



June 9, 2025

Minnesota Public Utilities Commission  
121 7th Place E, Suite 350  
Saint Paul, MN 55101-2147

**RE: Docket No. E123/C-25-219, In the Matter of a Formal Complaint by the Upper Sioux Community Against Minnesota Valley**

Tribal Energy Alternatives (“TEA”) files their comments in response to the Notice of Comment Period issued on May 9, 2025 before the Minnesota Public Utility Commission (“Commission”). TEA is a mission-based, direct service provider that builds tribal-powered solutions to advance tribal sovereignty through renewable energy. TEA is the Tribal affiliate of GRID Alternatives and has worked with over 80 Tribal Nations across the country to develop and install solar photovoltaic (PV) systems, create robust workforce development programs alongside Tribes, and deploy over 8 megawatts of solar for Tribal Nations.

TEA strongly supports the issues brought forth by Upper Sioux Community (“Community”) and the subject matter of the complaint. TEA asserts that fully behind the meter renewable energy projects developed on Tribal lands are not subject to Minnesota state law, regulations, or a cooperative’s bylaws. Tribal Nations exercise inherent powers over their members and territory, subject to limitations by federal law.<sup>1</sup> This includes the activities between electricity service providers and Tribes.

Given that the Community’s solar array is fully behind the meter and is not attempting to interconnect to any of Minnesota Valley’s (“the Cooperative”) systems<sup>2</sup>, it is not subject to Minnesota statute or the policies set forth by the Cooperative.<sup>3</sup> Since the Community is not selling power to the Cooperative, the Cooperative’s board policies also do not apply. Furthermore, TEA affirms that the Cooperative does not have the right to terminate electricity services to the Community. This threat demonstrated by the Cooperative is unlawful and unreasonable, and ultimately threatens the safety of the Community.

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<sup>1</sup> Worcester v. Georgia, 31 U.S. 515, 555 (1832).

<sup>2</sup> See pg. 11 in Upper Sioux Community Non-Confidential Mediation Statement submitted May 1, 2025.

<sup>3</sup> See Minnesota Valley Board Policy No. 323.

Utility services are critically important to Tribal communities in regards to their economy, the overall welfare of the Tribe, and the health and safety of its citizens through essential services. The response from the Cooperative to shut-off power to the Community is a serious threat to the welfare of the Community. This is an opportunity for the Commission to further investigate this particular dispute since the Community has clearly outlined the potential harmful impacts that the termination of power will have on their customers, employees, and Tribal citizens and recommend a solution to affected parties. Further investigation into this matter could potentially impact other Tribes as other similar projects fully behind the meter are developed in the near future. In closing, TEA supports that any Tribe can construct its own fully behind the meter energy projects without interference from its cooperative due to a Tribe's inherent sovereignty over utility services on their lands. Adequate documentation from the Community has been provided in their initial complaint about the scope of their project and how it is not subject to state laws or the Cooperative's bylaws.

While working towards a more equitable future for Tribal Nations, it is in the interests of the public to further investigate this issue in order to ensure the threat of electricity shut-offs and overreach of cooperatives and their policies on Tribal lands does not continue to occur in the future. TEA appreciates the opportunity to provide these comments in support of the interests of Tribal energy development and community safety, and the Commission's continued commitment to actively engage Tribes in matters such as these that set precedents and necessary processes to electric providers working within Indian Country. TEA will continue to participate in regulatory dockets that support the ability of Tribal Nations to construct their own energy systems without discriminatory action from their rural electric cooperatives.

Respectfully submitted,

TRIBAL ENERGY ALTERNATIVES

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