

# TRIBAL GOVERNMENT-TO- GOVERNMENT REPORT

December 2023



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Tribal Liaison

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# Executive Summary

## 1. Agency Overview

Celebrating more than 150 years of history, the Oregon Public Utility Commission (PUC) regulates rates and services offered by Oregon's investor-owned electric, natural gas, and telephone utilities, as well as select water companies. The PUC also enforces electric and natural gas safety standards and handles utility-related dispute resolution on behalf of Oregon residents. Decisions and regulatory actions by the PUC affect nearly every household in Oregon and the state's economy as a whole.

The PUC has three Commissioners who are appointed by the Governor to serve four-year staggered terms. The Governor also appoints one of those three as the Commission Chair; the Chair is responsible for internal policies and procedures as the agency head. The Commissioners together establish regulatory policies and make the final decisions on utility rate and service matters under the PUC's jurisdiction. Commissioners encourage participation by the public and stakeholders at their public meetings and in contested case and rulemaking dockets. Commissioners also lead the agency's external engagement on issues important to utility customers, informing state, regional and national dialogue on utility regulatory and policy issues and representing the Commission on regional and national industry boards and committees. The Commission must resolve complex issues facing utilities and their customers in a changing environment.

The PUC is organized into four functional areas: 1) Executive Office, 2) Utility Program, 3) Administrative Hearings Division, and 4) Business and Administrative Services.

- The **Executive Office, led by the Executive Director**, provides leadership and direction to ensure the PUC meets its mission and strategic goals. The Executive Office oversees and coordinates the work of all agency employees, develops strategies and processes that support long-range agency and organizational planning, guides the PUC's engagement with external stakeholders and governmental officials, and manages communications about PUC proceedings and activities to external stakeholders, the media, and public, as well as to agency employees. The Executive Office coordinates engagement with the legislature and ensures legislative directives and the Governor's executive orders are implemented.

In late 2020, the PUC established within the Executive Office a **Diversity, Equity and Inclusion Program Director (DEI Program Director)**. This position, with the support of and in collaboration with PUC leadership, provides vision, direction, counsel, and leadership to all employees in the areas of equity, diversity and inclusion in their daily work, and in the programs and activities of the agency. Included in the responsibilities assigned to this role is **tribal liaison**.

The Tribal Liaison plays a critical role in fostering positive relationships between the PUC and the nine federally recognized tribes within the state with responsibilities including:

Communication and Collaboration:

- Serving as the primary point of contact between the PUC and tribal governments.
- Facilitating communication and collaboration on issues of mutual interest, such as utility regulation, energy resource development, and environmental protection.
- Providing information and updates to tribal governments on PUC activities and regulatory proceedings.
- Identifying and addressing concerns raised by tribal governments.

Policy Development and Implementation:

- Advising the PUC on potential impacts of proposed policies on tribal governments and their members.
- Recommending policy changes that promote tribal sovereignty and self-determination.
- Working with PUC staff to develop and implement policies that are consistent with tribal treaty rights and interests.
- Providing training and technical assistance to PUC staff on tribal issues.

Advocacy and Outreach:

- Representing the PUC at tribal government meetings and events.
  - Building relationships with tribal leaders, communities, and organizations.
  - Raising awareness of tribal issues and concerns among PUC staff and stakeholders.
  - Advocating for policies and programs that benefit tribal communities.
- The **Utility Program** serves as the technical and analytical arm of the agency. Its staff analyzes utility filings, helps build a factual record in PUC investigations, recommends policy actions, inspects utility facilities, and fulfills other responsibilities to ensure the PUC can carry out its mission and serve Oregon's utility customers. The Utility Program is organized into three primary divisions:
    - ***Energy Resources and Planning Division (ERP)*** -- assists the PUC in its responsibility to ensure least cost, least risk planning by Oregon's investor-owned utilities and associated activities, such as cost-effective energy efficiency acquisition through Energy Trust of Oregon and evaluation of new technologies and their potential to serve utility customers. ERP also assists the PUC in its responsibility to ensure the utilities meet legislative mandates, and that strategic pilots and programs meet the goals of the Legislature and the needs of ratepayers. This division conducts rulemaking processes with stakeholders to

implement new state policies such as community solar, transportation electrification, and renewable natural gas.

- ***Rates, Safety, and Utility Performance (RSUP)*** -- assists the PUC in its responsibility to set rates that provide Oregon's regulated utilities the opportunity to recover costs that are prudently incurred and earn a reasonable return on their capital investments. Through a variety of regulatory functions, RSUP forecasts utility revenue requirements, establishes depreciation schedules for utility plant, forecasts capital costs, and allocates projected costs over different types of retail customers. *RSUP also houses the Utility Safety, Reliability and Security Division*, which establishes and enforces regulations and promotes practices to ensure the state's utility rights-of-ways (underground and overhead) are constructed, operated, and maintained in a safe and efficient manner. This division evaluates emerging utility and safety infrastructure issues such as wildfire, seismic and cyber security, and investigates serious gas pipeline safety incidents.
- ***Utility Strategy and Integration Division (SI)*** -- helps align the Utility Program's overall efforts with the PUC's strategic vision and serves as a shared technical and policy resource on key, cross-cutting issues that are challenging electric utilities and regulators. SI helps track and adapt regulatory action in response to significant industry transformation caused by impacts of technology innovation, changes in market structures, shifts in government jurisdiction, development of new products and services, and new environmental and social justice directives. SI also takes a primary lead on implementing new legislative directives.
- The **Administrative Hearings Division (AHD), led by the Chief Administrative Law Judge**, is an independent division in the agency that conducts legal proceedings brought under the Commission's jurisdiction. PUC proceedings include rulemaking and contested case hearings on issues concerning utility rates, terms, and services. Hearings involve mergers and acquisitions, rate proposals and consumer complaints, and ratemaking proceedings for the Oregon Board of Maritime Pilots. The section also oversees records management, public records requests, and agency compliance with the Administrative Procedures Act.
- The **Business and Administrative Services, led by the Chief Operating Officer**, includes the following program areas:
  - ***Business Services*** -- provides budget planning and development; compiles and publishes the agency's biennium budget; and assists in maintaining and updating the agency's policies and procedures. The section also provides essential business functions ranging from fiscal and accounting services and revenue fee collection, to contracting, procurement, and payroll coordination.

- **Information Services** -- provides all technology support services for the PUC. These services include network and electronic mail administration, database management systems, hardware support and maintenance, and software and application development.

**Human Resources** -- directs, plans, and administers comprehensive human resource and organizational development programs and functions to achieve the agency's goals and objectives. These functions include supervising the agency's Human Resources department and staff, and providing daily direction related to human resource administration to management and staff.

The PUC also has responsibility for the budget and administrative oversight of the Oregon Board of Maritime Pilots (OBMP). The OBMP protects public health, safety, and welfare by ensuring that only highly qualified and carefully trained persons are licensed to pilot vessels entering or leaving Oregon's ports and waterways. The Board consists of three public members, three pilot members, and three shipping industry members; each appointed by the Governor and approved by the Senate.

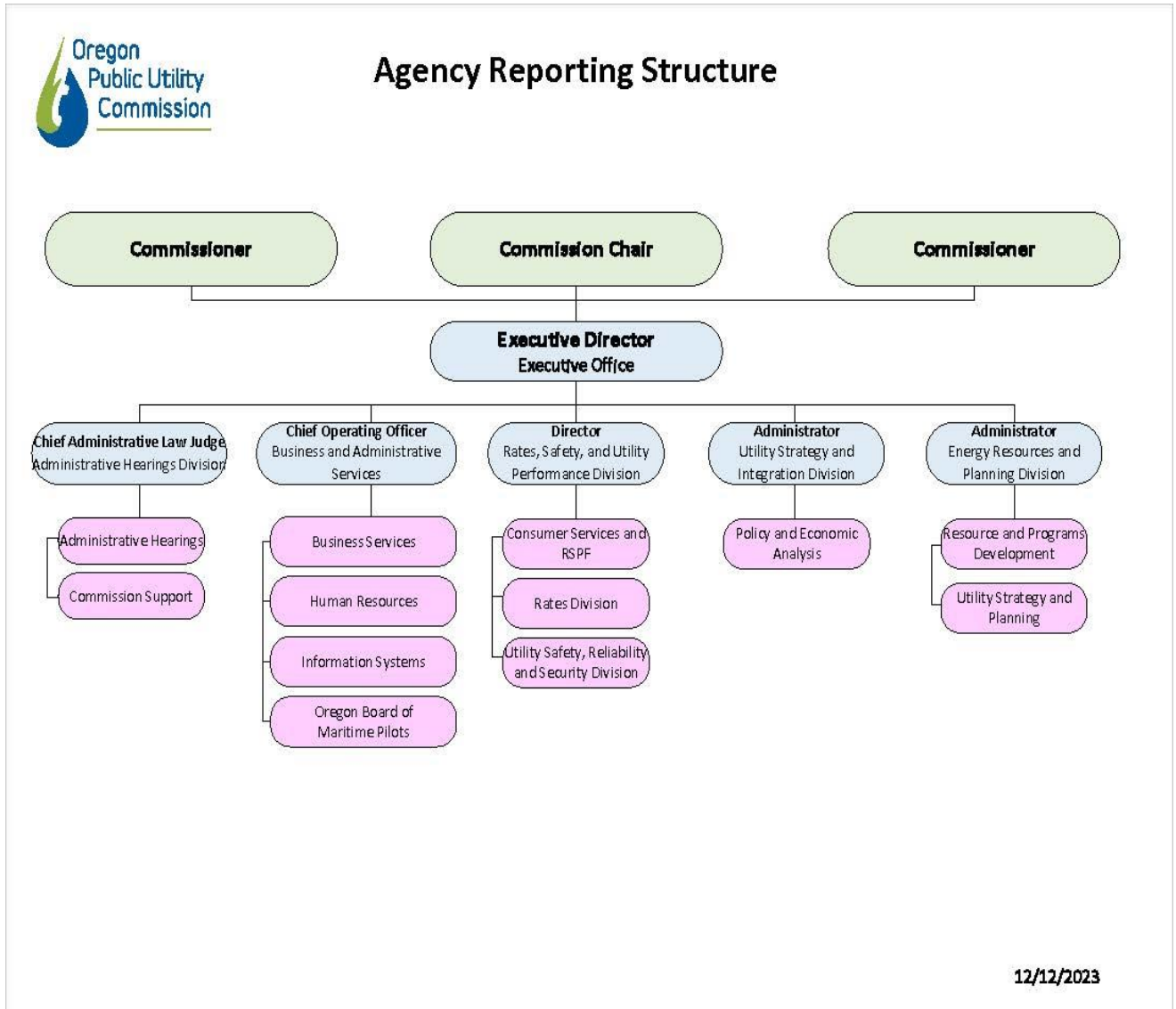
## 2. Agency Mission

***The PUC's mission is to ensure Oregonians have access to safe, reliable, and fairly priced utility services that advance state policy and promote the public interest. We evaluate differing viewpoints and visions of the public interest to arrive at balanced, independent decisions supported by fact and law.***

The rules governing PUC proceedings and the regulatory process are set forth in Oregon Administrative Rules (OAR) Chapter 860, while the PUC's Internal Operating Guidelines inform the public about the practical operation of the PUC's decision-making process. These rules and guidelines help the PUC to:

- Ensure the safety, reliability, and quality of essential utility services.
- Scrutinize utility costs, risks, and performance to ensure just and reasonable rates.
- Manage customer and community choices to ensure value for all customers.
- Encourage the community to be engaged and better informed on utility-related issues by participating in public meetings or submitting comments on topics of interest.

### 3. Agency Organizational Chart





## Activities under ORS 182.166

This report, required under ORS 182.166(3), is submitted to the Governor and the Legislative Commission on Indian Services by December 15 of each year. Featured below are the structure, activities, meetings, and efforts to promote communication between state agencies and tribes that took place over the course of the 2022-2023 calendar years.

### 1. PUC policies adopted under ORS 182.164 [182.166(3)(a)]

The PUC has appointed Ezell Watson III, the DEI Program Director, as the agency's tribal liaison. The PUC's Tribal Liaison serves as the PUC's key contact and liaison to the nine federally recognized tribes in Oregon and represents the PUC in meetings and events sponsored by the Legislative Commission on Indian Services and submission. The primary purpose of the Tribal Liaison is to facilitate meaningful participation in Commission processes with the goal of informing and providing greater diversity of perspective on matters before the Commission.

As the PUC is working to adopt formal tribal consultation guidance to govern interactions with the tribes, the agency tribal liaison utilizes the following framework when advising on tribal interaction:

- Involve Tribes early and often; a good model is to consider tribal engagement at the foundational stage of the planning process. For example, *at the same time* the PUC considers engaging with other state agencies to develop a program, process or policy.
- Consider Tribal governance structure when performing outreach and ensure that appropriate PUC leadership is involved when contacting tribal nation members. Tribal communities often operate in a hierarchy. When communicating with Tribal governments, it's important that agency staff communicate with the corresponding tribal counterpart.
- Utilize the Legislative Commission on Indian Service (LCIS) as a foundational resource. They act as a liaison between tribes and state agencies and are a wealthy repository of institutional knowledge relative to tribal interactions.

### 2. PUC leadership overseeing programs that affect tribes [182.166(3)(b)]

The following persons serve in leadership and administrative roles for the agency, carrying out the goals and mission of the agency, developing and implementing programs of the state agency that affect tribes.

<b>Commission Chair:</b>	Megan Decker <a href="mailto:Megan.Decker@puc.oregon.gov">Megan.Decker@puc.oregon.gov</a>   503-378-6611
<b>Executive Director:</b>	Michael Grant <a href="mailto:Michael.Grant@puc.oregon.gov">Michael.Grant@puc.oregon.gov</a>   503-580-4765
<b>Policy Director:</b>	Robin Freeman <a href="mailto:Robin.Freeman@puc.oregon.gov">Robin.Freeman@puc.oregon.gov</a>   971-273-8045
<b>DEI Director (Tribal Liaison):</b>	Ezell Watson III / <a href="mailto:Ezell.Watson@puc.oregon.gov">Ezell.Watson@puc.oregon.gov</a>   971-218-1150

### 3. Process for identifying PUC programs that impact tribes

The Tribal Liaison briefs agency leadership, including Commissioners, on issues that may be relevant to Oregon’s nine federally recognized tribes. The liaison stays abreast of Tribal concerns by conducting tribe outreach and attending state-convened work groups hosting tribal participants. The Liaison also stresses the importance of tribal engagement with external stakeholders, through participation in tribal workgroups, etc. More will be discussed in section 4.

When identifying stage agency programs which affect tribes, two key factors considered are geography and legislation which specifically mentions tribal communities. When engaging tribes, since our work at the PUC spans the geography of Oregon, one indicator we use is based on the area in which the work or interest is occurring. Due to ownership of specific lands associated with the federally recognized tribes, an important question to consider is whether this process, program, or policy potentially impacts tribal lands. Examples of PUC involved activities impacting tribal lands are the Boardman to Hemingway transmission line, Certificates of Public Convenience and Necessity, Energy Trust of Oregon energy efficiency projects, electrification of transportation options associated with [House Bill 3141](#), and the economic impacts to ratepayers from the COVID-19 pandemic.

Another key consideration for determining tribal impact is assessing *whether a program, policy, or commission involved activity can be made more **equitable***: Does this represent an opportunity for tribes who have been historically marginalized in energy and economic decisions to be represented or to have a voice in influencing decision making? In addition, the topic of Tribal Engagement was also included in the agency’s [operational work plan for diversity, equity, and inclusion](#), and contributed to the development of a more formal framework for determining when to interact with tribes.

The PUC recognizes the importance of enhancing communication with tribal governments to build stronger relationships and believes it is essential to increase both formal and informal communication to place more emphasis on building connections and creating opportunities to partner with tribal governments. We will prioritize traveling to tribal events and offices to further our commitment to build stronger relationships and explore innovative partnerships.

[Oregon House Bill 3173](#), passed in the 2023 legislative session, aims to improve tribal consultation practices within state agencies. The bill establishes a 15-member task force tasked with identifying and clarifying existing requirements for agency engagement with tribal governments. This task force, composed of members representing state agencies, a governor appointed member from each of the nine federally recognized tribal governments, and the public, will work together to develop a comprehensive understanding of current consultation practices and identify areas for improvement.

Representatives from state agencies, including the PUC, will provide insights into existing consultation processes and challenges faced. Tribal government representatives will offer expertise on tribal values and best practices for meaningful consultation. Members representing the public will ensure diverse perspectives are considered. The task force will leverage these varied perspectives to develop a comprehensive set of recommendations for improving tribal consultation across Oregon state agencies. These recommendations are expected to be presented to the interim committee of the Legislative Assembly by September 15, 2024.

#### 4. Efforts undertaken by the PUC promoting communication with the nine federally recognized tribes in Oregon

The PUC embraces opportunities to engage with our nine federally recognized tribes. Below are examples of interactions between PUC and tribal communities:

##### **Transportation Electrification (docket UM 2056, [Order 22-286](#))**

In January of 2023, PUC staff met with members of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to understand their priorities and level of interest in promoting electric vehicles. CTUIR's expressed interest in two main areas: no-cost-share funding of charging infrastructure for their casino parking lot, and similar infrastructure funding opportunities to enhance their management of a federal fleet of vehicles and workforce training opportunities associated with the federal fleet facility. As a result of staff's outreach, CTUIR has become a party in docket [UM 2056](#), PacifiCorp's Transportation Electrification (TE) Plan. PAC is working directly with CTUIR to develop a grant that meets the conditions and needs of the tribe.

##### **Columbia River Inter-Tribal Fish Commission (CRITFC)**

The PUC invited members and staff of the CRITFC to present and discuss their [Energy Vision for the Columbia River Basin](#) on April 4, 2023. The 2022 Energy Vision contains 43 recommendations and focuses on a vision to ensure that renewable resources in combination with increased storage, reductions in peak demand, and increased energy efficiency can provide clean, adequate, reliable, and affordable electricity, support the

restoration of healthy, harvestable salmon populations, and prevent future damage to salmon and steelhead and other tribal resources caused by the electrical system.

PUC management and staff followed up on the CRITFC presentation to the commission with a second joint PUC-CRITFC meeting in June of 2023 to share information on PUC resources and activities that could be leveraged to coordinate efforts related to energy efficiency, demand response, and storage valuation mechanisms. The meeting also focused on learning more about CRITFC perspectives, priorities, key activities and for the purpose of sharing ideas for collaboration. As a follow-up, PUC staff joined CRITFC at a planning meeting in September with the Oregon Department of Energy around Oregon's role regional energy planning activities that aligns with CRITFC's energy vision.

### **Boardman to Hemingway Transmission Certification of Public Convenience and Necessity**

In January 2023 PUC staff developed and submitted for the first time ever an environmental justice impact assessment as part of the final state permitting and planning activities for the construction of the Boardman to Hemingway transmission line. As part of staff's testimony, staff worked with and through Idaho Power to ensure tribal governments were engaged and opinions being heard in the permitting process for this transmission line. In the end, this engagement by Idaho Power was successful and the tribal nations impacted by the Boardman to Hemingway line, most notably Confederated Tribes of the Umatilla Indian Reservation, supported the final path of this transmission line.

### **Tribal Nation Engagement and Community Benefit Indicators in Recent PacifiCorp Clean Energy Plans**

As part of the 2023 Clean Energy Plans, PUC staff and stakeholders worked with PacifiCorp to establish community engagement activities designed to foster greater understanding between the utility and Tribal Nations PacifiCorp serves. To this end, PacifiCorp launched a Tribal Nations Engagement series in March 2023 and meets monthly with the purpose of including these nations in PacifiCorp resource planning efforts. Additionally, the engagement series has helped to determine how the utility's services can be better tailored and delivered to meet these nation's needs.

To this end, PacifiCorp in its 2023 Clean Energy Plan proposed a series of interim community benefit indicators (CBIs). These will be finalized in 2024. One of these CBIs proposed to cover energy equity. Specifically, it was designed to track and report energy burden for select customers and tribal members. PacifiCorp has received substantive feedback on this CBI and has committed to seeking input through the tribal engagement series to co-develop with Native persons, tribal nations and tribal organizations, an improved CBI in 2024 that better represents Tribal nation needs.

## **Building Successful Tribal Relationships and Learning about Tribal Engagement**

In September 2023, PUC Commissioners and staff were given the opportunity to attend a presentation by Tamara Fife, PGE's Tribal Liaison, on *Building Successful Tribal Relationships and Learning about Tribal Engagement* to learn more about strategies and practices that could be used to strengthen and become more effective in our engagement with Oregon's nine federally recognized tribes and affiliated groups.

Tamara Fife is a member of the Chickasaw Nation and grew up in the tribe's service boundaries in Oklahoma. For the past 20 years she has been learning about and teaching tribal culture, protocols, and the impact of federal and state government policies on tribal nations and people. Much of her career has been spent working with tribal organizations and for state government agencies.

Tamara was instrumental in developing Portland General Electric's Strategic Tribal Engagement Plan (STEP) and came to her position with a wealth of knowledge, experience, and insight into tribal relationships with a focus on the importance of developing and sustaining relationships with tribal nations and people. The following resources were provided to the PUC in conjunction with the presentation.

- [Treaties Between the U.S. Government and Native Nations](#) (video)
- [Affiliated Tribes of Northwest Indians – Standing as One](#) (video)
- [The Confederated Tribes of Warm Springs on their sacred connection to the Deschutes River](#) (video)

## **State of Oregon Natural Resources Cluster Group Meeting Participation**

Oregon's State Agencies and Tribal Governments' Natural Resources Work Group (NRWG) was created to improve communication and collaboration between state agencies and tribal governments around natural resource protection and management. The NRWG consists of representatives from both state agencies and tribal governments. Tribal members play a key role in the NRWG by serving as co-chairs and participating in the workgroup's meetings and activities. The NRWG is responsible for a variety of tasks, including:

- Identifying and working to remove obstacles concerning effective communication between state agencies and tribes.
- Encouraging frequent and open communication between tribes and state agencies, particularly at the region and staff levels.
- Encouraging routine communication links between state agency directors/commissions and tribal chairs, boards or councils.
- Maintaining designated state agency and tribal key contacts for natural resource issues.

- Promoting respect and responsiveness in all communications between state agencies and tribes.
- Developing an understanding of tribe and state agency interpretation and perspectives regarding collaboration, cooperative efforts, and co-management.
- Coordinating of information sharing with other cluster / work groups.
- Providing regular agency briefings on agency rulemaking and notifying tribes before rules are released for public comment.
- Providing a mechanism for tribes to regularly inform agencies about tribal plans and/or activities affecting agencies.

While the NRWG is not a substitute for direct coordination/consultation with tribal governments and/or state decision makers/officials, the NRWG does help to improve communication and collaboration between state agencies and tribal governments. The PUC's Tribal Liaison participated in the 2023 quarterly cluster meetings held on January 17, April 20, August 17, and December 7, and provided information and updates related to the implementation of House bill 2475, the Boardman to Hemingway transmission project, and opportunities available for tribal governments and members to access intervenor funding that would allow for their compensation for participation in PUC dockets of interest.

**State of Oregon Economic Development and Community Services Cluster Group (EDCS-STC) Meeting Participation**

The Economic Development and Community Services State -Tribal Cluster (EDCS-STC) in Oregon facilitates communication and collaboration between state agencies and federally recognized tribes on issues related to economic development and community services. The EDCS-STC is co-chaired by a state representative and a tribal representative. The PUC's Tribal Liaison participated in 2023 quarterly cluster meetings on February 3, April 28, August 25, and December 5, and provided information related to tribal participation in digital broadband programs and encouraging participation in the Utility Community Benefits and Impacts Advisory groups. The EDCS-STC works closely with the Governor's Office, the Legislative Commission on Indian Services, and other state agencies on issues including but not limited to clean energy for tribal nations, tax filing education and assistance programs, tolling rules and possible tribal exemptions, and other issues such as broadband access, and tribal sovereignty. Responsibilities consist of the following:

- Promoting economic development on tribal lands:
  - Providing resources and support for tribal businesses and entrepreneurs.
  - Facilitating access to state and federal funding programs.
  - Developing partnerships between tribes and private sector businesses.
  - Advocating for policies promoting tribal economic development.

- Improving access to community services for tribal members:
  - Assisting tribes in developing comprehensive plans for community services.
  - Coordinating state agency and local resources improving access to healthcare, education, and other essential services for tribal members.
- Sharing information and best practices:
  - Organizing meetings and workshops for state and tribal representatives.
  - Developing and sharing resources on economic development and community services.

## Closing

In Oregon, where nine federally recognized tribal nations have been stewards of the land for millennia, a vibrant future hinges on forging a stronger bond between these sovereign nations and the Oregon Public Utility Commission. This partnership is not just about logistics and regulations; it is about ensuring equitable access to safe, reliable utility services while respecting the cultural heritage and inherent rights of the tribes. Through continued fostering of open dialogue, collaborative decision-making, and mutual respect, we can support a future where Oregon's tribal communities not only share in the benefits of a thriving utility landscape but also stand as empowered partners, shaping a sustainable future for generations to come. This is not just an obligation; it is a chance to honor the past, embrace the present, and build a brighter future for all Oregonians. The PUC is committed to ensuring the needs of the nine federally recognized tribes are woven into the very fabric of Oregon's energy landscape.