

Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1
Morton, MN 56270

Cansayapi Otunwe

August 21, 2017

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: In the Matter of a Petition by United Natural Gas LLC (UNG) for Approval of Its Request for a Small Gas Utility Franchise Exemption Docket No. G-6960/M-16-214
and
In the Matter of a Petition by Greater Minnesota Transmission, LLC (GMT) for Approval of a Firm Gas Transportation Agreement with United Natural Gas, L.L.C. (UNG), a subsidiary of United Farmers Cooperative PL-6580/M-16-1026

Dear Mr. Wolf,

The Lower Sioux Indian Community in the State of Minnesota ("Community") respectfully submits this comment letter to the Minnesota Public Utilities Commission ("Commission") in response to its Order Soliciting Comment issued May 23, 2017 in the above referenced dockets. We appreciate the opportunity to provide these comments and respectfully request that the Commission take action to approve the request by UNG for exemption from regulation of the Minnesota Public Utilities Commission ("Commission") to provide incidental service to the public outside the borders of municipalities.

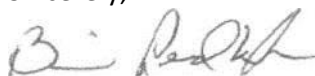
The Community submitted a letter to the Commission dated March 24, 2017 for Docket 16-1026 requesting expedited approval of the petition in that docket. That letter is attached as Exhibit A to this letter. That letter describes the importance to the Community of Commission approval and we very much appreciate you taking our interests into account as you make your decision. We are anxious for completion of the project so that we can begin enjoying the important benefits to our Community.

The Community has carefully reviewed the details of the proposed natural gas service arrangement. We have had detailed discussions with UNG regarding all aspects of the service arrangement, including thorough

discussions of the process for establishing rates, its fairness to the Community and others and the Community's representation on the Local Rate Board. It is with a full understanding of those details that we request a positive Commission action on the UNG Request.

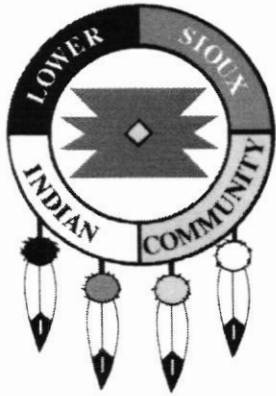
On behalf of our Community members, thank you for your consideration of our request to expedite the approval of the above referenced petition. It is critical to the future of our Community to have natural gas available on our lands. Please contact our President Robert Larsen, Vice President Brian Pendleton or Legal Counsel Lenor Scheffler Blaeser if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Pendleton". The signature is fluid and cursive, with the first name "Brian" and last name "Pendleton" clearly distinguishable.

Lower Sioux Indian Community Council

Attachment



Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1

Morton, MN 56270

Cansayapi Otunwe

March 24th, 2017

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Greater Minnesota Gas, Inc.'s Petition for Approval of Firm Transportation Agreement with United Natural Gas, LLC, a subsidiary of United Farmers Cooperative
Docket No. PL6580/M-16-1026

Dear Mr. Wolf,

The Lower Sioux Indian Community in the State of Minnesota ("Community") respectfully requests that the Minnesota PUC expedite the review and approval the Greater Minnesota Gas Inc. ("GMG") petition described above. We appreciate that the Minnesota Department Staff have reviewed the petition and recommend that the Commission approve the agreement as filed.

On January 18, 2017, we entered into a Firm Service Agreement with United Natural Gas ("UNG") to bring natural gas to the Community government and commercial buildings initially. Eventually, we plan for our Community members and new businesses to use natural gas.

Our Community businesses and government buildings have used propane for years. We have also looked at other energy options over the years. Our challenges to other energy options include our limited land base, economic resources, and that local natural gas sources are no longer available. We finally found an access opportunity working with GMG.

The Community has known for some time that it needs to diversify economically and have made attempts to do so. However, the Community is challenged to attract businesses because of the lack of natural gas as an energy option. The Community just completed a strategic plan for the Community and is beginning the process to develop an economic development strategic plan. The process and research confirm that new businesses want natural gas as their energy source. The Community Council finds this to be a great opportunity which will provide short term and long term benefits for the Community.

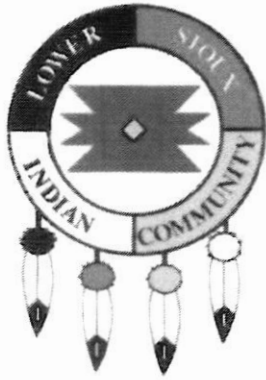
On behalf of our Community members, thank you for your consideration of our request to expedite the approval of the above referenced petition. It is critical to the future of our Community to have natural gas available on our lands. Please contact our President Robert Larsen, Vice President Brian Pendleton or Legal Counsel Lenor Scheffler Blaeser if you have any questions.

Sincerely,

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Lower Sioux Indian Community Council





Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1
Morton, MN 56270
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RESOLUTION NO. 17-08

**APPROVING AGREEMENTS, GRANTING SIGNING AUTHORITY, AND
GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR
THE FIRM SERVICES AGREEMENT AND MINIMUM USE AGREEMENT
BETWEEN UNITED NATURAL GAS, A MINNESOTA CORPORATION &
LOWER SIOUX INDIAN COMMUNITY IN THE STATE OF MINNESOTA**

- WHEREAS. the Lower Sioux Indian Community in the State of Minnesota ("Community") is a duly organized and federally-recognized Indian Tribe under 25 U.S.C. § 476, and is governed by the terms of a Constitution and By-Laws ("Constitution") originally adopted by the Tribal Members on May 16, 1936, and approved by the Secretary of the Interior on April 23, 1936; and,
- WHEREAS. pursuant to said Constitution and Bylaws, the Community Council of the Lower Sioux Indian Reservation ("Community Council") is the governing body of the Community; and
- WHEREAS. the Community Council has the authority, as enumerated in the Community's Constitution at ARTICLE V – POWERS (a) to negotiate with the Federal, State, and local Governments on behalf of the Community...; (c) to approve or veto any sale, disposition, lease, or encumbrance of Community lands, interests in lands, or other Community assets...; (e) to make assignments of community land to members of the Community...; (f) to manage all economic affairs and enterprises of the Community...; (g) to appropriate for public purposes of the Lower Sioux Indian Community available funds within the exclusive control of the Community...; (i) to safeguard and promote the peace, safety, morals, and general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the reservation...; (j) to establish ordinances...providing for the maintenance of law and order upon the

Reservation...: (m) to encourage and foster the arts, crafts, traditions, and culture of the Community...: (o) to protect and preserve the property...of the Community...: and

- WHEREAS, Greater Minnesota Transmission, LLC ("GMT") brought to the Community Council a proposal to bring natural gas to Jackpot Junction Casino Hotel, Government Center, the Lower Sioux Health Clinic, the Maintenance Building and the Recreation Center from Corcoran, Minnesota via a pipeline:
- WHEREAS, GMT will cause the pipeline to be constructed and then the GMT will transport the natural gas to the Community with United Natural Gas, LLC a Minnesota limited liability company ("UNG") supplying the natural gas for the Community; and
- WHEREAS, after analysis the Community Council finds that the natural gas will be a more economical and efficient energy source for the Community's Government buildings and Enterprise buildings; and
- WHEREAS, it is planned in the future to provide the Community's members the opportunity to hook up to the natural gas pipeline for residential use; and
- WHEREAS, the Firm Service Agreement has a limited waiver of sovereign immunity at Paragraph 7.0 which Agreement is attached as Attachment 1 and the Minimum Use Agreement has a limited waiver of sovereign immunity at Paragraph 8.0 which Agreement is attached as Attachment 2; and
- WHEREAS, only the Community Council can waive the sovereign immunity of the Community; and
- WHEREAS, it is in the best interest of the Community to enter into the Firm Service Agreement and the Minimum Use Agreement with UNG to serve the Community's Government buildings and Enterprise buildings with natural gas to provide a limited waiver of sovereign immunity in each agreement; and


NOW THEREFORE BE IT RESOLVED, that the Community Council approves the entering into the Firm Service Agreement and the Minimum Use Agreement ("Agreements") with United Natural Gas, LLC to supply natural gas to the Community's Government buildings and Enterprise buildings.

BE IT FURTHER RESOLVED, that the Community Council President or Vice President are authorized to sign the above referenced documents with United Natural Gas, LLC when the Agreements are in final form.


BE IT FURTHER RESLOVED, the Agreements with United Natural Gas, LLC are subject to all valid laws, orders, rules and regulations of any and all duly constituted authorities having jurisdiction over the subject matter herein and is subject to the receipt of any necessary authorization for the service contemplated herein. The Agreements shall be governed by and constructed in accordance with the laws of any Court of the United States of America, with a venue in the State of Minnesota, and suit or proceeding relating to the Agreements, and to the respective courts to which an appeal of the decisions of any such court may be taken, and each party agrees not to commence, or cooperate in or encourage the commencement of, any such action, suit, or proceeding, except in a Court of the United States of America. Each party hereby irrevocably waives, to the fullest extent it may do so, the defense of an inconvenient forum for such an action, suit or proceeding. Each party waives to the extent permitted by law, their respective rights to trial by jury for any claim whatsoever in any way connected with these Agreements. The Community hereby provides a limited waiver of its sovereign immunity from an action brought by the United Natural Gas, LLC relative to disputes between the parties arising under these Agreements that the parties are unable to informally resolve. The Community's waiver of its sovereign immunity is further limited to the amounts due to United Natural Gas, LLC under these Agreements. Except as specifically provided in the Agreements, nothing in the Agreements shall be construed or interpreted to affect a waiver of Customer's sovereign immunity. Except as specifically provided in the Agreements, no waiver of Customer's sovereign immunity of from suit may be implied from any action or document.

CERTIFICATION

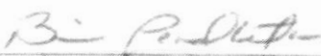
We certify that Resolution No. 17- 08 was duly adopted by the Community Council of the Lower Sioux Indian Community in the State of Minnesota at a meeting held on the 11 day of January, 2017, a quorum being present by a vote of 3 in favor, 0 opposed, and 0 abstaining.



Robert L. Larsen, President



Earl Pendleton, Treasurer



Brian Pendleton, Vice President



Gary Prescott, Secretary

Justice Wabasha, Assistant Secretary Treasurer

CERTIFICATE OF SERVICE

**Re: Minnesota Public Utilities Commission
Docket No. G-6960/M-16-214 and
Docket No. PL-6580/M-16-20**

I, Mary Carlson, being duly sworn, says that on August 21, 2017, she served the following:

- Comment Letter on behalf of the Lower Sioux Indian Community

to all said persons on the attached Service List, true and correct copies thereof, by eFiling and/or by depositing the same enclosed in an envelope, postage prepaid in the United States Mail in the post office at Minneapolis, Minnesota.

/s/ Mary Carlson
MARY CARLSON

Subscribed and sworn to before me this 21st day
of August, 2017.

/s/ Geri M. Kulsrud

Notary

My Commission Expires: January 31, 2020

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-214_Official
Ian	Dobson	Residential.Utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_16-214_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_16-214_Official
Gregory	Hauptert	ghauptert@parthenonagency.com	Sobalvarro & Hauptert	11 7th Ave. N., Suite 100 St. Cloud, Minnesota 56303	Electronic Service	No	OFF_SL_16-214_Official
Robert	Larsen	robert.larsen@lowersioux.com	Lower Sioux Indian Community	PO Box 308 39527 Reservation Highway 1 Morton, MN 56270	Electronic Service	No	OFF_SL_16-214_Official
Douglas	Lund	doug.lund@ufcmn.com	United Natural Gas, LLC	705 E. 4th Street PO Box 461 Winthrop, MN 55396	Electronic Service	No	OFF_SL_16-214_Official
Brian	Pendleton	N/A		PO Box 308 39527 Reservatio Hwy 1 Morton, MN 56270	Paper Service	No	OFF_SL_16-214_Official
Al	Poehler	ctlclerk@comcast.net	City of Courtland	300 Railroad St Courtland, MN 56021	Electronic Service	No	OFF_SL_16-214_Official
Darren	Saffert	lafcityclerk@gmail.com	City of Lafayette	700 Ninth St PO BOX 375 Lafayette, MN 56054	Electronic Service	No	OFF_SL_16-214_Official
Lenor	Scheffler Blaeser	Lenor.scheffler@lowersioux.com	Lower Sioux Indian Community	PO Box 308 39527 Reservation Highway 1 Morton, MN 56270	Electronic Service	No	OFF_SL_16-214_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
James	Stenson		Nicollet County	501 South Minnesota Avenue St. Peter, MN 56082	Paper Service	No	OFF_SL_16-214_Official
Teresa	Wenninger	teresa.wenninger@ufcmn.com	United Farmers Cooperative	PO Box 461 Winthrop, MN 55396	Electronic Service	No	OFF_SL_16-214_Official
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 55102147	Electronic Service	Yes	OFF_SL_16-214_Official