scenarios, in two of which the agency is marginalized, a third in an ambiguous status quo, and a fourth as an independent regulator. Moving the clock forward 4 years, we now ask about the CNH's future today.

29

MON, MAR 2, 15

Mexico's Energy Reform: A Sobriety Test

File 030215
Pages 3
Charts 1

This article examines the positive and cautionary signs in the upstream reform in Mexico. It is observed that much of the topic is still inside baseball, meaning that the back-office story is not widely understood. Published in *Oil & Gas Journal*, March 2, 2015, pp. 34-37.

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February

TUE, FEB 24, 15

Drilling Deeper into Spanish-201

File 100202
Pages 6
Charts 1

This report builds on two others from 2012 that had the title "Overcoming the American Accent in Spanish." Understanding the phonological system of Spanish allows the mind and ears to hear the language without the filters of English. There are many sounds and conventions in Spanish that only become audible to English ears after one has learned linguistic concepts. As the hearing improves, so does the ability to speak Spanish as a language very different from Tex-Mex.

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MON, FEB 23, 15

Outlook of Round One: Interview with Pedro van Meurs

File 012615
Pages 9
Charts 0

Dr. Pedro van Meurs is an expert on petroleum fiscal systems, having advised governments, including the Mexican, around the world. On Jan. 26, 2015, a two-hour discussion took place about aspects of oil policy in Mexico, with emphasis on the enhancements needed to make Round One a success.

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SAT, FEB 21, 15

Ronda Uno vs. LOPSRM (article by George Baker in Reforma)

File **022015**
Pages 1
Charts 0

Published in the opinion page of the Business Section of REFORMA on February 20, 2015, this article by George Baker finds fault with the award criteria in the Draft Model Contract of the Hydrocarbon Commission (CNH) on December 11, 2014. He argues that a bidding variable of the highest government percentage is merely the mathematical inverse of the variable of lowest price found in the Public Works Law (LOPSRM). Both variants, he argues, are designed to protect public servants against possible sanctions by future auditors than to serve the public interest. [33](#)

FRI, FEB 20, 15

Problematic Issues in Round One and Beyond: What is needed for alignment of interests?

File **775**
Pages 22
Charts 5

This report expands on our Public Policy paper No. 10033. Table 1 identifies specific opportunities where SENER, SHCP and CNH may contribute to the alignment of interests between the State and oil companies as investors and operators. The table reflects insights of prospective bidders and legal and fiscal experts. The discussion contrasts the new regime with that of Pemex's farmouts of 2003-13, and the regime in the US Gulf of Mexico. Principles of equity from the perspective of the investor are set forth. We ask about the outlook for stakeholder feedback and the measure of success of Round One. [34](#)

TUE, FEB 17, 15

What's Missing from Round One? - A Clear Philosophy of Alignment

File **10033.1**
Pages 7
Charts 2

This report is issued as a white paper that is meant to contribute to the public discussion of public policy and commerce in relation to Round One. The report identifies areas where improved alignment is needed between the State, society and the oil company. This condensed version has been posted on energia.com for downloading by the general public. [35](#)

FRI, FEB 13, 15

Critiquing and Looking Beyond Round One

File **10033**
Pages 15
Charts 4

The Hydrocarbon Commission in Mexico (CNH) has asked for public comment about Round One and the Model Contract. This report offers construction criticism of the new energy regime that was established by the Energy Reform of 2014, with emphasis on the legislative and regulatory frameworks that are set for in the hydrocarbon legislation that was promulgated on Aug. 11, as well as the commercial framework contained in the draft Model Contract made public on Dec. 11. The report draws on the observations of petroleum fiscal system expert Pedro van Meurs, as well as those of industry sources. [36](#)

THU, FEB 12, 15

Mexico's Energy Reform at the Baker Institute

File **1000064**
Pages 1
Charts 0

Mexico's energy reform will affect not only public perceptions and institutions in Mexico; it will also call for a rethinking of the expectations by many government and private stakeholders on the U.S. side of the Gulf. For example, under what conditions may resources from the U.S. side be deployed in Mexican waters in the event of a major oil spill? U.S. speakers were from key agencies and NGOs : BOEM, BSEE, MSCR, Coast Guard, API and COS (Center for Offshore Safety). Carlos de Régules, the director of the new safety agency (ASEA), outline his vision, including the use of third-party auditors. [37](#)

THU, FEB 5, 15

Glimpses of Mexico's Iconic Figures: Luis Donaldo Colosio

File **1000063**
Pages 2
Charts 0
Updated 2/16/2015

The public space in Mexico rewards some iconic figures while it ignores others. Some of these figures are associated with Mexico's oil industry: Lázaro Cárdenas, is memorialized in statues and in prominent street names, while Lord Cowdray's memory is in the name of the ABC Hospital. Cárdenas and Luis Donaldo Colosio both have monuments in the style of giant Olmec heads. This report tells an anecdote about Colosio in 1991 about how freedom of the press was monitored by the PRI. Included are two photographs taken at the place of Colosio's assassination in Tijuana on March 23, 1994. [38](#)

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MON, FEB 2, 15

Freedom of Speech in Mexico: How does employee misconduct get reported?

File 774

Pages 17

Charts 8

This report examines several dimensions of freedom of speech in Mexico, asking, inter alia, about how the lack of freedom of speech affects public policy and the performance of public servants and employees in the private sector. The report draws on personal and institutional anecdotes as well as on international indexes. The question is asked about the probability that an employee in the public or private sector would report evidence or suspicions of cartel ties by a co-worker or supervisor. A parallel question is asked about the probability that a whistle-blower could appear in Mexican society.

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January

WED, JAN 28, 15

Midstream Outlook in Mexico: Complicado

File 1000062

Pages 5

Charts 0

Updated 1/30/2015

This report examines incentives and impediments to business development in the midstream. There are some short-term bottlenecks, including fiscal and contractual imperfections that will be resolved by mid-2015. The resolution of other bottlenecks in the operating environment will take most of the next decade, if not longer. The report cites an interview held on Jan. 26th with petroleum fiscal expert Pedro van Meurs in which he offers his view on how the fiscal treatment of the midstream needs urgent attention by SHCP and the Hydrocarbon Commission (CNH).

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WED, JAN 21, 15

Blasphemy Clause in the Mexican Constitution?

File 1000061

Pages 2

Charts 0

An attack on a Mexican *Charlie Hebdo* would not provoke popular protests in Mexico; but, in Constitutional Articles 30 and 33 there would seem to be a species of blasphemy law that allows the President of Mexico, without prior judicial review or the right of appeal, to expel a non-citizen from Mexico. A principle that allows for punitive actions for offenses not set forth in civil or criminal law, once established, applies to all members of society in Mexico, not just to foreigners.

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THU, JAN 15, 15

Transparency vs. Value Creation: An Inverse Correlation

File 1000060

Pages 2

Charts 3

This report speculates about the relationship between Transparency, Value-Creation and Educational Requirements in Mexican government procurement. Four models are considered: Public Works, Pemex law, Round 1 and Round N. The report concludes that society's demand for transparency is subverted by the need of regulators to protect themselves from auditors whose educational level would not be adequate to understand how an award in a bid round was determined on the basis of its total value compared to the offers of other bidders.

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SUN, JAN 11, 15

Satire in Mexican Journalism

File 1000059

Pages 7

Charts 2

There is a genre of journalism in Mexico that specializes in exposing corruption and inefficiency. The comic genius of Mexican cartoonists for skewering public figures and policies is an established fact. There is a different role for satire, as its purpose is to instruct, not skewer. Exhibit A is a title list of our satirical reports or columns, published by ourselves or in Mexico (2007-15). Exhibit B is an annotated version of one of our columns, which was originally published in REFORMA on September 8, 2008. See <http://mexidata.info/id2012.html>

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THU, JAN 8, 15

MEXICAN ENERGY IN 2014: Review of Reporting and Public Outreach by MEI

File **1000058**
Pages 24
Charts 4
Updated 1/10/2015

This report discusses the work product of the editor and research staff of Mexico Energy Intelligence® in 2014. The many neologisms of the Energy Reform legislation and subsequent legal dispositions led to a project to create a DICTIONARY OF MEXICAN ENERGY. We conclude that conservative politics limited the vision of an energy reform, leaving important decisions for the next administration. The report includes for logs of MEI report titles, by month, in ascending and descending order, also by category and a fourth in chronological order with a brief description of each report.

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