

Tribes and Utilities

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This presentation applies to many utility services:

- Electric
- Natural Gas
- Propane



- Communications
- Water
- Waste Water



Utility/Tribes – Know Your Rights and Opportunities

Standard rights and options as utility customers:

- Take advantage of existing rules and tariffs
- Tribal and tribal member participation in public and customer policy processes
- Complaints (formal and informal)
- Request (and fight for) changes in rules and tariffs
- When you pay for it, you can require terms and conditions – negotiate!
- Use the power of being a large customer
- Tribal news publications can inform community
- Open Access rights

Tribal sovereignty affords many strategic options for utility relationships:

- Tribe has regulatory jurisdiction over services – location of services/land type will often affect the level of jurisdiction
- Tribal laws can directly address utility customers and service providers
- Leverage rights of ways/service line agreements
- Power of eminent domain
- Determine your goals, learn your rights, learn the utility's rights, strategize, then implement!
- Tribal provision of utility services

Types of Utilities

Who is in charge and what are their motivations?

Type of Utility	Who Controls	Who (generally) Regulates	Interests
Investor Owned	CEO, Board of Directors	FERC (wholesale) PUC (retail)	For Profit
Cooperative	All members elect leadership	FERC (wholesale) Leadership (retail)	Service to members, meeting their costs
Municipality	City Council	FERC (wholesale) Mayor/Officer (retail)	Service to the public, meeting their costs
District/Other	Governed by Legislation	FERC (wholesale) Appointed (retail)	Service to members, meeting their costs, Depends on legislation
Tribal (Arm of Government, Corporation, Other)	Tribal Government – through resolutions or laws passed. Can institute a Board if desired.	Tribe/Tribal Entity	As stated in the formation documents

Developing Tribal Staff and Members' Utility Knowledge

- Know and understand the type of utility serving you, and their motivations!
- Gather, read and understand your bills – ask for explanations and information
 - Know your value to the utility as their customer
- Read the utility rates and tariffs and other customer input into their creation
 - Arrange introductory meetings with utility executives and staff
 - Work with professionals
 - Training opportunities
- Use tribal publications to provide information and recommend action
 - Partner with other customer/environmental/interest groups

Working with your utility

1. Know your (and their) rights
2. Know your strengths and values
3. Know what you want
4. Have a strategy for achieving what you want
5. Communicate/Negotiate!

- Requires
 - Preparation
 - Dedicated team
 - Coordination
 - Terms of months/years
 - Political effort

Results!

- Lower costs
- Integrate renewables
- Exercise and develop sovereignty
- Improved service
- Improved reliability
- Ownership

- Flexibility in services
- Community relationships
- Integration of the tribe into broader community and political issues
- Refined intra-tribal processes
- Infrastructure improvements
- Agreements

Developing the Relationship

- Tribal (and Utility) Liaison?
- Invite utilities to fairs, powwows, bingos, schools, etc.
- Request specific educational information from your utility
- Executive to executive relationships/Staff relationships
- Sharing of expertise, equipment, other resources
- Educate utilities on tribal laws and culturally important topics
- Bring in the BIA for any needed real property matters
- Develop MOUs or other agreements
- Establish communication protocols for utility work on tribal lands
- Discuss larger utility topics such as power purchases, infrastructure plans, etc.

Examples of Favorable Utility/Tribe Interactions

- Tribal utility formation
- Wholesale Tariffs
- Direct Access Service
- Net Metering Arrangements
- Use of substations/infrastructure
- Energy Efficiency Programs
- Community Renewables
- Tribal member representation on Utility Boards
- Negotiation of Sovereign immunity/dispute resolution
- WAPA Benefit Credit arrangements
- Dam licensing negotiations
- Right of Way Agreements
- Tribal choice of providers