



June 25, 2025

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

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

Tribal Energy Alternatives (“TEA”) files their response comments before the Minnesota Public Utility Commission (“Commission”). In response to the Department of Commerce’s recommendation on a contested case hearing, TEA recommends an alternative that a formal Tribal consultation be initiated to increase Tribal participation in a matter that could widely impact other Tribes planning to build renewable energy projects in the future with or without approval from their electric service provider. This Tribal consultation could exclude the specific scope and complaint of the Community and the Minnesota Valley and Light Association and focus on alternative processes and the regulatory framework associated with the engagement of Tribes with their rural electric cooperatives. Cooperation between utilities and Tribes can be a missing gap in Tribal renewable energy development; and while it is not always the case, it can pose a barrier for many Tribes building energy resources for their citizenship bases. The formal discussion with Tribes will allow for common issues consistent with developing renewable energy projects on Tribal lands to emerge. It could also identify the necessary public education and resources on such issues for Commission Staff and rural electric cooperative staff, discover alternative monitoring by the Commission of cooperatives, analyze potential safety and economic impacts from strained relations with local utility service providers and the Tribes served, and summarize Tribal rights reserved by Tribal Nations associated with solar and other renewable energy development on Tribal lands. It is critical to develop a more robust record of this issue of renewable energy development on Tribal lands in regard to their electric service provider. Furthermore, this type of consultation effort upholds the Minnesota Public Utilities Commission Tribal Engagement Policy.

This is an opportunity for Tribal Nations, the Commission, and other Tribally-led initiatives that strengthen the political integrity of Tribes such as the Tribal Advisory Council on Energy (“TACE”)¹ to

¹ See Minnesota Indian Advisory Council Resolution 11102020_01.

describe the division of regulatory responsibility between the Commission, electric service cooperatives, and Tribal Nations. This can document how utility policies and services provided on reservation interfere with the Tribe's right to develop energy infrastructure and improve the cost efficiency of services. The goal of this formal consultation could ultimately be to allow the beginning of the question to emerge: whether a non-Indian utility can require the Tribe to comply with utility policies for a service territory that includes a Tribe's reservation. TEA believes this would be a beneficial first step to understanding how the existing utility regulations and cooperative bylaws infringe upon the rights of tribes to build sustainable energy resources.

By reviewing a more robust forum of Tribal comments and concerns about the matter of electric service providers interfering with a Tribe's development of a renewable energy resources, it would likely result in the chances of cooperation between Tribes and their utility providers, avoid future litigation, document energy impacts within reservations, and prevent further infringement on a Tribe's inherent sovereignty.

Respectfully submitted,

TRIBAL ENERGY ALTERNATIVES

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