Decision **PROPOSED DECISION OF COMMISSIONER HOUCK**
(Mailed 8/13/2026)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies.	Rulemaking 22-02-002

DECISION REVISING AND ADOPTING TRIBAL CONSULTATION POLICY AND TRIBAL LAND TRANSFER POLICY

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DECISION REVISING AND ADOPTING TRIBAL CONSULTATION POLICY AND TRIBAL LAND TRANSFER POLICY

Summary

This decision adopts revisions to the California Public Utilities Commission's Tribal Land Transfer Policy (TLTP) and Tribal Consultation Policy.

The Tribal Consultation Policy is revised to specify the responsibilities of Commission staff, including the Office of the Tribal Advisor, to better promote tribal engagement in accordance with applicable law and other directives.

The TLTP is revised to apply to proposed dispositions of surplus property by investor-owned utilities (as defined in the TLTP), and to require investor-owned utilities to request a list of tribal contacts from the Office of the Tribal Advisor.

This decision also directs the Office the Tribal Advisor to assist tribes in identifying the service areas of investor-owned utilities that may overlap with their self-identified ancestral lands; and to convene a quarterly Tribal Information Forum, inviting all California tribes, for information exchange to address issues within the Commission's jurisdiction and relevant to tribes.

Rulemaking 22-02-002 is closed.

1.1. Background

On April 6, 2018, the California Public Utilities Commission (Commission) adopted a Tribal Consultation Policy. The Tribal Consultation Policy recognizes tribal sovereignty and ensures meaningful consideration of tribal government participation in Commission proceedings and programs. The Tribal Consultation Policy is consistent with Executive Order B-10-11, which committed the State of

California to strengthening and sustaining effective government-to-government relationships between the state and tribes; and Executive Order N-15-19, which states in part:

> The State of California hereby:
>
> a. Recognizes that the State historically sanctioned over a century of depredations and prejudicial policies against California Native Americans;
>
> b. Commends and honors California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting this land that we now share;
>
> c. Apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes; and
>
> d. Reaffirms and incorporates by reference the principles outlined in Executive Order B-10-11, which requires the Governor's Tribal Advisor and the Administration to engage in government-to-government consultation with California Native American tribes regarding policies that may affect Tribal communities.

The development of energy and water resources for the state was a major driver for many of the depredations and policies against California Native Americans, as these actions allowed for legal theft of tribal lands, sacred places, and wholesale genocide. The public utilities, currently regulated by the Commission, own and/or control land located within the ancestral territories of California tribes. In furtherance of Executive Order N-15-19's goals, on September 25, 2020, Governor Newsom issued a Statement of Administration

Policy on Native American Ancestral Lands (Governor's Policy Statement) that stated:

1. **PURPOSE**

The purpose of this Policy is to partner with California tribes to facilitate tribal access, use, and co-management of State-owned or controlled natural lands and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs in order to, among other things:

- Support tribal self-determination and self-government;
- Facilitate the access of California Native Americans to sacred sites and cultural resources;
- Improve the ability of California Native Americans to engage in traditional and sustenance gathering, hunting, and fishing;
- Partner with California tribes on land management and stewardship utilizing Traditional Ecological Knowledges;
- Reduce fractionation of tribal lands; and
- Provide opportunities for education, community development, economic diversification, and investment in public health, information technology and infrastructure, renewable energy, water conservation, and cultural preservation or awareness.

2. **ACTIONS ALIGNED WITH THIS POLICY**

Actions taken in accordance with this Policy could include, but would not be limited to:

- Entering into memoranda of understanding to allow for access to or co-management of natural lands under the

ownership or control of the State with California tribes with ancestral lands located in such areas;

- Grantmaking to assist California tribes with procurement, protection or management of natural lands located within their ancestral territories, subject to available resources;
- When natural lands under the ownership or control of the State are in excess of State needs, working cooperatively within existing statutory and regulatory frameworks with the California tribes that have ancestral territory within those lands and are interested in acquiring them, including by prioritizing tribal purchase or transfer of land; and
- Adopting preferential policies and practices for California tribes to access natural lands under the ownership or control of the State that are located within a California tribe's ancestral lands, including coordinating with local governments to zone neutral land in excess of State needs in a way conducive to tribal access and use.

Consistent with Executive Orders B-10-11 and N-15-19 and the goals of the Commission's Tribal Consultation Policy, the Commission's Emerging Trends Committee developed a Tribal Land Transfer Policy (TLTP) to provide an opportunity for Native American tribes to regain lands within their ancestral territory that are currently owned by utilities under the Commission's jurisdiction. On December 5, 2019, the Commission adopted the TLTP, with the intent of affirming the Commission's respect for tribal sovereignty by supporting the protection of tribal sacred places and resources; ensuring meaningful consideration of tribal interests, including economic and social interests; and returning lands within tribal ancestral territories. Adoption of the TLTP and subsequent action by the Commission, including instituting this rulemaking, are

consistent with and represent actions aligned with the policy set forth in the Governor's Policy Statement and the Commission policy.

The TLTP acknowledges that investor-owned utilities (IOU) own real property located within tribal ancestral territories and upholds California law and policy encouraging consultation and cooperation with tribal governments to protect tribal sacred places and cultural resources of historical, spiritual, and ceremonial importance to tribes, as well as to prioritize tribes for return of land for conservation, economic, and social purposes, and promote tribal ownership, access, and use of any excess lands to be divested by the IOUs. The TLTP establishes the Commission's preference for the transfer of real property within a tribe's ancestral territory. The policy creates the expectation that for any future disposition of real property subject to Public Utilities Code (Pub. Util. Code) Section 851, the IOUs will provide tribes a right of first offer before examining other options for disposal of the real property.

On January 14, 2021, the Commission approved Resolution E-5076 and the TLTP Implementation Guidelines. The TLTP Implementation Guidelines define important TLTP terms and outline critical TLTP implementation steps and procedures to further the goals of the TLTP. Resolution E-5076 directs the IOUs to submit quarterly reports to the Commission that document fee transactions subject to the TLTP.

1.2. Procedural Background

On February 10, 2022, the Commission initiated this rulemaking to consider revisions to the Tribal Consultation Policy and TLTP, and other

mechanisms and processes to assist with capacity building and access for tribal participation in Commission proceedings and programs.[1]

Following adoption of the order instituting this rulemaking, the Commission held a series of consultations with tribes throughout the state.[2]

On January 25, 2023, the assigned Administrative Law Judge (ALJ) issued a ruling inviting comments on information provided by tribes during the tribal consultations, and on the proposed scope for modifications to the Tribal Consultation Policy and TLTP. San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) jointly filed timely comments in response to the summaries of Tribal consultations. Northern Chumash Tribal Council (NCTC); Pacific Gas and Electric Company (PG&E); Southern California Edison Company (SCE); California Water Association (CWA); SDG&E and SoCalGas (jointly); Pacific Bell Telephone Company dba AT&T California; AT&T Corp.; Teleport Communications America, LLC; SBC Long Distance, LLC dba AT&T Long Distance; AT&T Mobility Wireless Operations Holdings, Inc. dba AT&T Mobility; Santa Barbara Cellular Systems, Ltd. dba AT&T Mobility; and New Cingular Wireless PCS, LLC dba AT&T Mobility (collectively, AT&T),

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[1] *Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies*, issued February 16, 2022 at 9. *Tribal Consultation Policy of the California Public Utilities Commission*, adopted April 26, 2018. *Investor-Owned Utility Real Property – Land Disposition – First Right of Refusal for Disposition of Real Property Within the Ancestral Territories of California Native American Tribes* (Tribal Land Transfer Policy), adopted December 5, 2019.

[2] *Administrative Law Judge's Ruling Providing Notice and Opportunity Regarding Tribal Consultations, Proposed Modifications to Tribal Land Transfer Policy and Tribal En Banc Meeting*, filed January 25, 2023 (January 25, 2023 ruling), Attachment 1.

timely filed comments on the proposed scope of modifications to the Tribal Consultation Policy and TLTP.

On March 8, 2023, the assigned ALJ issued a ruling providing notice of comments provided by the Federated Indians of Graton Rancheria.

On July 28, 2023, the assigned Commissioner issued the scoping memo and ruling confirming the scope, category, and other procedural matters for this proceeding.

Following issuance of the scoping memo and ruling, the Commission held workshops and tribal consultations to receive party and tribal input regarding the TLTP and Tribal Consultation Policy. The Commission held a workshop on November 7, 2023, followed by tribal consultations on November 8, 2023 hosted by Blue Lake Rancheria. The Commission also held a workshop on January 30, 2024, followed by tribal consultations on January 31, 2024 hosted by the Jamul Indian Village of Kumeyaay Nation.

On March 5, 2024, the assigned Commissioner issued a ruling inviting comments on the workshops held at the Blue Lake Rancheria and Jamul Indian Village of Kumeyaay Nation consultations. Pacific Bell Telephone Company dba AT&T California; Consolidated Communications of California Company; Frontier California, Inc.; Citizens Telecommunications Company of California Inc.; Frontier Communications of the Southwest; MCI Communications Services

LLC; and Cellco Partnership (collectively, Joint Communications Parties) timely filed comments to the March 5, 2024 ruling.[3]

Ony July 9, 2024, the Commission and the Bureau of Indian Affairs, United States Department of the Interior (BIA) held a joint state-federal rights of way (ROW) workshop in Sacramento. The Commission also held consultations with individual tribes following this workshop.

On July 24, 2024, the assigned ALJ issued a ruling providing notice of comments submitted by the Mono Lake Kootzaduka'a Tribe. SCE timely filed comments to the July 24, 2024 ruling.

On November 14, 2024, the Commission and the BIA held a joint state-federal ROW workshop hosted by the Rincon Band of Luiseño Indians. The Commission also held consultations with individual tribes following this workshop. On December 31, 2024, the assigned ALJ issued a ruling inviting comments regarding the November 14, 2024 workshop and consultations. No party comments were received.

On September 22, 2025, the assigned Commissioner issued a ruling with proposed modifications to the Tribal Consultation Policy and TLTP, and related issues (September 22 Proposal), and invited parties to comment on the proposed changes. The Paskenta Band of Nomlaki Indians; Southern California Tribal Chairmen's Association (SCTCA); CWA; NCTC; SDG&E and SoCalGas (jointly); SCE; PG&E; and Hoopa Valley Public Utilities District (Hoopa Valley PUD)

[3] *Assigned Commissioner's Ruling Inviting Comments on Draft Workshop Summaries and Revising Timeline for Party Comments*, filed March 5, 2024 (March 5, 2024 ruling).

timely submitted comments to the September 22, 2025 ruling.[4] PG&E; SCTCA; Pechanga Band of Indians; and AT&T, MCI Communications Services LLC and Cellco Partnership (jointly) timely filed reply comments.

On September 30, 2025, the Commission and BIA held a joint federal-state ROW workshop at the Blue Lake Rancheria. The Commission also held consultations with individual tribes following this workshop. On February 19, 2026, the Commission held a workshop and consultations with individual tribes hosted by the Pala Band of Mission Indians. During May 2026, the Commission held several consultations with tribes throughout the state.

On June 4, 2026, the assigned ALJ issued a ruling directing supplemental information from the IOUs and inviting comments from all parties on application of the TLTP to surplus properties. Liberty Utilities (CalPeco Electric LLC) and Bear Valley Electric Service, Inc. (jointly); Southwest Gas Corporation; CWA, SDG&E and SoCalGas (jointly); SCTCA; PacifiCorp; SCE, and PG&E timely filed comments to the June 4, 2026 ruling.[5] PG&E, SCE, CWA and AT&T timely filed reply comments.

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[4] *Administrative Law Judge's Ruling Providing Notice and Opportunity Regarding Comments of Paskenta Band of Nomlaki Indians*, issued October 27, 2025 (Paskenta Band of Nomlaki Indians comments to September 22, 2025 ruling); and *Administrative Law Judge's Ruling Providing Notice and Opportunity Regarding Comments of Hoopa Valley Public Utilities District*, issued December 18, 2025 (Hoopa Valley PUD comments to September 22, 2025 ruling).

[5] By motion dated July 7, 2026, SCTCA requested and obtained leave to late-file their comments to the June 4, 2026 ruling. All other comments to the June 4, 2026 ruling were timely filed. On June 17, 2026, PG&E filed an amendment to its response to the June 4, 2026 ruling.

On July 24, 2026, the assigned ALJ issued a ruling inviting comments regarding the workshops and consultations held from September 2025 through May 2026. AT&T timely filed comments to the July 24, 2026 ruling.

2. Submission Date

This matter was submitted on August 7, 2026 upon receipt of comments regarding the workshops and consultations held between September 2025 and May 2026.

3. Issues Before the Commission

The July 28, 2023 assigned Commissioner's scoping memo and ruling identified the below issues to be addressed in this rulemaking.

1. Should the Commission modify the Tribal Land Transfer Policy and associated Implementation Guidelines to effectively facilitate Native American Tribes' efforts to regain lands within their ancestral territory that are currently owned by Commission jurisdictional utilities?
2. Should the Commission modify the Tribal Consultation Policy to ensure meaningful consideration of Tribal interests on matters within the Commission's jurisdiction?
3. As part of the Commission's review of the Tribal Consultation policy, how should the Commission examine the application of tribal law to investor-owned utilities when conducting work on tribal trust lands, and implement mechanisms for ensuring sufficient information exchange and updating of tribal easements and rights of way?
4. What mechanisms and processes, if any, should the Commission establish or modify to assist with capacity building and improve access for Tribal participation in Commission proceedings and programs?

5. What are the impacts on environmental and social justice communities, including the extent to which the Commission's tribal policies impact achievement of any of the nine goals of the Commission's Environmental and Social Justice Action Plan?

This decision resolves the above issues as discussed below.

4. Modifications to the Tribal Consultation Policy

4.1. Purpose and Background

The September 22 Proposal revised the Tribal Consultation Policy to incorporate relevant laws, executive orders, regulations, and programs, including Executive Order N-15-19, Assembly Bill (AB) 923 (Stats. 2022, Ch. 475), and AB 275 (Stats. 2020, Ch. 167). The revised Tribal Consultation Policy detailed the goals and objectives of the Commission and efforts the Commission will take related to consultation with California tribes.

Party comments did not specifically address the purpose and background of the Tribal Consultation Policy contained in the September 22 Proposal.

We adopt these modifications and revisions because they articulate the reasons for establishment of the Tribal Consultation Policy, the Commission's goals and objectives, and are consistent with applicable law and other directives.

4.2. Tribal Consultation

The September 22 Proposal modified the existing policy to be clear that the Commission will engage in "early, often, and meaningful" consultations on a government-to-government basis, and on an informal basis with California Native American tribes. The Commission will consult with California Native American tribes and tribal organizations on policies, processes, programs, and

projects that may impact tribal communities. These consultations shall be conducted in a way that is mutually respectful of each party's sovereignty and shall recognize tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance. The proposed revisions also distinguish between formal consultation and informal consultation, accommodate capacity constraints commonly faced by tribes, and define the actions that have "Tribal Implications" in accordance with the Government-to-Government Consultation Act. The Commission will engage with and offer consultation to tribes regarding actions that have "Tribal Implications."[6]

Several parties representing tribal interests consistently emphasized the need for: early, often and meaningful communication; clearly defined processes for formal and informal consultation; acknowledgement of capacity constraints commonly faced by tribes; and respect for tribal law and tribes' status as sovereign governments.[7]

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[6] Government Code Section 11019.81.

[7] *Opening Comments of the Yurok Tribe on the Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies*, filed May 16, 2022 (Yurok Tribe comments to OIR) at 3-5, 9-10 and 12. *Comments of Northern Chumash Tribal Council in Response to Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies*, filed May 17, 2022 (NCTC comments to OIR) at 4. January 25, 2023 ruling, Attachment 1 at 3, 20, 24, 30. *Response Comments of Southern California Tribal Chairmen's Association (SCTCA) on the Proposed Modifications to the Tribal Consultation Policy and Tribal Land Transfer Policy*, filed November 21, 2025 (SCTCA comments to September 22, 2025 ruling) at 3-4, 7, 10-13, 18-20 and 23. *Reply of the Pechanga Band of Indians to Comments on Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy, filed December 10, 2025* (Pechanga Band of Indians reply comments to September 22, 2025 ruling) at 3. *Comments of Northern Chumash Tribal Council in Response to Assigned Commissioner's Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy; and Related Issues*, filed November 21, 2025

Footnote continued on next page.

In response, we adopt these modifications because they recognize tribes' status as sovereign governments in accordance with the Government-to-Government Consultation Act, and set specific expectations for when and how the Commission and Commission staff will pursue different forms of consultation, both formal and informal, with tribes to ensure early, often and meaningful communication.

4.3. Tribal Consultation Authority

The proposed modifications to the Tribal Consultation Policy detail the officials at the Commission with authority to consult with tribes. The policy is modified to provide information about the role of the Commission's Office of the Tribal Advisor and identifies the role and responsibilities of division tribal liaisons.

The proposed modifications address comments of parties and other entities representing tribal interests, urging the Commission to more clearly define the role and responsibilities of the Office of the Tribal Advisor, and to delegate specific authorities accordingly.[8] The proposed modifications delegate to the Office of the Tribal Advisor a number of functions required for the Commission to better promote tribal engagement and capacity building necessary to effectively participate in Commission proceedings and programs, including:

(NCTC comments to September 22, 2025 ruling) at 5. Paskenta Band of Nomlaki Indians comments to September 22, 2025 ruling, Attachment 1 at 2.

[8] Yurok Tribe comments to OIR at 4 and 6. NCTC comments to OIR at 3. January 25, 2023 ruling, Attachment 1 at 8. SCTCA comments to September 22, 2025 ruling at 4-5. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

- Coordination of outreach, communication, education, and other activities affiliated with tribal interests;[9]
- Coordination with Commission staff in support of engaging with and assisting tribes;[10]
- Serving as a point of contact for tribal governments and assisting with enabling participation in Commission proceedings and Commission-approved programs;[11]
- Maintenance of a tribal contact list for the purpose of providing timely notice regarding Commission proceedings and programs that may impact tribes;[12]
- Provision of training to Commission staff on the Tribal Consultation Policy and tribal consultation best practices;[13]
- Regular engagement and coordination with Commission division tribal liaisons; and
- Regular convening of all California tribes to provide information on Commission policies, proceedings, and

[9] Yurok Tribe comments to OIR at 6-7. NCTC comments to OIR at 3-4. January 25, 2023 ruling, Attachment 1. SCTCA comments to September 22, 2025 ruling at 10. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3. NCTC comments to September 22, 2025 ruling at 3-4.

[10] SCTCA comments to September 22, 2025 ruling at 9 and 14-15. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3. NCTC comments to September 22, 2025 ruling at 5.

[11] Yurok Tribe comments to OIR at 11-12. NCTC comments to OIR at 3. January 25, 2023 ruling, Attachment 1. SCTCA comments to September 22, 2025 ruling at 5 and 13-14. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

[12] Yurok Tribe comments to OIR at 6-9. January 25, 2023 ruling, Attachment 1 at 8-9. SCTCA comments to September 22, 2025 ruling at 10. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

[13] Yurok Tribe comments to OIR at 3. NCTC comments to OIR at 2. January 25, 2023 ruling, Attachment 1. SCTCA comments to September 22, 2025 ruling at 16. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

general information covering the Commission's regulatory authority.[14]

In addition to defining the role and responsibilities of the Office of the Tribal Advisor, the proposed modifications identify and define the responsibilities of division tribal liaisons, who will serve as the point of contact in their respective divisions in support of the Office of the Tribal Advisor. Importantly, division tribal liaisons will facilitate early, often and meaningful communication with tribes by coordinating responses to tribal inquiries by appropriate subject matter experts.

Several parties and other entities representing tribal interests urged the Commission to clearly define the role and responsibilities of the Office of the Tribal Advisor, and to delegate specific authorities accordingly.[15]

We adopt these modifications because they identify who within the Commission is authorized to engage in government-to-government consultations, in accordance with the Government-to-Government Consultation Act and specify the responsibilities of the Office of the Tribal Advisor and division tribal liaisons to ensure compliance with the Tribal Consultation Policy, as well as ensuring that the Commission maintains an inclusive and up-to-date tribal contact list.

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[14] Yurok Tribe comments to OIR at 6. January 25, 2023 ruling, Attachment 1. SCTCA comments to September 22, 2025 ruling at 10-13. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3. NCTC comments to September 22, 2025 ruling at 3-4.

[15] Yurok Tribe comments to OIR at 4 and 6. NCTC comments to OIR at 3. January 25, 2023 ruling, Attachment 1 at 8. SCTCA comments to September 22, 2025 ruling at 4-5. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

4.3.1. Contact List

In order to advance early, often and meaningful engagement, multiple tribes emphasized the need to provide timely notice to tribes of proceedings and proposed actions with potential tribal impacts.[16]

The Commission can best accomplish this by maintaining a contact list of its own, that also includes tribal government and tribal staff designated representatives. Therefore, we modify the Tribal Consultation Policy to require that a tribal contact list be maintained and updated for the specific purpose of providing timely notice regarding Commission proceedings and programs that may impact tribes. Because the contact information of tribes is subject to change, the Office of the Tribal Advisor shall update the Commission's tribal contact list to ensure it remains current and effective.[17]

4.4. Facilitating Tribal Government Participation

The proposed modifications detail the responsibilities of the Office of the Tribal Advisor, Public Advisor's Office, division tribal liaisons, Commission staff, and Commissioners' advisors in facilitating tribal government participation in Commission processes. The policy strongly encourages ALJs and

[16] Yurok Tribe comments to OIR at 6-9. January 25, 2023 ruling, Attachment 1 at 8-9.

[17] The Office of the Tribal Advisor will regularly consult with the Native American Heritage Commission (NAHC) in compiling an appropriate and comprehensive tribal contact list. The Commission's maintenance of its own tribal contact lists does not negate any requirements set forth in Assembly Bill 52, Stats. 2014, ch. 532 regarding coordination with the NAHC regarding a list of tribes that have designated interest in specific geographic areas covering the tribes' ancestral territories. The Commission may provide notice to contacts on both lists to the extent the Commission has identified specific individuals designated by an individual Tribe as lead for notice of such matters.

Commissioners to give special consideration to tribal governments' requests to participate in Commission proceedings. If a tribal government believes that consultation has not met the standards set forth in the Tribal Consultation Policy, it may explain the deficiencies to the Executive Director of the Commission, and within 30 days, the Executive Director will either meet with the tribal government or respond in writing and then direct any further consultation that is deemed appropriate or explain why no further consultation is deemed appropriate. If the matter is not resolved through meeting with the Executive Director, tribal officials may also seek formal consultation with Commissioners or the Commission President through notification to the Office of the Tribal Advisor.

Several parties and other entities representing tribal interests recommended coordination between the Office of the Tribal Advisor and the division tribal liaisons to notify relevant tribes of proceedings that have the potential to impact California tribes, and that Commission staff support the Office of the Tribal Advisor in facilitating tribal participation in proceedings, participation in consultations, or assisting tribes in accessing information and support for participation in Commission programs.[18]

We adopt these modifications because they specify the responsibilities of the Office of the Tribal Advisor in providing notice and responding to tribal requests for consultation, in accordance with the Government-to-Government

[18] SCTCA comments to September 22, 2025 ruling at 14-16. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

Consultation Act, and of all Commission staff in facilitating tribal participation in proceedings and programs.

4.5. Review of Tribal Consultation Policy

The proposed modifications to the Tribal Consultation Policy specify that the policy will be reviewed every three years, with the Office of the Tribal Advisor recommending any proposed modifications to the Commission.

The proposed modifications reflect comments of the Yurok Tribe, recommending that the Commission regularly review and update its policy.[19]

Periodic review of the Tribal Consultation Policy will provide for consideration of potential modifications that enhance the Commission's engagement with tribes. We adopt the proposed modifications because they provide for review and potential modifications to the Tribal Consultation Policy in response to recommendations by the Office of the Tribal Advisor.

5. Modifications to the Tribal Land Transfer Policy

5.1. General Provisions

The proposed modifications to the TLTP clarify that the TLTP applies to all dispositions of real property by the IOUs (as defined in the TLTP), including the IOUs' proposed dispositions of surplus property. Surplus property is defined as IOU real property that has been removed from rate base because the IOU has determined the property is not necessary or useful in the performance of the

[19] Yurok Tribe comments to OIR at 9.

IOU's duties to the public.[20] These modifications to the TLTP do not require new or additional processes for the IOUs' proposed dispositions of surplus property, including but not limited to any new advice letter, application, or other Commission approval requirement for transactions that are not otherwise subject to Section 851, but require the IOUs to comply with the TLTP for all such transactions and to include such transactions in their quarterly reporting (as discussed in Section 5.4 of this decision).

The proposed modifications reflect comments of parties and other entities representing tribal interests, advocating for application of the TLTP beyond properties subject to Commission approval under Pub. Util. Code Section 851.[21]

We agree and find no reason that the TLTP should be limited to proposed dispositions of property that are necessary or useful to IOUs. Therefore, we adopt these modifications because they expand the range of properties for which tribes will receive notice.

Although these modifications extend the TLTP to all IOU dispositions of real property, we do not at this time modify the TLTP's definition of IOUs to include telecommunications providers. We acknowledge that many tribes advocated for broader application of the TLTP, and the Commission may consider this issue in the future. In furtherance of addressing the comments

[20] Surplus property that is taken out of rate base for the express purpose of benefiting utility operations -such as designating land for mitigation purposes to serve utility capital projects - are exempt from the policy. Surplus property transactions remain subject to the Commission's "gain on sales" rules contained in D.06-05-041, as modified by D.06-12-043.

[21] SCTCA comments to September 22, 2025 ruling at 9 and 24-27. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3-4.

submitted on the issue of extending the TLTP to telecommunications providers, the Commission will conduct outreach to tribal and industry representatives and provide for a means of readdressing this issue either in the next review of the TLTP or through other means such as the Tribal Information Forums discussed below. The Commission encourages telecommunications providers to acknowledge and honor the policy justification and goals of the TLTP,[22] and to look to the settlement reached between Frontier and the Yurok Tribe as a model for future engagement with and actions that affect tribes.[23]

5.2. Notification

The proposed modifications to the TLTP include the process by which IOUs shall identify and notify relevant tribes, the contents of required notices and virtual data rooms that shall be made accessible to tribes that express interest in acquiring a property, and the requirement to post the notices publicly to the IOU's TLTP website. Importantly, with respect to the process for identifying and notifying relevant tribes, the proposed modifications specify that the IOUs shall request a list of relevant tribes from the Commission's Office of the Tribal Advisor. This modification is made in response to comments of several tribes noting that the list of contacts maintained by the Native American Heritage Commission (NAHC) are those tribes that have self-identified ancestral territory

[22] We note that Verizon met with and worked in coordination with the Santa Ynez Band of Chumash Indians regarding the tribe's broadband development during the merger/acquisition process of Frontier by Verizon. See D.26-01-023 *Granting Transfer of Control Subject to Conditions*, issued January 20, 2026 at 93.

[23] D.21-04-008 *Decision Approving Corporate Restructuring with Conditions*, issued April 20, 2021, Attachment 3.

claims, and further that the NAHC may modify its list so as to omit some non-federally recognized tribes currently on the list.[24]

This decision finds reason, and alignment with the responsibilities we delegate to the Office of the Tribal Advisor (identified in the Tribal Consultation Policy), that the IOUs should instead use the same contact information that the Office of the Tribal Advisor will maintain and use for outreach to and communication with tribes regarding Commission proceedings and other actions.

With respect to required contents of notices, PG&E, SCE, SDG&E and SoCalGas oppose inclusion of easements of record.[25] PG&E clarifies that an IOU cannot hold an easement over its fee property, and while there may be easements on the IOU's property held by third parties, the IOU may not have any information about the third party's use under such easements.[26] SCE asserts that review of third-party encumbrances on property is typically not part of the initial

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[24] *Administrative Law Judge's Ruling Providing Notice and Opportunity Regarding Comments of the Federated Indians of Graton Rancheria*, filed March 8, 2023, Attachment A at 1-4.

[25] O*pening Comments of Pacific Gas and Electric Company (U 39 E) on the Commission's Proposed Modifications to Tribal Lands Transfer Policy*, filed November 21, 2025 (PG&E comments to September 22, 2025 ruling) at 3-4. *Southern California Edison Company's (U 338-E) Opening Comments to Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy; and Related Issues*, filed November 21, 2025 (SCE comments to September 22, 2025 ruling) at 5-6. *Joint Comments of San Diego Gas & Electric Company (U 902 E) and Southern California Gas Company (U 904 G) on Assigned Commissioner's Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy; and Related Issues*, filed November 21, 2025 (SDG&E and SoCalGas comments to September 22, 2025 ruling) at 5-6. J*oint Opening Comments of San Diego Gas & Electric Company (U 902 E) and Southern California Gas Company (U 904 G) on Administrative Law Judge's Ruling Requesting Comments on Summaries of Tribal Consultations*, filed February 2, 2023 at 1-2.

[26] PG&E comments to September 22, 2025 ruling at 4.

offering, and recommends instead that information about easements on the property be included as part of the title documents to be provided in the virtual data room.[27] We agree with SCE's proposed modification and will require provision of easement information as part of the virtual data room, which will be available to tribes who express interest in a property.

PG&E, SCE, SDG&E and SoCalGas also do not support inclusion of the current appraisal value, asserting this is an added expense that the buyer typically incurs as opposed to the seller, and that providing an appraised value may set expectations or a "floor" for what an interested tribe should offer.[28] In reply comments, Pechanga Band of Indians counters that the restorative justice purpose of the TLTP supersedes the IOUs' stated reasons against this requirement. This decision determines that the current appraisal value is a critical item of information that tribes need in order to determine whether to make an offer on a property. However, we acknowledge this will be an added expense, and therefore modify this requirement to be included in the virtual data room instead of in initial notifications sent to all relevant tribes.

With respect to the proposed virtual data room, PG&E, SCE, SDG&E and SoCalGas do not support the requirement to include past appraisal reports, noting such information may no longer be accurate or reflect existing

[27] SCE comments to September 22, 2025 ruling at 5.

[28] PG&E comments to September 22, 2025 ruling at 2-3. SCE comments to September 22, 2025 ruling at 5-6. SDG&E and SoCalGas comments to September 22, 2025 ruling at 5-6.

conditions.[29] We agree that past appraisal reports may no longer be accurate and therefore remove this requirement.

SCE, SDG&E and SoCalGas also express concern over the proposed requirement to share cultural reports in the virtual data room, citing a number of federal and state authorities that restrict sharing of certain information relating to cultural resources.[30] We acknowledge these restrictions and modify this requirement to specify that the virtual data room shall include non-confidential ethnographic and archaeological reports, but that the IOUs shall also identify any information requiring execution of a nondisclosure agreement and/or requiring the viewer to have certain qualifications. Confidential data concerning cultural resources will only be shared consistent with applicable legal requirements.

We adopt these modifications because they ensure that tribes receive information they need to determine whether to make an offer on a property, while being responsive to concerns regarding undue expense and confidentiality.

5.3. Dispute Resolution

The September 22 Proposal encourages the IOUs and tribes to resolve disputes informally or through the Commission's Alternative Dispute Resolution Program, and to resolve disputes where more than one tribe seeks to acquire the same property. If a dispute as to which tribe should take ownership of a property cannot be resolved among the tribes, the IOU shall request assistance from the NAHC and include documentation of efforts to resolve the dispute in its request

[29] SDG&E and SoCalGas comments to September 22, 2025 ruling at 4-6.

[30] SCE comments to September 22, 2025 ruling at 3-4.

for approval from the Commission, which the Commission will review when it ultimately resolves how the land is disposed of.

PG&E and SCE assert the IOUs should not be responsible for resolving disputes between tribes, noting that the IOUs lack the qualifications and expertise to resolve disputes over ancestral territory. These parties indicate support, however, for the Commission to ultimately resolve disputes regarding multiple interested tribes.[31]

We do not adopt the September 22 Proposal and find the party comments as to this issue compelling.[32] Any dispute between tribes as to which tribe should acquire the property at issue should first be addressed among the tribes seeking ownership of the property. If the tribes are unable to reach agreement, the IOU shall request that the matter be referred to the Commission's Alternative Dispute Resolution program for assistance in resolving the dispute. If no resolution is reached through the Alternative Dispute Resolution process, the Commission will make the final decision as to disposition of the property after hearing from all interested tribes and the IOU.

5.4. Reporting

The September 22 Proposal requires the IOUs to provide the Commission's Office of the Tribal Advisor and Energy Division with a quarterly report on the IOU's proposed, recent, and ongoing property dispositions as well as how tribes

[31] PG&E comments to September 22, 2025 ruling at 2. SCE comments to September 22, 2025 ruling at 6.

[32] If for any reason the NAHC does want to weigh in on a matter before the Commission regarding the TLTP or any matter as to designated ancestral territory, nothing in this decision prevents the NAHC from providing comment or recommendations.

were contacted and consulted, which will then be posted to the IOU's TLTP website. The IOUs would also be responsible for scheduling and attending a quarterly meeting with the Commission's Office of the Tribal Advisor and Energy Division to review the quarterly report and discuss the status of compliance with the policy.

CWA recommends eliminating the proposed reporting requirement or, at minimum, limiting reporting to an annual requirement for water utilities, noting that water utilities rarely dispose of real property.[33] SCE requests that the quarterly reporting provision be revised to require filing of the reports within 15 days after the end of each quarter.[34]

We agree with CWA's and SCE's recommendations and make the following modifications. The IOUs shall provide the Commission's Office of the Tribal Advisor and Energy Division with reports on the IOU's proposed, recent, and ongoing property dispositions as well as how tribes were contacted and consulted, which shall then be posted to the IOU's TLTP website. The energy IOUs shall file these reports quarterly within 15 days after the end of each quarter, while the water IOUs shall file these reports annually. The IOUs shall also schedule and attend quarterly (energy IOUs) or annual (water IOUs) meetings with the Commission's Office of the Tribal Advisor and the relevant

[33] *Comments of California Water Association on Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy; and Related Issues*, filed November 21, 2025 (CWA comments to September 22, 2025 ruling) at 5.

[34] SCE comments to September 22, 2025 ruling at 6.

industry division to review the reports and discuss the status of compliance with the policy.

5.5. Tribal Advisor

The September 22 Proposal specifies that the Commission's Tribal Advisor and assigned Commission staff will assist in implementing this policy in coordination with the Commission's Office of the Tribal Advisor. Division tribal liaisons, in coordination with the Office of Tribal Advisor, can act as a point of contact for tribes regarding proceedings, applications, and advice letters; filing documents; contacting Commissioners, advisors or staff; and other related matters.

Party comments do not specifically oppose the proposed modifications, aside from acknowledging that the responsibilities of the Tribal Liaison (as referred to in the original version of the TLTP) are now more appropriately under and in coordination with the Office of the Tribal Advisor.

We adopt these modifications because they articulate the responsibilities of Commission staff, including the Office of the Tribal Advisor, in implementing the TLTP in accordance with the Tribal Consultation Policy.

5.6. Mapping

The September 22 Proposal requires each of the IOUs to develop two map overlaps of their service territory. One would identify the locations of all parcels owned in fee by the IOU, to allow tribes to proactively engage with IOUs in acquiring real property. The second map overlap would identify tribal lands (in coordination with interested Tribes), to aid IOU staff, Commission staff, and the public in identifying the locations of tribal lands.

CWA, PG&E, SCE, SDG&E and SoCalGas do not agree with the proposed map of all parcels owned in fee by an IOU. Although maps of their respective service territories are publicly available, these parties assert that providing information on properties being evaluated for disposition, prior to receiving internal approvals, would lead to confusion. SCE adds that the specific detailed information it provides to tribes is not prepared until after the decision to sell a property is made.[35] PG&E and SCE also do not support the proposed requirement to develop a map overlay of tribal lands within their service territories. SCE argues instead for a Commission-led collaborative process with tribes.[36] PG&E refers to and agrees with Resolution E-5076 that "Tribes are the primary source for identification of a Tribe's ancestral territory."[37] Similarly, SDG&E and SoCalGas recommend starting with reservation lands identified by the BIA and supplementing that data with information provided by individual tribes.[38]

The Commission agrees that providing information on all properties owned in fee by IOUs may not be the best way to address the issue raised by

[35] CWA comments to September 22, 2025 ruling at 2-3. *Opening Comments of Pacific Gas and Electric Company (U 39 E) on the Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies*, filed May 17, 2022 at 1-2. *Joint Opening Comments of San Diego Gas & Electric Company (U 902 E) and Southern California Gas Company (U 904 G) to Questions Set Out in Order Instituting Rulemaking to Implement Resolution E-5076 and Review of Tribal Policies*, filed May 17, 2022 at 1-2. *Southern California Edison Company's (U 338-E) Comments on Order Instituting Rulemaking R. 22-02-002 to Implement Resolution E-5076 and Review of Tribal Policies*, filed May 17, 2022 at 2-3. SDG&E and SoCalGas comments to September 22, 2025 ruling at 2-3.

[36] SCE comments to September 22, 2025 ruling at 2-3.

[37] PG&E comments to September 22, 2025 ruling at 4-5.

[38] SDG&E and SoCalGas comments to September 22, 2025 ruling at 3-4.

tribes and could set unrealistic expectations. We also agree that development of a map overlay of tribal lands should be accomplished in coordination with tribes. Therefore, we do not at this time adopt the proposed modifications relating to mapping. However, to assist tribes in identifying IOU service territories that may overlap with their self-identified ancestral lands, the Office of the Tribal Advisor will produce a map of county boundaries with an overlay of IOU service territories. This map will be a starting point to engage with tribes to identify ancestral territories that overlap with IOU service territories.

6. Adherence to Tribal Law and Application of Regulatory Policy on Tribal Lands

Many tribes raised concerns regarding the failure of the IOUs to comply with tribal law when providing services, building infrastructure or maintaining infrastructure on tribal lands.[39] Commission rules regarding infrastructure are designed to ensure public health and safety. The Commission has an obligation under law to ensure that the IOUs provide service that is safe and reliable. The Commission is the primary authority regulating the IOUs; the IOUs are required to comply with all Commission rules and State laws to maintain their certificate of public convenience and necessity and monopoly over a Commission-approved service territory. However, that does not equate to a wholesale disregard for tribal law on tribal lands. The Commission expects IOUs to consult with tribes regarding work by IOUs on tribal lands to ensure that the work is not

[39] Yurok Tribe comments to OIR at 8. January 25, 2023 ruling, Attachment 1 at 6 and 8. March 5, 2024 ruling, Attachment at 18, 20-22 and 24. SCTCA comments to September 22, 2025 ruling at 7. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

contrary to relevant tribal laws. If there is a dispute over applicability of tribal law on tribal land the IOU should coordinate with the relevant tribe and the Office of the Tribal Advisor to resolve any outstanding issues.

Further engagement with both tribal representatives and the IOUs is necessary to ensure a full understanding by all parties regarding jurisdictional boundaries, IOU public health and safety requirements set out in Commission rules, California statute, and tribal law, as well as coordination and collaboration between the tribe and the Commission to set up processes for identifying areas of concerns, and mechanisms to quickly resolve issues as issues arise.

A number of tribes have raised the issue of taxation for utility services being unlawful as applied to tribal members and tribes for services provided on tribal lands. The Commission has been asked to look at this question. There is not sufficient information in the record of this proceeding to fully address this question in this decision. The Commission will conduct further outreach and engagement with tribes as to a process and next steps in providing a response to the questions raised on this matter.

Although there is not sufficient information in this proceeding record to fully address the outstanding issues raised by tribes discussed above, we do anticipate and direct the Office of the Tribal Advisor to include these topics in the quarterly tribal information forums.

7. Capacity Building and Improving Access for Tribal Participation in Commission Proceedings and Programs

7.1. Office of the Tribal Advisor

Many tribes commented on the need to have a strong and functioning Office of the Tribal Advisor.[40] These comments noted that the office has been vacant for some time and the support the office is intended to provide has not been available for tribes, Commission decisionmakers, or Commission staff, nor will it be unless this position is filled.

The Commission agrees and intends to work with the administration to address the Tribal Advisor vacancy. This position is a Governor-appointed position and will require coordination between the Governor's office and the Commission to ensure that the position is filled by a person that has the requisite public utility regulation experience and experience working with California tribes to ensure proper implementation of the policies adopted by this decision.

7.2. Tribal Information Forums

In order to advance early, often and meaningful engagement, multiple tribes emphasized the need to provide timely notice to tribes of proceedings and proposed actions with potential tribal impacts.[41] Some tribes also referenced issues that we will not be able to fully address in this proceeding, but should be further examined in conjunction with tribal engagement. Additionally, workshops and meetings with tribes have been helpful to resolve issues and

[40] SCTCA comments to September 22, 2025 ruling at 4-5. Pechanga Band of Indians reply comments to September 22, 2025 ruling at 3.

[41] Yurok Tribe comments to OIR at 6-9 and 13. January 25, 2023 Ruling, Attachment 1 pp. 1-3, 5-6, 8-9 and 30.

improve tribal engagement and communication. Regular and consistent communications with tribes will facilitate the Commission's tribal engagement and sharing of information with tribes.

Therefore, the Office of the Tribal Advisor shall convene a quarterly Tribal Information Forum, inviting all California tribes, for information exchange to address issues within the Commission's jurisdiction and relevant to tribes.

The quarterly Tribal Information Forum will be one of many tools for tribal engagement by the Commission. The forums will be informed by tribal areas of interests, upcoming and current issues before the Commission and an opportunity to provide updated information as to Commission programs and proceedings. The Office of the Tribal Advisor will reach out prior to each quarterly meeting to coordinate with tribal representatives regarding the agenda and attendees for each meeting. The Office of the Tribal Advisor will also work with tribes to set up the protocols and general guidelines for the Tribal Information Forums. The Office of Tribal Advisor should coordinate in conjunction with commissioner offices and specific division staff as to relevant topics for each meeting. Commission division tribal liaisons should plan to regularly attend the quarterly Tribal Information Forums.

7.3. Infrastructure, Energization and Rights of Way

Many tribes have raised concerns regarding the challenges and length of time it takes to energize buildings on tribal lands, process ROW requests, or address infrastructure and permitting to provide services on tribal lands. Tribes explained that they do not have service on portions of their reservation, have

waited prolonged periods of time to get homes and other buildings energized, and are continuing to grapple with the significant challenges in the ROW process as to IOU infrastructure on tribal lands. These challenges include not just housing but energization of critical services such as water and access to or insufficient approval regarding telecommunications infrastructure on tribal lands. The Commission held and participated in several meetings with tribal representatives and IOU representatives to discuss these issues. The three meetings held by the Commission also included representatives from state and federal agencies that have roles in the ROW process. These agencies included BIA and the California Department of Transportation, the California Department of Technology, the California Energy Commission, and the Governor's Office of Tribal Affairs.

The IOUs participated in these meetings and provided information regarding their processes, barriers, and areas that have potential for making improvements. The IOU representatives attending these meetings included high-level management and technical subject matter expert staff. These discussions were productive and provided opportunities for tribal representatives and IOU representatives to engage directly, as well as an opportunity for state and federal regulators to hear directly from tribes and the IOUs as to the challenges they both face in ensuring safe, reliable, and affordable services provided to tribes and tribal members on tribal lands.

These meetings provided an opportunity for initial discussions among the entities responsible for approvals and providing services. Although the issues raised in these meetings have not been resolved, these initial dialogues have

allowed for engagement that needs to continue among the entities so that collectively we can find solutions and mechanisms to streamline processes and build in collaboration between all three governments that allows for approvals and action to occur more efficiently and effectively within a reasonable timeframe. Tribal communities should not face unreasonable delays in receipt of services; the IOUs should be meeting the required energization timelines set out in Rulemaking 24-01-018 for locations on tribal lands. If there are barriers to doing so, solutions need to be found to ensure tribal communities are not disproportionately facing delays in energization.

Several tribes also raised concerns regarding the Commission's permitting and approval process as to infrastructure and the need to protect tribal cultural resources on and off tribal lands. Tribes raised concerns about the timing of consultations, failure of the Commission to provide early and meaningful consultations, and the need to ensure that proper ROWs have been approved for such infrastructure on tribal lands.

The Commission affirms that the modifications to the Tribal Consultation Policy made in this decision and the initiation of the Tribal Information Forums will provide an opportunity to address these issues and further both the goals of the Commission and address the concerns raised by tribes. We recognize that additional work is needed and that early, often and meaningful engagement will provide opportunities to continue to build relationships between the Commission and California Native American tribes.

7.4. Contract Language

Several tribes have raised concerns regarding contract provisions and unclear processes for how and when contract templates are adopted by the Commission. When the IOUs enter into contracts with tribes, the Commission should strive to have a flexible template for contract language that sets forth general requirements to be included in such agreements as opposed to exact language that may not be acceptable to a tribe. It is important that tribes have an opportunity for meaningful input into the terms of any agreement they are being asked to sign.

Pending a more specific resolution to this issue, it will be critical to ensure that tribes receive notice of proceedings and advice letters where contract terms or contracting processes for Commission programs are being determined. Notice of these proceedings, advice letters, or resolutions should be sent to tribes through the Office of the Tribal Advisor. Any approvals by the Commission through decisions or advice letters process should be clear that any limited waivers of sovereign immunity terms within a contract between IOUs or the Commission are to be negotiated with the tribe that is party to the agreement.

8. Environmental and Social Justice

The scoping memo and ruling for this proceeding included consideration of impacts on environmental and social justice communities of our proposed modifications. We find that the modifications adopted in this decision appropriately consider the impacts on environmental and social justice communities and do not negatively affect those communities. Specifically, our adoption of the Tribal Consultation Policy and TLTP (as modified by this

decision) will facilitate and advance achievement of the Commission's Environmental and Social Justice Action Plan with respect to California tribes. The decision also recognizes that there are areas that need continued collaboration and coordination to reach resolution and that additional work in this area is to be on going.

9. Summary of Tribal Engagement and Comments

This section provides a summary of tribal engagement and comments received from tribes throughout the proceeding. The assigned Commissioner and Bagley-Keene partner Commissioner conducted tribal engagement and consulted with California tribal governments regarding issues presented in this proceeding. Notes from those tribal engagement and consultation sessions were summarized and provided to representatives of the tribal governments that participated in engagement and/or consultation for review. After review, these summaries were noticed and served on the service list for this proceeding through a ruling of the assigned ALJ. Feedback specific to this decision is summarized below, and feedback on other matters of importance to the Commission is available in the proceeding record. Comments relating to this decision were considered and addressed through the modifications made as discussed in Sections 4 and 5 of this decision.

On May 24, 2022, the Commission met with representatives of the Round Valley Indian Tribes (RVIT) on the Round Valley Indian Reservation. RVIT appreciated the opportunity to engage in the early stages of policy development with respect to modification to the TLTP, made recommendations for how to

improve communication and engagement with tribes, and stated that Commission policies do not always consider the unique policy, legal or historical issues of tribes. RVIT requested that the Commission ask PG&E to share a comprehensive list of real property holdings within RVIT's ancestral territories. RVIT also discussed the importance of land back opportunities and its efforts along with other tribes to seek return of lands within their ancestral territories.

On May 25, 2022, the Commission met with representatives of the Karuk Tribe in Eureka, California. The Karuk Tribe emphasized the importance of having an opportunity to engage in the early stages of policy development with respect to modifications to the TLTP, made recommendations for how to improve communication and engagement with tribes, and stated that Commission policies do not always consider the unique policy, legal or historical issues of tribes.

On May 26, 2022, the Commission met with representatives of the Bear River Band of the Rohnerville Rancheria Tribe (Bear River Band) at the Blue Lake Rancheria. The Bear River Band emphasized the importance of being able to engage in the early stages of policy development with respect to the TLTP, made recommendations for how to improve communication and engagement with tribes, and shared concerns that Commission policies do not always consider the unique policy, legal or historical issues of tribes.

Regarding the TLTP, Bear River Band noted that 60 days may not be enough time to respond to a notification that an IOU will dispose of land, either because IOU notifications may not be sent to the right personnel or because the Tribal Council needs more time to discuss and vote on a decision.

Regarding the Tribal Consultation Policy, Bear River Band questioned the definition of cultural resources, and explained that IOUs and tribes may define cultural resources differently; for example, an IOU may only consider burial grounds and artifacts to be cultural resources, whereas tribes may also include flora and fauna. Similarly, Bear River Band cautioned that when a utility conducts a site assessment before a project, it may decide to proceed based on an assessment that the tribe deems inadequate. Bear River Band also asked the Commission to respect tribes' consultation practices and provided a copy of its own tribal consultation policy.

On May 26, 2022, the Commission met with representatives of Blue Lake Rancheria Tribe, at the Blue Lake Rancheria. The Blue Lake Rancheria Tribe emphasized the importance of having an opportunity to engage in the early stages of policy development with respect to the TLTP, made recommendations for how to improve communication and engagement with tribes, and stated that Commission policies do not always consider the unique policy, legal or historical issues of tribes. Blue Lake Rancheria also described the need for greater technical assistance for tribes.

On May 26, 2022, the Commission met with representatives of Hoopa Valley Tribe, at the Blue Lake Rancheria. The Hoopa Valley Tribe emphasized the importance of having an opportunity to engage in the early stages of policy development with respect to modifications to the TLTP, made recommendations for how to improve communication and engagement with tribes, and stated that Commission policies do not always consider the unique policy, legal or historical issues of tribes.

Regarding the TLTP, the Hoopa Valley Tribe provided feedback on how much notice needs to be provided when an IOU divests its assets. The Hoopa Valley Tribe also questioned whether tribes need to have funding in place to make an offer or express interest in a property, whether the land acquired through the TLTP needs to be put into trust, whether and how fair market valuation of divested lands is established, and whether an unbiased appraisal is required to be performed. The Hoopa Valley Tribe also stated that it would be beneficial for tribes to know which IOU properties overlap with ancestral territories in advance of property going onto the market.

On May 26, 2022, the Commission met with representatives of the Yurok Tribe, at the Blue Lake Rancheria. The Yurok Tribe emphasized the importance of and need for an opportunity to engage in the early stages of policy development with respect to modifications to the TLTP, made recommendations for how to improve communication and engagement with tribes, and stated that Commission policies do not always consider the unique policy, legal or historical issues of tribes.

Regarding the TLTP, the Yurok Tribe inquired as to whether a tribe's rights to land access could be considered as part of a purchase agreement involving a third party.

Regarding the Tribal Consultation Policy, the Yurok Tribe recommended that the Commission consider providing categorical intervenor compensation eligibility for tribes, and recommended that the Commission develop an expansive tribal contact list, and share a list of proceedings that impact tribes on the Tribal Advisor's webpage.

On August 30, 2022, the Commission met with representatives of the Campo Kumeyaay Nation on the Pala Reservation. Campo Kumeyaay Nation representatives asked about accessing fiber infrastructure on tribal land and coordinating with IOUs regarding ROW on tribal land, and suggested establishing set-asides for tribes in energy programs at the Commission.

Regarding the TLTP, Campo Kumeyaay Nation representatives asked about the communication of notices of available land and recommended that the Commission require IOUs to identify the locations of their infrastructure and clarify property rights and easement rights.

On August 30, 2022, the Commission met with representatives of the Chemehuevi Indian Tribe on the Pala Reservation. Chemehuevi Indian Tribe representatives shared the history of their tribe, acknowledged the importance of consultation regarding energy, water, and telecommunications challenges the tribe is facing, and noted that while land transfers are a tremendous opportunity, land transfers do not make a tribe whole.

On August 30, 2022, the Commission met with representatives of the Iipay Nation of Santa Ysabel on the Pala Reservation. Iipay Nation of Santa Ysabel representatives expressed interest in the TLTP, and recommended that there be a fund that tribes can draw from to compensate for the amount of time required to interact with State programs.

On August 30, 2022, the Commission met with representatives of the Jamul Indian Village (Jamul) on the Pala Reservation. Jamul representatives expressed interest in participating in future consultations regarding broadband programs and provided comments regarding the importance of technical assistance related

to broadband on tribal lands. Jamul representatives also discussed the need for technical assistance in the area of tribal energy development.

On August 30, 2022, the Commission met with representatives from the Mono Lake Kootzaduka'a Tribe on the Pala Reservation. Mono Lake Kootzaduka'a Tribe representatives shared challenges that the tribe faces when applying for grants and participating in government programs, such as lack of federal recognition, lack of land, and difficulty applying the TLTP. Mono Lake Kootzaduka'a Tribe representatives requested information on what technical assistance is available for assessing energy resources.

Regarding the TLTP, Mono Lake Kootzaduka'a tribal representatives noted that most of the land that they are interested in acquiring is owned by the federal government or Los Angeles Department of Water and Power (LADWP), not IOUs, and that available land is typically bought by conservation groups or agencies. Mono Lake Kootzaduka'a Tribe representatives also requested that maps of lands that may be divested in the near future be provided in an ArcGIS format and a digital format accessible to the Tribal Cultural Heritage Preservation Association.

Regarding the Tribal Consultation Policy, Mono Lake Kootzaduka'a Tribe representatives suggested that the Commission arrange for cultural sensitivity awareness training for its employees provided by regional tribes, and work on joint management of land, such as cultural burning projects and cultural resource gathering. Mono Lake Kootzaduka'a tribal representatives also shared that the tribe is interested in information regarding Commission programs to assist the tribe. The tribe also stated that technical assistance training would both help the

tribe achieve its energy goals and tribal capacity goals, and help the Commission achieve its accessibility goals.

On August 30, 2022, the Commission met with representatives of the La Posta Band of Mission Indians (Posta Band) on the Pala Reservation. Posta Band representatives requested additional information about the Tribal Consultation Policy and TLTP.

On August 30, 2022, the Commission met with representatives of the Los Coyotes Band of Cahuilla and Cupeño Indians (Los Coyotes Band) on the Pala Reservation. Los Coyotes Band representatives shared that staff shortages and lack of resources make it difficult to submit competitive applications for programs, that some residents do not participate in low-income programs they qualify for because the documentation requirements are burdensome, and that requiring applications (including for Tribal Technical Assistance under the California Advanced Services Fund) to be notarized is a barrier that could be mitigated by allowing witness attestation as an alternative.

On August 30, 2022, the Commission met with representatives of the Manzanita Band of the Kumeyaay Nation (Manzanita Band) on the Pala Reservation. Manzanita Band representatives shared information related to the Tribal Consultation Policy and TLTP, and requested additional information be provided by the Commission regarding programs including the Self-Generation Incentive Program and Disadvantaged Communities – Single-family Solar Homes program.

Regarding the Tribal Consultation Policy, Manzanita Band representatives shared challenges with the lack of outreach by IOUs regarding programs such as

California Alternate Rates for Energy and Energy Savings Assistance, and lack of respect for cultural resources. Manzanita Band representatives expressed that earlier engagement and outreach by IOUs and other entities, and earlier consultation by the Commission and other agencies, could help avoid challenges related to cultural preservation and land use. Manzanita Band representatives recommended that if IOUs hire a consultant to work on cultural preservation, the consultant should be required to work directly with the tribe. Manzanita Band representatives also explained that receiving mail can be a challenge on the reservation and that this can be a barrier to outreach and engagement.

Regarding the TLTP, Manzanita Band tribal representatives recommended that a list of all SDG&E properties, easements, and ROW be prepared for future land acquisitions and to ensure preservation of cultural resources. Manzanita Band representatives shared concerns that the TLTP's right of first offer is less beneficial to tribes than a right of first refusal would be, that the Commission should coordinate with other agencies looking at returning surplus lands to tribes, and that the TLTP should consider equity when determining the price of land being returned to tribes.

On August 30, 2022, the Commission met with representatives of the North Fork Rancheria of Mono Indians (North Fork) on the Pala Reservation. North Fork representatives shared that lack of federal recognition or lack of land can be a major barrier for some tribes trying to access government programs for tribes or working with IOUs. North Fork representatives expressed particular interest in workforce development and Commission programs that provide incentives for energy development.

Regarding the Tribal Consultation Policy, North Fork representatives expressed interest in participating in Commission programs, including Commission telecommunications programs. The tribe discussed the importance of technical assistance, workforce development, and infrastructure access needed for success. North Fork tribal representatives noted that developing individual relationships between members of different tribes is sometimes more effective than tribe-to-tribe relationships, and that it is important to leverage all possible opportunities for collaboration to build lasting relationships considering frequent turnovers in leadership.

Regarding the TLTP, North Fork representatives asked about how the TLTP may affect the tribe's interest in acquiring IOU lands, or otherwise ensuring that the tribe's cultural heritage on IOU lands is protected after an IOU divests properties to third parties.

On August 30, 2022, the Commission met with representatives of the Pala Band of Mission Indians (Pala Band) and Josh Simmons of Prosper Sustainably, on the Pala Reservation. Pala Band tribal representatives and Josh Simmons noted that even in regional collaborations with tribes, there is a need to respect the sovereignty and individual needs of each tribe in consultation. The Pala Band tribal representatives expressed the importance of technical assistance programs for tribes, and recommended creating a unified forum for receiving and seeking information from the Commission about proceedings relevant to tribes.

On August 30, 2022, the Commission met with representatives of the San Pasqual Band of Mission Indians (San Pasqual Band) on the Pala Reservation.

The San Pasqual Band tribal representatives asked for more information about Commission programs related to energy, water, and telecommunications.

On February 16, 2023, the Federated Indians of Graton Rancheria (FIGR) filed comments regarding the proposed scope for modifications to the Commission's TLTP. Regarding the question of creating an overlay of tribal ancestral territory on IOU service territory, FIGR recommends that the Commission create a map showing IOU property throughout the state, and that if the Commission creates a map of self-identified ancestral territories, it should make clear that the map has not been verified by external sources and does not reflect the consensus of California tribes. FIGR provides detailed recommendations regarding timing and notice, form, personnel, procedures for initial and ongoing consultation meetings, and principles for consultation. FIGR recommends that IOUs should notice all tribes until there is a complete rulemaking and a map based on an updated NAHC list. FIGR recommends that an initial consultation request from an IOU seeking to dispose of a property should include acreage, appraised value, prior uses, maps of the property, and any publicly available information regarding cultural and archaeological resources on or around the property. FIGR recommends IOUs, upon request, also prepare supplemental surveys and studies in partnership with a tribe and protect the confidentiality of tribal information.

On October 20, 2025, the Paskenta Band of Nomlaki Indians (Paskenta Band) submitted comments in response to the proposed modifications to the Tribal Consultation Policy and TLTP. Regarding the Tribal Consultation Policy, the Paskenta Band generally approved of the proposed updates and the intention

behind the proposed improvements. The Paskenta Band also provided an example of a consultation request that did not meet the tribe's expectations, and provided recommendations for how to improve the Tribal Consultation Policy accordingly. The Paskenta Band requests clarity on when the Commission intends for tribes to be formal parties to regulatory processes, and proposes addressing matters through government-to-government consultations instead. The Paskenta Band suggests clarifying the differences between formal and informal consultation, including the timeline, representatives, scope, privacy, and provisions for notice and confidentiality; the Paskenta Band recommends requiring a seven-day response time for a proposed meeting. The Paskenta Band recommends requiring the Commission to notify tribes by describing the proposed action and potential impacts upon a positive impact finding. The Paskenta Band recommends that the Commission document how tribal input was considered and integrated into its decisions, and to provide tribes with access to consultation records and a pathway to resolve disputes when concerns are not addressed or tribal consent is not obtained.

Regarding the goals of the Tribal Consultation Policy, the Paskenta Band recommends adding "respect for federal laws applicable to Indian Country and tribal laws and regulations impacting a tribe's jurisdictional lands" to the goals. The Paskenta Band also asks the Commission to clarify the meaning of the goal, "[t]o encourage collaboration between the Commission and its regulated entities on tribal consultation as to Commission regulated programs and projects," and to revise the goal regarding supporting tribal energy sovereignty to read, "Support Tribal efforts toward water, land, communications, cultural resource,

and energy sovereignty." The Paskenta Band asserts the goal of protecting tribal cultural resources should note off-reservation tribal cultural resources, which have greater need for consultation, because the tribe has full and exclusive jurisdiction over activities on the reservation.

On November 21, 2025, SCTCA filed response comments to the proposed modifications to the Tribal Consultation Policy and TLTP. SCTCA states that the Commission should work to streamline and improve processes for new electricity and upgraded service interconnection. SCTCA asserts that tribes' efforts to support sovereignty and sustainability had been hampered by lengthy and difficult-to-understand IOU processes regarding obtaining new services and interconnection of new distributed energy resources.[42] SCTCA also argues that the IOU tribal liaison offices "are generally understaffed and lack authority and influence within the IOU decision-making process and hierarchy" and that the Commission should establish and track service goals for regulated entities to ensure accountability. SCTC also notes that one of the policy's earlier goals was not included in the proposed modifications but should be included, with a slight change to read "Encourage and facilitate [T]ribal government participation in CPUC-approved ~~utility~~ programs" (strikethrough represents SCTCA suggestion).[43] SCTCA further writes that the Commission's Tribal Consultation

[42] SCTCA comments to September 22, 2025 ruling at 6-7.

[43] *Id.* at 7.

Policy should explicitly honor tribal law, governing authority and ensure that IOUs and regulated entities respect tribal sovereignty.[44]

In their November 21, 2025 comments, SCTCA also offer feedback on the Commission advice letter processes and interagency and tribal engagement. SCTCA recommends that the Commission establish processes to help tribes engage with the advice letter process through the Office of the Tribal Advisor or through other relevant divisions.[45] SCTCA also recommends that the Commission timely provide funding and assistance program guidelines to relevant tribes in a way that supports understanding of program opportunities and requirements.[46] Finally, SCTCA suggests that the Commission's government-to-government coordination and consultation would be enhanced by streamlining its processes and by fully staffing and empowering the Office of the Tribal Advisor.[47]

On November 11, 2025, NCTC filed comments in response to the October 17, 2025 Assigned Commissioner's Ruling. NCTC expresses support for the Commission holding a regularly scheduled forum with tribal representatives to exchange information and stay current with tribal issues and areas of interest. NCTC recommends that these forums should be held with options for remote and in-person attendance with both Commission leadership and staff in

[44] *Id*. at 8.

[45] *Id.* at 21.

[46] *Id.* at 22.

[47] *Id*. at 23.

attendance.[48] NCTC also suggests that the Office of the Tribal Advisor should play an informational and outreach role between the Commission and tribal representatives.[49] NCTC also states that limited tribal resources constrain tribal engagement with the Commission, and that the Commission can help alleviate these constraints by continuing or expanding its grant funding programs. Expanding grant funding programs would support tribal efforts towards energy sovereignty and climate resilience.[50]

On December 10, 2025, Pechanga submitted comments in response to the proposed modifications to the Tribal Consultation Policy and TLTP. Pechanga recommends that the Commission conduct additional direct outreach to tribal leaders to ensure the record reflects comprehensive tribal feedback. Pechanga supports SCTCA's recommendations regarding strengthening the Office of the Tribal Advisor and establishing consistent forums for tribal engagement without interference from IOUs or other organizations.

Regarding the TLTP, Pechanga agrees with SCTCA that the TLTP should not be limited to the scope of Section 851, and should apply to surplus lands and lands transferred by certain telecommunications utilities. Pechanga states that IOUs should provide tribes sufficient information about the location and value of subject lands to enable tribes to make an informed decision. Pechanga supports requiring IOUs to provide maps of their fee parcels, despite IOU concerns about

[48] NCTC comments to September 22, 2025 ruling at 4.

[49] *Id.* at 4.

[50] *Id.* at 4-5.

such maps being burdensome or confusing, and that IOUs should be required to provide appraisals. Pechanga states that achieving the goals of Executive Order N-15-19 and the Tribal Consultation Policy are more important than maximizing ratepayer benefits from IOUs' land sales, so IOUs should provide sufficient information to facilitate tribes' exercise of their right-of-first-offer. Pechanga requests protecting tribal confidentiality during data disclosures, and holding a focused consultation with tribes in the event of competing land claims between tribes.

On December 18, 2025, the Hoopa Valley Public Utilities District (Hoopa Valley PUD) submitted comments in response to the proposed modifications to the Tribal Consultation Policy and TLTP. Regarding the Tribal Consultation Policy, Hoopa Valley PUD recommends additional details regarding informal and formal consultation, including approach, procedures, privacy, initiation, parties involved, timing, and other details. Regarding tribal sovereignty, Hoopa Valley PUD proposes adding respect for tribal law, including those that are not consistent with state laws and regulations, and respect for tribal jurisdiction over utility matters, including with regard to utilities otherwise regulated by the Commission. Regarding the Commission regulatory process, Hoopa Valley PUD states that tribes generally object to being required to participate in Commission processes, because tribal governments are not subject to state jurisdiction. At a minimum, a separate category for tribal participation in Commission proceedings should be developed. Hoopa Valley PUD also raises concerns about the goal "to encourage collaboration between the Commission and its regulated entities on tribal consultation as to Commission regulated programs and

projects," which is unclear, and does not respect a tribe's right to manage utility issues on its own reservation under federal and tribal laws.

Hoopa Valley PUD recommends broadening language to include all subjects regulated by the Commission, including water, land, communications, cultural resources, natural gas, and other matters besides electricity. Regarding cultural and other tribal resources, Hoopa Valley PUD recommends that the policy recognize that tribal cultural resources exist both on and off tribal lands. Hoopa Valley PUD recommends changing section 3 subsection e of the Tribal Consultation Policy to provide a three-step analysis, including notifying potentially affected tribes and providing a description of the proposed action and identified potential impacts. Hoopa Valley PUD also notes that certain Commission and state permitting and regulatory actions have mandated timelines that could conflict with Tribal Consultation Policy timelines, and that Commission should provide the broadest possible window to engage tribes in the decision-making process. Hoopa Valley PUD supports including a requirement that the Commission document how tribal input was considered and integrated into final decisions, and that tribes must have access to consultation records and a clear pathway to resolve disputes when concerns are not addressed or consent is not obtained.

Regarding the TLTP, Hoopa Valley PUD recommends acknowledging the federal trust process and designing the policy to support eventual fee to trust acquisition if the tribe chooses. Hoopa Valley PUD states the TLTP should affirm that once land is restored to trust, it is no longer subject to state jurisdiction or taxation, and that land transfers should be viewed as part of a larger process of

reconciliation and relationship-building between the state and tribal nations. Hoopa Valley PUD raises concerns with Section 3.2 of TLTP, and particularly recommends deleting factor (d), stating that it is inappropriate for the Commission to make the determination that it would be in the greater public interest for an IOU to transfer ancestral lands or trust lands to a non-tribal entity. Hoopa Valley PUD proposes modifying Section 3.3 of the TLTP as follows:

> "As part of its review of any requests for approval, the Commission will carefully consider any comments regarding potential impacts to Tribal cultural resources and suggesting measures that would mitigate potential impacts. This applies whether the proposed transfer is to a Tribe or to a third party. <u>If the proposed transferee is a Tribe, a written statement from the governing body of the Tribe to the Commission confirming and attesting that the transaction will have no negative impacts to cultural resources will create an irrebuttable presumption that there are no negative cultural resource impacts associated with the transaction</u>."

On February 18, 2026, the SCTCA Tribal Energy & Climate Collaborative (TECC) convened a symposium, including tribal leaders, staff and representatives; the Commission and the California Energy Commission Commissioners and staff; IOU representatives; and other invitees to discuss priority topics identified by TECC tribes. Following the symposium, on February 19, 2026, the Commission met with representatives of the La Jolla Band of Luiseño Indians (La Jolla Band), Pechanga Band of Indians (Pechanga), and Ewiiaapaayp Band of Kumeyaay Indians (Ewiiaapaayp) in a group meeting on the Pala Reservation, regarding the Tribal Consultation Policy. A La Jolla Band tribal representative stated the importance of continuing to conduct government-

to-government consultations and continuing to do so in person. Pechanga tribal representatives stated appreciation for the Commission's presence and encouraged the Commission to consult with the many tribes who could not attend the meeting. Pechanga tribal representatives stressed that although informal meetings can be positive and productive and lead to formal consultations, they should not be confused with formal consultations. An Ewiiaapaayp representative emphasized that the relationship between a state and tribe is a government-to-government relationship between sovereigns, not based in diversity, equity and inclusion or a racial preference. Ewiiaapaayp emphasized that it is important for Commission procedures to allow for ex-parte communications with tribes, both formally and informally, and at both staff and leadership levels. Ewiiaapaayp also expressed the usefulness of contacting the northern, central, southern, and statewide California Tribal Chairpersons' Associations, particularly for contacting the most rural and remote tribes. Regarding increasing tribal participation in Commission programs and procedures, Ewiiaapaayp stressed the importance of technical assistance for tribes and not assuming tribes and tribal members have access to energy distribution when designing programs.

On May 6, 2026, the Commission met with representatives of the Bishop Paiute Tribe, at Bishop Paiute's Tribal Offices. Regarding the Tribal Consultation Policy, the Bishop Paiute tribal representative recommended over-inclusion as to providing notice and allowing tribes to decide what to respond to, and to not take non-response as a sign to stop sending notice. The Bishop Paiute tribal representative spoke to the importance of recognizing tribal sovereignty over

energy and data in the policy and the value of technical assistance, and requested that the Commission advance from providing notification of policies to tribes to inviting co-development of policies. The Bishop Paiute tribal representative recommended that the Commission maintain its own list of tribal contacts instead of relying on the NAHC's list. Regarding the TLTP, the Bishop Paiute tribal representative shared their history of forced relocation and their interest in acquiring ancestral territory that is today owned by the LADWP, and recommended that the Commission consider ways to apply the TLTP to publicly-owned utilities such as LADWP. Bishop Paiute Tribe supported the creation of a map of utility holdings on ancestral tribal lands and recommended that it also depict historical land ownership, including unratified treaty lands. The Bishop Paiute tribal representative suggested that tribes should have a voice in the process for determining which lands are deemed surplus, and that lands which are economically valuable, sacred, or culturally significant, should be considered for transfer, not just surplus lands. The Bishop Paiute tribal representative recommended involving more tribal input in the policies, and that the TLTP should provide notice of air, water, and mineral rights associated with available land. The Bishop Paiute tribal representative recommended providing support for technical assistance, including a workshop on negotiating with utilities regarding land transfers, contracts, easements, and other topics.

On May 11, 2026, the Commission met with representatives of the Santa Ynez Band of Chumash Indians (Santa Ynez) at the Santa Ynez Museum and Cultural Center. Regarding the Tribal Consultation Policy, representatives of Santa Ynez stated the importance of private government-to-government

meetings for confidential topics, as well as webinars and office hours for staff-to-staff discussion of programs. Santa Ynez tribal representatives recommended clearly identifying any consultants or developers with legitimate ties to the Commission, because it can be difficult to distinguish between Commission programs and groups trying to take advantage of tribes or individuals. Santa Ynez tribal representatives recommended that the Commission respect the unique processes and consultation preferences of different tribes, and provided information about how best to engage or consult with Santa Ynez. Regarding the TLTP, Santa Ynez tribal representatives recommended that the Commission be clear that it will not support transfers of land from tribes to utilities, and to provide advance notice of anticipated decommissioning of certain projects as far in advance as possible. Santa Ynez tribal representatives also recommended that utilities be required to conduct outreach related to the TLTP based on a tribe's entire ancestral territory, not just places that tribal members live today.

On May 12, 2026, the Commission met with representatives of Agua Caliente Band of Cahuilla Indians and the Torres Martinez Desert Cahuilla Indians at the Morongo Reservation. Regarding the Tribal Consultation Policy, the representatives recommended erring on the side of over-communicating and allowing tribes to decide for themselves what is worth responding to, and to communicate directly with up-to-date lists of tribal council members, instead of sending a general letter to a list of contacts from the NAHC. Regarding the TLTP, the representatives recommended publishing and periodically sharing an interactive map of IOU-owned ancestral land, to improve awareness of the TLTP among tribes.

On June 15, 2026, SCTCA filed supplemental comments to the November 20, 2025 ruling. SCTCA encourages the Commission to empower the Office of the Tribal Advisor, noting that the Tribal Advisor role had mostly been "unstaffed or relatively ineffective" since establishment in 2018.[51] SCTCA recognizes recent support for the Office of the Tribal Advisor but asserts that the continued vacancy of the Tribal Advisor position highlights a weakness in the process of recruiting for the position.[52] SCTCA expresses frustration about the lack of transparency regarding the Office of the Tribal Advisor's operations, which deprives tribes of the ability to understand Commission policies and procedures. SCTCA recommends that the Commission order a review of the Office of the Tribal Advisor's policies and procedures, and to allow tribes to comment on the results of the review to identify weaknesses.[53] Further, SCTCA recommends that the Commission update the Office of the Tribal Advisor's role to include the following: centralized calendaring and email notifications with tribes, including maintaining a consolidated public tribal webpage; that the Office of the Tribal Advisor synthesize relevant tribal information across Commission divisions to provide information across industry divisions; and that the Office of the Tribal Advisor provide expertise, technical assistance and funding to help tribes establish independent tribal utilities and to assist tribes in engaging with the

[51] *Supplemental Comments of the Southern California Tribal Chairmen's Association*, filed July 15, 2026 at 3.

[52] *Id*. at 3.

[53] *Id.* at 3.

Commission.[54] SCTCA recommends that the Commission establish a Tribal Advocates Office similar to but separate from the Public Advocates' Office, or an Independent Tribal Advocacy Commission or Office outside of the Commission. SCTCA asserts that such an office would only be effective if provided with the resources and authority to ensure independence, transparency, and accountability to tribes.[55] SCTCA also provides recommendations regarding the TLTP. SCTCA first identifies gaps in lands that are excluded from the TLTP, which are: utility owned lands no longer used and useful and which thus can be sold without triggering Pub. Util. Code Section 851; lands owned by telecommunications utilities that are exempt from Pub. Util. Code Section 851; and, lands owned by common carrier pipeline utilities.[56] SCTCA recommends that the Commission subject jurisdictional pipeline utilities to the TLTP because the basis for exemption of pipeline utilities is unclear, because pipeline utilities have significant land holdings, and because as California's economy decarbonizes, the pipeline assets may become surplus assets.[57] SCTCA acknowledges that Pub. Util. Code Section 851 does not apply to certain telecommunications utilities and suggests that the Commission develop a process to work with tribes in its service territory that would work similarly to the TLTP. SCTCA proposes that first, telecommunications utilities work with the NAHC to identify Tribes with ancestral claims to their fee-owned land in

[54] *Id*. at 4.

[55] *Id.* at 5.

[56] *Id.* at 5.

[57] *Id.* at 5.

California; second, each telecommunications utility maintain a designated point of contact for tribes for ongoing dialogue and to understand the tribes' connection and interest in fee-owned lands; and, third, to make good faith effort to make those lands available to tribes when considering sale of any fee-owned lands.[58] SCTCA suggests that these requirements be imposed on AT&T, Verizon, T-Mobile/Sprint and Century Link pursuant to Pub. Util. Code Section 853(b). SCTCA also recommends that gas and electric utilities trigger application of the TLTP for any transfer of a fee interest in land whether to an affiliate, subsidiary, or third party. In addition, SCTCA recommends that any land removed from rate base be made available to tribes.[59]

Last, SCTCA recommends that the Commission authorize a Tribal Oversight Board. This board would oversee the Office of the Tribal Advisor and ensure that the Commission fulfills its promises in the Tribal Consultation Policy and TLTP as well as provide focused advocacy to ensure that utilities and Commission regulations "accommodate the interests and concerns of California Native American Tribes."[60]

10. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the "Public Comment" tab of the online Docket Card for that proceeding on the Commission's website. Rule 1.18(a) requires that all written public comment submitted prior to the submission of the

[58] *Id*. at 6-7.

[59] *Id*. at 7.

[60] *Id*. at 8.

proceeding are part of the administrative record of the proceeding. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. The Commission received no written public comments as of the submission date of this proceeding.

11. Procedural Matters

This decision affirms all rulings made by the ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

12. Comments on Proposed Decision

The proposed decision of Commissioner Darcie L. Houck in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. CWA, SDG&E and SoCalGas (jointly), PG&E, SCTCA, SCE and PacifiCorp timely filed comments; the Commission also received comments from the Pakan'yani Maidu of Strawberry Valley Rancheria, Lytton Rancheria and Muwekma Ohlone Tribe of the San Francisco Bay Area.[61] SCTCA, SDG&E and SoCalGas (jointly), timely filed reply comments.

The proposed decision was revised in response to comments as follows:

- Tribal Consultation Policy:

[61] *Administrative Law Judge's Ruling Providing Notice of Comments from California Native American Tribes to Proposed Decision*, filed August 31, 2026 (August 31, 2026 ruling).

- Modify the definition of "informal consultation" to clarify that this term describes a procedural category and not the value, seriousness, or weight of the tribal participation involved.[62]
- Acknowledge that tribes are the primary source of knowledge concerning their ancestral territories.[63]
- Recognize Traditional Ecological Knowledge and Tribal Cultural Landscapes as important forms of information in relevant proceedings.[64]

- TLTP:
  - Refer consistently to "right of first offer" in the TLTP.[65]
  - Modify the definition of "right of first offer" to replace "right to take or refuse real property" with "opportunity to negotiate the acquisition of real property."[66]
  - Modify the definition of "surplus property" to "IOU real property that has been removed from rate base because the

[62] August 31, 2026 ruling, Attachment 1 at 2.

[63] August 31, 2026 ruling, Attachment 1 at 3.

[64] *Id*.

[65] August 31, 2026 ruling, Attachment 1 at 7. *Joint Comments of Southern California Gas Company and San Diego Gas & Electric Company on Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy*, filed September 2, 2026 (SDG&E and SoCalGas comments to proposed decision) at 3. *Opening Comments of Southern California Edison Company (U 338-E) on the Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy*, filed September 2, 2026 (SCE comments to proposed decision) at 3.

[66] SCE comments to proposed decision at 4.

IOU determined the property is not necessary or useful in the performance of the IOU's duties to the public."[67]

- Confirm that application of the TLTP to surplus properties does not create a new advice letter, application, or other Commission approval requirement for transactions not otherwise subject to Pub. Util. Code Section 851.[68]
- Provide that the IOU shall identify any information (not just environmental reports) requiring execution of a nondisclosure agreement and/or requiring the viewer to have certain qualifications.[69]
- Clarify that the information provided in a virtual data room should not be construed as a representation that the information provided from IOU records is complete, current, or accurate.[70]
- Provide that IOUs may provide a "Broker Opinion of Value" in the virtual data room until they can obtain and provide a current appraisal report.[71]

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[67] SoCalGas and SDG&E comments to proposed decision at 2-3. SCE comments to proposed decision at 2-3.

[68] SCE comments to proposed decision at 3.

[69] SCE comments to proposed decision at 5.

[70] SCE comments to proposed decision at 5-6.

[71] SDG&E and SoCalGas comments to proposed decision at 4-5. SCE comments to proposed decision at 5-6. *Opening Comments of Pacific Gas and Electric Company (U 39 E) on the Commission's Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy,*

Footnote continued on next page.

- Require small and multi-jurisdictional utilities to attend quarterly meetings only when a property disposition is taking place.[72]
- Confirm that water IOUs must meet and report annually on their compliance with the TLTP, and align the water IOUs' reporting deadline with utilities' annual reporting deadline under GO 104-A, i.e., March 31 of the following year.[73]

- Adherence to tribal law: clarify that IOUs are expected to consult with tribes regarding work by IOUs on tribal lands to ensure that the work is not contrary to relevant tribal laws.[74]

With respect to Muwekma Ohlone Tribe of the San Franciso Bay Area's comments regarding the Tribal Consultation Policy and TLTP, this decision confirms that both policies apply to all Native American tribes that are on the contact list maintained by the NAHC.[75] We also confirm, in response to the Pakan'yani Maidu of Strawberry Valley Rancheria, that the Tribal Advisor's contact list will serve as a continuing and supplemental means of tribal outreach and is not automatically limited by future changes to the contact list maintained

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filed September 2, 2026 (PG&E comments to proposed decision) at 3-4. *PacifiCorp (U 901 E) Comments to the Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy*, filed September 2, 2026 (PacifiCorp comments to proposed decision) at 6-7.

[72] PacifiCorp comments to proposed decision at 5.

[73] *California Water Association Opening Comments on Proposed Decision*, filed September 2, 2026 at 4-5.

[74] PG&E comments to proposed decision at 2-3.

[75] August 31, 2026 ruling, Attachment 1 at 9-10.

by the NAHC.[76] This decision further confirms that any Commission determination regarding disposition of disputed property is limited to deciding the particular disposition, and in no way addresses broader questions regarding the boundaries or validity of a tribe's ancestral territory.[77]

With respect to SoCalGas and SDG&E's recommendation against applying the TLTP to surplus properties, this decision affirms the Commission's authority to impose conditions on IOUs' proposed disposal of surplus properties that were removed from rate base because the IOU determined the property is not necessary or useful in the performance of the IOU's duties to the public. We agree with SCTCA that applying the TLTP to surplus properties does not conflict with Pub. Util. Code Section 851.[78] We modify the definition of surplus property, however, as described above.

With respect to SCTCA's recommendations regarding the Office of the Tribal Advisor and Tribal Information Forums, this decision confirms that the Office of the Tribal Advisor will continue to maintain its public website, and include a link to the Commission's Daily Calendar and updated relevant contact information, and will continue to assess and consult with tribes regarding other or additional information that is important to include on the website. We also agree that the issues SCTCA identifies as unresolved would be reasonable to

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[76] August 31, 2026 ruling, Attachment 1 at 1-2.

[77] August 31, 2026 ruling, Attachment 1 at 7 and 9-10.

[78] *Reply Comments of the Southern California Tribal Chairmen's Association on the Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy*, filed September 8, 2026 (SCTCA reply comments to proposed decision) at 3-4.

address during Tribal Information Forums.[79] As provided in the Tribal Consultation Policy this decision adopts, the Office of the Tribal Advisor will every three years conduct a review of its policies and procedures, and invite comment from tribes as part of that review.

13. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Valerie U. Kao is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Tribal Consultation Policy, as modified and adopted by this decision, recognizes tribes' status as sovereign governments in accordance with the Government-to-Government Consultation Act.

2. With respect to the Tribal Consultation Policy, the proposed responsibilities of Commission staff, including the Office of the Tribal Advisor, will facilitate the Commission's engagement with tribes in accordance with the Government-to-Government Consultation Act.

3. Periodic review of the Tribal Consultation Policy will provide for consideration of potential modifications that enhance the Commission's engagement with tribes.

4. Applying the TLTP to IOUs' proposed dispositions of surplus property will expand the range of properties for which tribes will receive notice and opportunity to express interest in.

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[79] *Opening Comments of the Southern California Tribal Chairmen's Association on the Proposed Decision Revising and Adopting Tribal Consultation Policy and Tribal Land Transfer Policy*, filed September 2, 2026 at 4-6.

5. With respect to the TLTP, requiring IOUs to request a list of tribal contacts from the Office of the Tribal Advisor is in alignment with the responsibilities delegated to the Office of the Tribal Advisor by the Tribal Consultation Policy.

6. Tribes that express interest in acquiring a property need certain information, including easements of record and current appraisal value, to determine whether to make an offer.

7. A map of county boundaries with an overlay of IOU service territories will assist tribes in identifying IOU service territories that may overlap with their self-identified ancestral lands.

8. Regular and consistent communications with tribes will facilitate the Commission's tribal engagement and sharing of information with tribes.

Conclusions of Law

1. It is reasonable to modify the Tribal Consultation Policy to specify the responsibilities of Commission staff, including the Office of the Tribal Advisor, in accordance with the Government-to-Government Consultation Act.

2. It is reasonable to modify the Tribal Consultation Policy to require the Office of the Tribal Advisor to periodically review the Tribal Consultation Policy and to recommend any proposed modifications to the Commission.

3. It is not reasonable to limit the TLTP to IOUs' proposed dispositions of property that are necessary or useful in the performance of their duties to the public.

4. It is reasonable to modify the TLTP to apply to IOUs' proposed dispositions of surplus property.

5. It is reasonable to modify the TLTP so that IOUs must request a list of tribal contacts from the Office of the Tribal Advisor instead of from the NAHC, because the NAHC may modify its list to omit some non-federally recognized tribes and because the Office of the Tribal Advisor is delegated by the Tribal Consultation Policy to maintain a tribal contact list for outreach to and communication with tribes regarding Commission proceedings and other actions.

6. It is reasonable to modify the TLTP to require IOUs to provide easements of record and the current appraisal value of a property to tribes who express interest in acquiring the property, because tribes need this information to determine whether to make an offer.

7. It is reasonable to require the Office of the Tribal Advisor produce and publish a map of county boundaries with an overlay of IOU service territories.

8. It is reasonable to require the Office of the Tribal Advisor convene quarterly Tribal Information Forums for information exchange to address issues within the Commission's jurisdiction and relevant to tribes.

O R D E R

IT IS ORDERED that:

1. The California Public Utilities Commission modifies and adopts its Tribal Consultation Policy, as detailed in Attachment 1 to this decision.

2. The Commission and Commission staff, as defined in the Tribal Consultation Policy, including the Office of the Tribal Advisor and identified division tribal liaisons, shall comply with all requirements and responsibilities

set forth in the Tribal Consultation Policy, as updated and detailed in this decision and in Attachment 1.

3. The California Public Utilities Commission modifies and adopts its Tribal Land Transfer Policy, as detailed in Attachment 2 to this decision.

4. The investor-owned utilities, as defined in the Tribal Land Transfer Policy, shall comply with all requirements and responsibilities set forth in the Tribal Land Transfer Policy, as updated and detailed in this decision and in Attachment 2.

5. Within 30 days after the issue date of this decision, the Office of the Tribal Advisor shall publish on its webpage a map of county boundaries with an overlay of the service territories of the investor-owned utilities, as defined in the Tribal Land Transfer Policy.

6. Beginning with the first quarter of 2027, the Office of the Tribal Advisor shall convene quarterly Tribal Information Forums, inviting all California tribes, for information exchange to address issues within the Commission's jurisdiction and relevant to tribes.

7. Rulemaking 22-02-002 is closed.

This order is effective today.

Dated _____, at San Marcos, California.