

TRIBAL ELECTRIC UTILITY FORMATION

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Tribal In-House Counsel Association
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Tribal Profile

- Pechanga Band of Luiseño Indians
 - Appx. 1,825 members
 - Direct Democracy
 - Tribal Council, Development Corporation
- Pechanga Indian Reservation
 - Established by Executive Order in 1882
 - Appx. 7,100 acres in the Temecula Valley
 - Government buildings, Tribal commercial buildings, non-tribal commercial buildings
 - Appx. 300 residences on allotments



Utility Profile

- Formed and funded by General Membership Resolution in March 2016
- Purchases power on the market and distributes it to on-reservation commercial and government buildings and a small number of residences
- Current load served = appx. 13 mW
- Sources include 4.6 mW of self-generated power, 5.65 of federal power (direct allocations and other tribal allocations), additional power scheduled by scheduling coordinator
- Wholesale customer of Southern California Edison

Tribal Law Matters – Initial Organization & Funding

- Corporate Form
 - Formed by General Membership Resolution as department of the Pechanga Tribal Government
- Regulatory Body
 - Pechanga Tribal Council
- Funding
 - Government Operations Budget
 - Grant Funding
 - BIA Tribal Energy Development Capacity Program Grant
 - U.S. Department of Energy Utility Development Grant

Jurisdictional Matters – Federal & State Interaction

- “Small Load Serving Entity”
- Not required to register with North American Reliability Corporation/Western Electricity Coordinating Council
- Outside the jurisdiction of the California Public Utilities Commission
- Registered with the California Independent System Operator for Resource Adequacy and Congestion Revenue Rights purposes
- Voluntarily working with California Energy Commission re Resource Adequacy

Tribal Law Matters – Utility Infrastructure Acquisition

- Eminent domain power of tribal government as to property on-reservation
 - Inherent authority of tribe, generally
 - Tribal law asserting authority
 - Personal and/or real property
- Avenue for appeals in tribal forum



Tribal Law Matters – Rate-setting

- Regulatory Body
 - Pechanga Tribal Council
- Customers
 - Tribal Government
 - Tribal Commercial Entities
 - Non-Tribal Commercial Entities
 - Residents (members and non-members)



Near-Term Future Activities

- Feasibility study re remaining residences with U.S. Department of Energy Utility Development Grant
- Solar generation
- Microgrid development
- Exploration of gas, wastewater treatment, and other utility opportunities