June 9, 2026

The Honorable Darcie L. Houck
Commissioner
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Re: Rulemaking 19-01-011; Request for Morongo Indian Reservation Exemption from D.23-12-037 Electric Line Extension Subsidy Elimination for Mixed-Fuel New Residential Construction and Essential Community-Serving Facilities

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Dear Commissioner Houck:

The Morongo Band of Mission Indians ("Morongo" or the "Tribe"), a federally recognized sovereign Indian Tribe, respectfully submits this letter for consideration in the Commission's ongoing Building Decarbonization Rulemaking ("R.") R.19-01-011. Morongo requests that the California Public Utilities Commission ("Commission") adopt a narrow exemption from the electric line extension subsidy elimination adopted in Decision ("D.") 23-12-037, as modified by D.25-06-034, for new mixed-fuel construction located on the Morongo Indian Reservation ("Reservation") and for other similarly impacted Indian Tribes in California.

At minimum, Morongo requests that the Commission preserve electric line extension allowances, refunds, and discounts under Southern California Edison Company's ("SCE") Electric Tariff Rules 15 and 16 for new residential dwellings located within the exterior boundaries of the Morongo Indian Reservation where Morongo certifies that the project serves a Morongo Tribal Member, Reservation resident, Tribal housing program, or other Reservation household certified by the Tribe. This relief should apply prospectively and, to the extent available, to pending applications that have not yet been energized.

Morongo also requests, either as part of the same modification or through a focused Phase 4 process, that the Commission consider comparable treatment for Tribally certified essential community-serving facilities and small Tribal Member-owned businesses located on the Reservation. Such relief can be limited to facilities that Morongo certifies as serving Reservation residents or supporting essential Tribal governmental, public safety, emergency management, health, elder, education, cultural, housing, water, wastewater, or other community-facing functions.

This request is narrow, administrable, and consistent with the Commission's building de-carbonization objectives. It does not seek to disturb the statewide policy direction of R.19-01-011. This request aims to avoid an unintended and disproportionate burden on individual Tribal families and essential Reservation-serving facilities under land tenure, infrastructure, reliability, and cultural conditions that are not comparable to ordinary off-Reservation development.

I. The Commission's mixed-fuel line extension policy should be refined to avoid unintended harm to Tribal housing on the Morongo Indian Reservation.

In D.23-12-037, the Commission eliminated electric line extension allowances, the 10-year refundable payment option, and the 50 percent discount option under Electric Tariff Rules 15 and 16 for mixed-fuel new construction, effective July 1, 2024.[i] The Commission defined mixed-fuel new construction as building projects that use gas and/or propane in addition to electricity.[ii] The Commission also required mixed-fuel new construction projects to pay final actual electric line extension costs, rather than only estimated costs, effective January 1, 2025.[iii]

Morongo understands and respects the Commission's rationale. The Commission's stated purpose was to advance California's building de-carbonization policy framework, reduce greenhouse gas emissions associated with energy use in buildings, and send an economic signal away from new mixed-fuel construction and toward all-electric construction.[iv] The Commission also preserved electric line extension subsidies for all-electric new construction, reasoning that such subsidies can encourage zero-emission building design until building codes and market conditions change.[v]

That policy may operate as intended for ordinary statewide development, particularly where developers can choose among greenfield subdivisions, all-electric designs, and urban or suburban parcels with developed distribution infrastructure. It does not operate the same way on the Morongo Indian Reservation. On the Reservation, the loss of the electric line extension allowance will not induce a meaningful shift to all-electric construction. It will instead make individual Tribal housing more expensive and, in some cases, infeasible.

This is not a generalized objection to de-carbonization. Morongo supports California's clean energy transition. The Tribe has materially contributed to that transition, including by enabling the construction and operation of major electric transmission infrastructure across Tribal lands which supports delivery of clean electricity into Southern California. Morongo's request is instead directed to a specific implementation problem: the Commission's mixed-fuel subsidy sunset falls with unusual severity on Tribal land where the ordinary market assumptions underlying the rule do not apply.

II. The Morongo Indian Reservation presents unique land, infrastructure, reliability, and cultural conditions.

The Morongo Indian Reservation is located on approximately 40,000 acres in the San Gorgonio Pass near Banning, California. It was established by presidential executive order in 1876 and is home to more than 1,000 citizens of the Tribe, Tribal descendants, and other Native community members. Morongo residents are historically low-income customers of public utilities. The Reservation is an environmental and social justice ("ESJ") community under the Commission's Environmental and Social Justice Action Plan, which includes "All Tribal lands" within the ESJ community definition, and it is also a disadvantaged community under California Environmental Protection Agency/Office of Environmental Health Hazard Assessment's SB 535 designation framework.[vi]

For Tribal families, building a home or business on the Reservation is an exercise of Tribal self-determination, family continuity, cultural preservation, and connection to homeland. Many Tribal community members build homes on the Reservation as they start families and remain connected to the Tribe, community, ceremonies, language, kinship networks, and governmental services. The Reservation's development pattern is also unlike an ordinary subdivision. The federal allotment system created by the General Allotment Act of 1887 divided Tribal lands into allotted parcels and, through subsequent inheritance, caused many parcels to become fractionated among numerous heirs. Fractionation has long constrained the use, consolidation, financing, and development of Indian Country. Those conditions remain relevant today. They limit where Morongo community members can practically build homes and make it difficult or impossible to plan efficient subdivision-like residential development across many areas of the Reservation.

As a result, new Morongo homes are often built piecemeal on the limited parcels available to the Tribal citizen or their family rather than as part of a larger plan with coordinated utility infrastructure. Tribal housing programs may also develop homes for Reservation residents under constraints that differ fundamentally from ordinary merchant development. Many parcels suitable for housing are far from existing electric distribution infrastructure. The Reservation's distribution system is less developed than the systems serving many off-Reservation communities. The cost of extending electric service to an individual home can therefore be exceptionally high. In one current example, a Morongo Tribal Member faces an electric line extension cost of approximately $80,000 without a subsidy or allowance.

The Reservation also experiences frequent and prolonged climate-related public safety power shutoffs and wind-related reliability concerns due to its location in the San Gorgonio Pass. For many Tribal families, maintaining non-electric end uses can be a practical resilience measure and is not a preference for higher-emission development. A rule that assumes all-electric construction is always the feasible alternative does not account for these reliability conditions.

III. The policy premise of D.23-12-037 does not hold on the Morongo Indian Reservation.

D.23-12-037 addressed statewide electric line extension policy at a broad level. The Commission found that eliminating subsidies for mixed-fuel new construction would discourage mixed-fuel construction and encourage builders to evaluate all-electric construction.[vii] In the ordinary development context, that policy may influence builder behavior. But on the Reservation, the ordinary applicant is a Tribal family or Tribal program trying to build one home or business.

The Commission also found in D.23-12-037 that "line-extension allowances and services of new home builders are typically not utilized by low-income customers."[viii] Morongo presents an atypical case that warrants a tailored exception to that statewide assumption. Morongo residents are historically low-income utility customers, and Tribal community members do utilize line extension allowances when building homes on the Reservation. The elimination of the allowance therefore imposes a direct and material burden on a Tribal ESJ community.

Nor does the loss of the allowance create a realistic de-carbonization benefit in this context. All-electric construction on the Reservation is significantly more expensive than mixed-fuel construction, particularly for piecemeal homes located far from distribution infrastructure and subject to reliability concerns. The subsidy elimination will not make all-electric construction affordable for Morongo families. It will simply increase the cost of housing, delay construction, and deepen the infrastructure disparity between the Reservation and surrounding non-Reservation communities.

That outcome is inconsistent with the Commission's ESJ commitments. The Commission's ESJ Action Plan recognizes that Commission decisions can perpetuate or reduce existing disparities and calls for equity-centered decision-making, access to essential services, clean energy benefits, and avoidance of undue burdens on lower-income communities.[ix] The Commission's Tribal Consultation Policy likewise recognizes the importance of Tribal participation and meaningful consideration of Tribal interests including where Commission-regulated utility decisions affect affordability, reliability, and availability of services to Tribal Members.[x]

IV. Essential Reservation-serving uses require mixed-fuel uses.

The same underlying Reservation conditions previously detailed may affect essential community-serving facilities. Tribal governments must provide services that off-Reservation residents and businesses often receive from cities, counties, special districts, or private providers supported by dense infrastructure. On the Reservation, public safety, emergency management, health, education, elder services, cultural facilities, housing support, water and wastewater facilities, and Tribal businesses may require new or extended electric service in areas where distribution infrastructure is limited. These uses support governmental, community, cultural, and essential services for Reservation residents.

For that reason, Morongo requests that the Commission consider comparable treatment for such essential Reservation-serving facilities. These facilities include projects located within the exterior boundaries of the Morongo Indian Reservation that primarily serve Reservation residents or support essential Tribal governmental, public safety, emergency management, health, elder, education, cultural, housing, water, wastewater, or other community-facing functions.

V. The current Phase 4 record provides an appropriate procedural basis for Commission action.

R.19-01-011 remains open. D.25-06-034 resolved Phase 4 Track A but did not close the proceeding.[xi] The July 1, 2024 Phase 4 Scoping Memo identified, as relevant to Phase 4, the need to consider potential ESJ impacts and how best to incorporate the Commission's ESJ Action Plan into building de-carbonization policy. It also contemplated continued consideration of policy frameworks, programs, rules, and rates to accomplish building de-carbonization.[xii]

The Commission's more recent Phase 4 record development further confirms that Tribal barriers are squarely within the current rulemaking. The March 20, 2026 Assigned Commissioner's and Assigned Administrative Law Judge's ruling asks parties to describe "particular aspects of Tribal, local, or regional communities within California" that affect their ability to pursue building de-carbonization programs and funding opportunities, and asks how programs should be structured to remove barriers to participation for Tribal, local, or regional communities.[xiii] It also asks about equitable access in communities with limited gas service, propane or wood-burning use, poor-performing electrical circuits, and the need for affordable and culturally appropriate opportunities.[xiv]

Morongo's request responds directly to those issues. It identifies a particular barrier encountered across California Indian Country created by the interaction of federal Indian land tenure, limited Reservation distribution infrastructure, high line extension costs, reliance on mixed-fuel construction for affordability and resilience, and the absence of realistic all-electric alternatives for individual homes and certain essential Reservation-serving facilities. The Reservation-specific facts presented here support a finding that the effect of the mixed-fuel subsidy sunset on Reservation development is severe, disproportionate, and not offset by the intended behavioral effect of shifting applicants to all-electric construction.

VI. Morongo's proposed exemption is administrable and advances equitable de-carbonization.

This exemption is administrable because it relies on existing tariff mechanisms rather than requiring the Commission to create a new statewide program or balancing account. SCE would simply apply the pre-existing line extension subsidy or allowance framework to a certified and narrow category of Reservation projects and potentially essential Reservation-serving facilities. Morongo can certify eligible applicants or properties, thereby minimizing utility burden and avoiding disputes over residential status, land status, or project purpose.

Equitable de-carbonization must account for actual community conditions. A uniform rule can be sound as a general matter and still produce inequitable results when applied to Tribal lands with materially different land tenure, infrastructure, and reliability conditions. The Commission's ESJ Action Plan and Tribal Consultation Policy exist for precisely this reason. They ensure that policies adopted for broad public purposes do not inadvertently impose disproportionate costs on communities that historically face infrastructure and affordability burdens.

Morongo is not asking the Commission to abandon de-carbonization but instead to implement de-carbonization in a way that does not penalize Tribal community members for building homes on their own Reservation. The requested exemption would preserve essential electric infrastructure support for individual Reservation homes and specific facilities while leaving the Commission's general mixed-fuel policy intact. Tribal public safety, healthcare, elder, cultural, water, wastewater, or essential government facilities serving Reservation residents are not the type of developments whose behavior the mixed-fuel subsidy elimination was designed to discipline. Those facilities serve community resilience and important governmental functions. A narrow, certified exemption for those facilities would support the Commission's equity, affordability, and access goals.

The Commission should also consider the cultural dimension. Housing on the Reservation supports Tribal governance, family continuity, and cultural survival. A policy that makes Reservation housing more burdensome has consequences beyond ordinary housing economics. It affects the ability of Tribal community members to live on their homeland and participate fully in Tribal community life. Those impacts warrant serious weight in an ESJ framework.

VII. Requested action

Morongo respectfully requests that the Commission

A. Place this letter in the record of R.19-01-011;

B. Recognize that the Morongo Indian Reservation and other Tribal lands across the state present unique Tribal, ESJ, land tenure, infrastructure, affordability, cultural, and reliability conditions that were not fully addressed in D.23-12-037;

C. Modify D.23-12-037, as modified by D.25-06-034, to preserve electric line extension allowances, refunds, and discounts under applicable SCE Electric Tariff Rules for new construction on the Morongo Indian Reservation and other Tribal land including residential, essential Tribal community-serving facilities, and Tribal Member businesses;

D. Direct SCE to administer the exemption through Tribal certification and report usage through existing R.19-01-011 reporting requirements; and

E. If the Commission determines that further process is necessary, open a focused Phase 4 track, ruling, workshop, or comment process to consider a Tribal lands exemption for new construction on Indian Reservations, with Morongo's requested exemption as the minimum immediate relief.

Morongo appreciates the Commission's leadership on building de-carbonization and its attention to the equity and Tribal sovereignty implications of that work. The Tribe stands ready to work with your office, SCE, and other interested parties to develop administrable language that preserves the Commission's climate objectives while avoiding disproportionate impacts to the Morongo Indian Reservation and its community members.

Respectfully submitted,

Sam Cohen Digitally signed by Sam Cohen
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Sam Cohen
Chief Legal and Government Affairs Officer
Morongo Band of Mission Indians

[i] D.23-12-037, Decision Eliminating Electric Line Extension Subsidies for Mixed-Fuel New Construction and Setting Reporting Requirements, R.19-01-011, at 2–3, Ordering Paragraph 2 (Dec. 14, 2023; issued Dec. 21, 2023).
[ii] Id. at 2, 18 & n.61; D.25-06-034, Phase 4 Track A Decision Establishing New Electric Service Line Upsizing Rules, Modifying Electric Line Extension Rules and Reporting Requirements, and Implementing Assembly Bill 157, R.19-01-011, at 62–63, Ordering Paragraph 30 (June 20, 2025) (clarifying application of the "mixed-fuel" definition and treatment of propane).
[iii] D.23-12-037 at 2–3, 24–31, Ordering Paragraph 3.
[iv] Id. at 18–21.
[v] Id. at 20–21.
[vi] CPUC, Environmental & Social Justice Action Plan, Version 2.0, at 2 & n.3 (Apr. 7, 2022); 18 U.S.C. § 1151(a); CalEPA, Final Designation of Disadvantaged Communities Pursuant to Senate Bill 535 (May 2022).
[vii] D.23-12-037 at 19–21.
[viii] Id., Finding of Fact 13.
[ix] CPUC, Environmental & Social Justice Action Plan, Version 2.0, at 4, 9.
[x] CPUC Tribal Consultation Policy.
[xi] D.25-06-034 at 3.
[xii] Assigned Commissioner's Amended Scoping Memo and Ruling, R.19-01-011, at 4–5, 8–13 (July 1, 2024).
[xiii] Assigned Commissioner's and Assigned Administrative Law Judge's Ruling Seeking Information on Building Decarbonization and Entering Pilot Programs Draft Reports into the Record, Appendix A, Question 9, R.19-01-011 (Mar. 20, 2026).
[xiv] Id., Appendix A, Question 11.