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ATTACHMENT 1

November 3, 2026

Southern California
TRIBAL CHAIRMEN'S
Association

VIA EMAIL: darcie.houck@cpuc.ca.gov

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

Re: Rulemaking 18-04-019:
Tribal Consultation in the Climate Adaptation Vulnerability Assessment Framework

Dear Commissioner Houck,

I write to convey the Comments of the Southern California Tribal Chairmen's Association (SCTCA) regarding the Energy Division Staff Proposal on Community Engagement and Adaptive Capacity in Rulemaking 18-04-019. SCTCA supports the Disadvantaged Communities Advisory Group's (DACAG) recommendations and urges the Commission to expand upon them as applied to Tribal governments.

Under the current approach Tribes are treated as part of a broader "disadvantaged and vulnerable communities" category. Tribal Nations are sovereign governments entitled to government-to-government consultation, categorically distinct from community engagement with a demographic population. A Climate Adaptation Vulnerability Assessment (CAVA) framework adopted after the Commission's Tribal Consultation Policy revisions, effective September 17, 2026, without a corresponding Tribal-specific consultation mechanism, would be inconsistent with the Commission's recently stated direction.

We respectfully ask the Commission to:

1. Direct Energy Division to establish a dedicated Tribal consultation track within the CAVA process, distinct from the general advisory structure, with a point of contact through the Office of the Tribal Advisor and direct utility engagement with each Tribal government whose trust or reservation lands fall within a utility's service territory;
2. Require that DACAG's proposed accountability and reconciliation framework to include Tribal-specific, disaggregated reporting at each stage, identifying affected Tribal governments by name; and
3. Direct Energy Division to calibrate CAVA vulnerability metrics and adaptation strategies to the distinct legal and infrastructure circumstances of Tribal trust land, in consultation with affected Tribal governments.

Tribal lands face documented, disproportionate reliability and resilience challenges that a general vulnerability metric may not capture. Adaptation investments will not reach Tribal communities in proportion to that need unless CAVA reporting tracks Tribal outcomes specifically.

SCTCA's formal comments are enclosed. We would welcome the opportunity to meet with you or your staff to discuss these recommendations.

/s/ Josh Simmons
Josh Simmons
For Southern California Tribal Chairmen's Association
Enclosure: SCTCA Comments on the Energy Division Staff Proposal (R.18-04-019)

Cc:

President John Reynolds, VIA EMAIL: john.reynolds@cpuc.ca.gov
Commissioner Karen Douglas, VIA EMAIL: karen.douglas@cpuc.ca.gov
Commissioner Matthew Baker, VIA EMAIL: matthew.baker@cpuc.ca.gov
Commissioner Christine Harada, christine.harada@cpuc.ca.gov
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BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Strategies and Guidance for Climate Change Adaptation.	Rulemaking 18-04-019 (Filed April 26, 2018)

COMMENTS OF THE SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S ASSOCIATION ON THE ENERGY DIVISION STAFF PROPOSAL ON UTILITY CLIMATE ADAPTATION PLANNING

I. INTRODUCTION

Pursuant to the Rules of Practice and Procedure of the California Public Utilities Commission (Commission or CPUC), the Southern California Tribal Chairmen's Association (SCTCA) respectfully submits these comments on the Energy Division Staff Proposal on Community Engagement and Adaptive Capacity (Staff Proposal) and on the Comments of the Disadvantaged Communities Advisory Group (DACAG) filed in response to that Staff Proposal.

SCTCA is an association of federally recognized Tribal governments in Southern California. SCTCA's regulatory work before the Commission, including its recent participation in Rulemaking 19-01-011 regarding the disproportionate impact of building decarbonization policy on Tribal trust lands, has been informed by the same Assigned Commissioner presiding over this proceeding, Commissioner Darcie L. Houck. SCTCA appreciates the Commissioner's continued attention to the distinct circumstances of California Tribal Nations across the dockets in which they arise and submit these comments to ensure that same attention is reflected in the Climate Change Adaptation Vulnerability Assessment (CAVA) framework at issue here.

SCTCA supports DACAG's recommendations, especially that meaningful engagement requires a binding connection between community input and utility investment decisions. In addition, SCTCA urges the Commission to go further with respect to Tribal

governments: the current framework's treatment of Tribes as one component of a broader "disadvantaged and vulnerable communities" (DVC) category, rather than as sovereign governments entitled to distinct engagement, is itself a structural barrier to the outcomes DACAG's comments rightly seek.

II. TRIBAL GOVERNMENTS REQUIRE DISTINCT ENGAGEMENT, NOT INCLUSION WITHIN A GENERAL DVC CATEGORY

DACAG's comments correctly observe that "there are currently no distinct tribal engagement requirements though Tribes are included in the definition of DVCs," and that Tribes "must be engaged intentionally, respecting their statuses as sovereign nations with expectations for government-to-government consultation."[1] SCTCA agrees, and asks the Commission to treat this observation as a required outcome of this proceeding, not merely an aspiration.

Government-to-government consultation with a Tribal Nation is categorically different from public or community-based engagement with a demographic population, however disadvantaged. A Tribal government's participation in the CAVA process should not depend on an invitation to join a broader advisory body alongside other stakeholder categories, as DACAG's comments propose as one possible improvement. It should proceed as consultation between sovereigns, consistent with the Commission's own Tribal Consultation Policy, revised effective September 17, 2026, to strengthen government-to-government engagement and establish clearer, more consistent consultation channels across Commission proceedings. SCTCA respectfully submits that a CAVA framework adopted after that policy revision, without a corresponding Tribal-specific consultation mechanism, would be inconsistent with the Commission's recently stated institutional direction.

SCTCA recommends that the Commission direct Energy Division to establish a dedicated Tribal consultation track within the CAVA process, distinct from the general

[1] Comments of the Disadvantaged Communities Advisory Group on the Energy Division Staff Proposal on Utility Climate Adaptation Planning, R.18-04-019.

DVC advisory structure DACAG describes, including a point of contact through the Commission's Office of the Tribal Advisor and direct utility engagement with each Tribal government whose trust or reservation lands fall within a utility's service territory.

III. TRIBAL-SPECIFIC DATA MUST BE DISAGGREGATED, NOT ABSORBED INTO GENERAL DVC REPORTING

SCTCA supports DACAG's proposed accountability framework: requiring utilities to identify community-informed priorities, connect them to proposed investments, and report on implementation and outcomes. SCTCA asks that each element of that framework be implemented with Tribal-specific disaggregation, rather than aggregated DVC-wide reporting that would obscure whether Tribal priorities were specifically reflected in utility action.

This is not a hypothetical concern. Tribal lands face documented, disproportionate reliability and resilience challenges that a general DVC vulnerability metric may not adequately capture. A 2021 survey by the U.S. Department of Energy's Office of Indian Energy found that Tribal respondents experienced electricity outages at a rate 6.5 times the national average, and DOE's subsequent Tribal Electricity Access and Reliability Report to Congress found Tribal households face an energy burden approximately 28 percent above the national average.[2] Climate adaptation investments intended to improve resilience will not necessarily reach Tribal communities in proportion to this documented need unless CAVA reporting tracks Tribal outcomes specifically.

SCTCA recommends that DACAG's proposed reconciliation framework – tracing the progression from community input, to CAVA findings, to proposed investments, to authorization, to implementation – include a required Tribal-specific reporting field at each stage, identifying by name the Tribal governments whose trust or reservation lands

[2] U.S. Department of Energy, Office of Indian Energy, (2021); U.S. Department of Energy, Tribal Electricity Access and Reliability Report to Congress.

were the subject of CAVA engagement, and whether and how the resulting adaptation priorities were reflected in subsequent investment proposals.

IV. TRUST LAND'S DISTINCT LEGAL AND INFRASTRUCTURE STATUS SHOULD INFORM CAVA VULNERABILITY ASSESSMENT

SCTCA further recommends that CAVA vulnerability assessments account explicitly for the distinct legal and practical circumstances of Tribal trust land, which frequently differ in material ways from the off-reservation communities the general DVC framework is designed around. Trust land often lacks the same access to backup infrastructure, mutual aid arrangements, and municipal emergency response resources available to off-reservation communities, while also facing land tenure and jurisdictional constraints that can complicate utility infrastructure investment even where a Tribal government and utility agree adaptation investment is warranted.

A CAVA process that evaluates adaptive capacity using metrics calibrated to off-reservation communities risks understating Tribal vulnerability or recommending adaptation strategies that are not practically implementable on trust land given these distinct circumstances. SCTCA recommends that Energy Division work directly with Tribal governments, through the dedicated consultation track described above, to ensure CAVA vulnerability metrics and resulting adaptation strategies are calibrated to the actual legal and infrastructure circumstances of trust land, rather than assumed to be equivalent to off-reservation disadvantaged communities.

V. CONCLUSION

SCTCA supports DACAG's recommendations and asks the Commission to adopt them. SCTCA further requests that the Commission:

1. Direct Energy Division to establish a dedicated Tribal consultation track within the CAVA process, distinct from the general DVC advisory structure, consistent with the Commission's September 2026 Tribal Consultation Policy revisions;

2. Require that DACAG's proposed CAVA-to-investment accountability and reconciliation framework include Tribal-specific, disaggregated reporting at each stage, identifying affected Tribal governments by name; and
3. Direct Energy Division to calibrate CAVA vulnerability metrics and adaptation strategies to the distinct legal and infrastructure circumstances of Tribal trust land, in direct consultation with affected Tribal governments.
4. SCTCA appreciates the opportunity to comment and looks forward to continued engagement with the Commission on these issues.

Respectfully submitted,

/s/ Josh Simmons

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Dated: November 16, 2026

(END OF ATTACHMENT 1)