

June 9, 2025

MN Public Utilities Commission 121 7TH Place East Suite 350 Saint Paul, MN 55101-2147

PUC Docket Number: E123/C-25-219

OFFICIAL COMMENT In the Matter of a Formal Complaint by the Upper Sioux Community Against Minnesota Valley Cooperative Light & Power Association.

Aaniin Boozhoo,

The White Earth Tribal Utility Commission (TUC) has received notice regarding the formal complaint filed by the Upper Sioux Community (Tribe) to the MN PUC against their service provider, Minnesota Valley Cooperative Light & Power Association. The Upper Sioux Community has developed a solar array to power its casino and hotel. Minnesota Valley Cooperative, the Tribe's electricity provider, argues that connecting the solar project to the casino and hotel violates their policies, state laws, and potentially federal law, and thus they can shut off power to the Tribe. The Upper Sioux Community assets that tribal sovereignty exempts them from state law, regulations, and cooperative policies. As such, the Tribe's complaint filed with the MN PUC seeks to determine whether Minnesota Valley Cooperative can unilaterally threaten to shut off power to the Tribe for the purported violation of state laws and policies that do not apply to the Tribe.

The White Earth TUC is an appointed five (5) member Commission of the White Earth Nation, formed under Tribal law. The White Earth TUC serves to ensure that utilities located, operating or providing services within the White Earth Reservation are regulated to ensure all customers of utility services and commodities within the Reservation have adequate, safe, and reliable services at reasonable rates, consistent with the Tribe's laws and policies.

After careful consideration, the White Earth TUC respectfully submits the following comments for MN PUC review and consideration.





1. Does the MN PUC have jurisdiction over the subject matter of the Complaint? Please address which statutes or rules should be applied or considered?

The White Earth TUC supports Upper Sioux in its assertion that Minnesota Tribes are not subject to State law pertaining to utility regulation, including the state distributed energy laws, and the policies and procedures of rural electric cooperatives on or within the Reservation boundaries. Such laws, related regulations and policies are subordinate to Tribal law, policy, regulations, and procedures.

The MN PUC does not currently regulate Cooperatives; however, the PUC has a duty to ensure the intentions outlined in MN utility law are being followed consistently and fairly throughout Minnesota. Minn. Stat 216.B.37 specifies that utilities granted the right to serve customers shall (not may) provide electric service. If any electric service provider in MN threatens to eliminate electric service to compel customer adherence to a contested position regarding net metering, we believe this is unlawful and a reason for the MN PUC to investigate and provide a recommended ruling and/or solution.

2. Are there reasonable grounds for the Commission to investigate these allegations?

Yes, the White Earth TUC believes there are reasonable grounds to investigate these allegations. This project as scoped by the Upper Sioux Community will not be interconnected or export energy to the grid and poses no significant risk to the Cooperative, other than lost revenue to the Cooperative.

3. Is it in the public interest for the Commission to investigate these allegations?

Yes, the White Earth TUC believes it is in the public interest to investigate these allegations. We believe this is of significant interest to the other Tribes in Minnesota, who struggle to implement behind the meter and renewable energy projects due to preventative actions and procedures maintained by Rural MN Cooperatives. Tribes have inherent rights to exercise energy sovereignty and control over renewable energy projects. This project will be a great example of how other Tribes will be stymied in their efforts to help MN achieve the Zero by 2040 Law, adopted in 2023. The actions of Minnesota Valley Cooperative bring to light the need for a larger conversation in Minnesota for Rural Electric Cooperatives to have centralized and consistent regulatory oversight by the MN PUC.

4. If the Commission chooses to investigate the Complaint, what procedures should be used to do so? The White Earth TUC has no comment other than the expectation that the commission exercise the same protocols as they would in any other tribally focused issue.





The White Earth Tribal Utility Commission thanks the MN Public Utility Commission for allowing us the opportunity to provide comment for your consideration. Tribal Nations wish to support one another in advancing energy sovereignty efforts by being self-sustaining in any area they determine is appropriate for their goals.

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Nathan Mathews Executive Director White Earth Nation Tribal Utility Commission



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