

DEPARTMENT OF ENERGY  
*Office of Indian Energy Policy and Programs*

**Tribal Leader Forum**  
**Transmission and Clean Energy**  
**Development**  
**Feb. 7 – 8, 2012**

**Opportunities in the Federal Market**



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# Key Opportunities

Electricity, energy products and by-products sales

Energy services



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# Purchasing Preference

## 25 U.S.C. § 3502(d) Preference

- (1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.
- (2) In carrying out this subsection, a Federal agency or department shall not –
  - (A) pay more than the prevailing market price for an energy product or byproduct; or
  - (B) obtain less than prevailing market terms and conditions.



# DOE Efforts to Implement

May 2011, Secretary announced intention to issue policy guidance

Internal working group developed guidance

Informal meeting with tribes in August 2011

Consultation presentation at NCAI in Nov. 2011

Final draft guidance to Tribes for notice and consultation



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# Key Aspects of Draft Policy

Preference can only be given to an Indian tribe (as defined in § 3501) or tribal enterprise in which an Indian tribe holds at least a 51% ownership interest.

Applies to the purchase of:

- electricity produced by renewable resources

- renewable energy products and

- renewable energy by-products.

Determination of “prevailing market rate” based on several factors

DOE may conduct a limited competition for just tribes and tribal enterprises for the purchase of electricity, renewable energy products or by-products.

Power Marketing Authorities



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# Energy Services

Energy efficiency, weatherization, retrofits, and facility scale distributed generation

Labor intensive activities

ESCOs and Utilities

Federal agencies are encouraged to use ESPC to meet energy efficiency and sustainability goals



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# DOE Super 16 ESCOs

Standing contracts with DOE to provide services to federal agencies

Multi-million dollar contracts

Small business goals – opportunity to leverage into Indian Country



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