Tribal Consultation Policy of the California Public Utilities Commission

(revised 2026)

1. Introduction

The California Public Utilities Commission (CPUC or Commission) adopts this Tribal Consultation Policy to address the CPUC's consultation, communication, and collaboration with California Native American tribes.[1] The Commission recognizes and supports the intent of the Governors' Executive Orders and statutory provisions regarding the relationship between the State and State agencies and California Native American tribes.[2] This policy is drafted with the intent to further these policies issued by the Governor through California Executive Orders and related statutory provisions.

It is the intent of this policy to establish guiding principles to consult with California Native American tribes on both a government-to-government basis, as well as on an informal basis when requested and deemed to be appropriate through discussion with a requesting tribe(s), or as required by statute (e.g., Assembly Bill 52 and Section 106 National Historic Preservation Act). Such consultation may also be initiated by the Commission as set forth in this policy, where the Commission believes its actions may impact California Native American tribes.

a) Addressing Historical Wrongs

On June 18, 2019, Governor Gavin Newsom issued Executive Order N-15-19 to formally apologize on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect that California inflicted on tribes. Through this Executive Order, Governor Newsom

[1] The CPUC first adopted a Tribal Consultation Policy in 2018. This revised Tribal Consultation Policy results from Rulemaking (R.)22-02-002, the proceeding initiated by the CPUC to consider revisions to the CPUC's tribal policies.

[2] "California Native American tribe" shall mean a California Native American tribe on the list maintained by the NAHC for purposes of tribal consultation under Chapter 905, California Statutes of 2004.

reaffirmed Governor Brown's Executive Order B-10-11[3] and directed his 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 California State Legislature also has encouraged state agencies to engage in government-to-government consultations with California Native American tribes. Assembly Bill 923 (Ramos, Ch. 475, Statutes of 2022) advances Executive Order B-10-11 by encouraging the State and its agencies to consult on a government-to-government basis with California tribes. Assembly Bill 275 (Ramos, Ch. 167, Statutes of 2020) further acknowledges that "government-sanctioned extinction policies" and actions dispossessed California Indian Tribes from their lands, which "sustained a culture of historical maltreatment of California Indian [T]ribes that existed brutally from around the 16th century through the early 20th century, with the aftermath of these policies and mistreatment still visible and tangible today" including "separation of California Indian [T]ribes from many of their cultural items and Native American human remains."

Tribal consultation is a key component in addressing the historic wrongs against California Native Americans sanctioned by the State. Prior to colonization, the entirety of what is now known today as the State of California was tribal territory. California Native American tribes and people are the original stewards of the lands and waters in

[3] Executive Order B-10-11 declared that "the State is committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes by identifying areas of mutual concern and working to develop partnerships and consensus." It directed state executive agencies and departments to "encourage communication and consultation with California Indian Tribes." It further directed state agencies and departments "to permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities."

California, a relationship that continues to this day.[4]

Today, California is home to the largest number of tribes in the contiguous United States. In recent years, the state has adopted executive orders and other policy directives to improve communication between public agencies and tribes. The primary objective of these efforts is to ensure that tribes can participate meaningfully in decisions that may affect their communities.

2. Purpose and Background

The Commission is committed to consulting with California Native American tribes (broadly referred to as "tribes" throughout this document) as it carries out its work. The CPUC, among other work:

- Regulates privately-owned utilities, including gas, electric and water utilities, and oil and gas pipeline companies, and approves of the rates they charge to customers.
- Regulates some aspects of telecommunication companies.
- Regulates the safety of utilities, railroads, common carriers, charter party carriers and other transportation providers.
- Serves as lead agency responsible for compliance with the California Environmental Quality Act (CEQA) and tribal consultation under Assembly Bill 52 (Stats. 2014, ch. 532) for permitting of certain electric, natural gas, oil, communications, and water infrastructure and grant funding of communications infrastructure.
- Implements laws that require the electric utilities to procure renewable electricity to reduce greenhouse gas emissions, and that require electric and gas utilities to offer incentives, grants or rebates for energy efficiency, installation of renewable energy or energy storage, and installation of electric vehicle chargers.

[4] Consistent with this same recognition in the California Natural Resources Agency Tribal Consultation Policy (see page 3 footnote 4), there is a long and strenuous history between the State of California and California Native American tribes. While this policy does not attempt to outline the full detailed history, it is essential to acknowledge this past to provide the foundation for building and improving relationships at present and in the future.

- Implements programs that offer reduced rates for low-income gas and electric customers, such as the California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) programs; "LifeLine" for telephone service; and subsidies for broadband services for underserved communities.
- Implements utility programs that provide no-cost energy efficiency upgrades to low-income customers, such as the Energy Savings Assistance (ESA) Program and incentives for onsite renewable energy generation, low carbon transportation and energy storage.

In 2018, the Commission adopted a Tribal Consultation Policy. This policy document expands on the Commission's 2018 Tribal Consultation Policy goals of:

- Recognize and respect tribal sovereignty;
- Encourage and facilitate tribal government participation in CPUC proceedings;
- Give meaningful consideration to tribal interests in issues within the CPUC's jurisdiction;
- Encourage and facilitate tribal government participation in CPUC-approved utility programs;
- Protect tribal cultural resources; and
- Encourage investments by tribal governments and tribal members in onsite renewable energy generation, energy efficiency; low carbon transportation and energy storage.

Tribes have expressed the need for an updated consultation policy that incorporates new laws, executive orders, regulations, and programs that ensure the Commission and the divisions within the Commission are advancing early, often, and meaningful tribal consultation across its work; therefore the below goals and objectives of this policy include:

- Recognize and respect tribal sovereignty, including respect for tribal law, governing authority, and the consultation policies adopted or established by tribes.
- Acknowledge that tribes are the primary source of knowledge concerning their ancestral territories.

- Recognize Traditional Ecological Knowledge and tribal cultural landscapes as important forms of information in relevant proceedings.
- Encourage and facilitate tribal government participation in CPUC proceedings and CPUC-approved programs.
- Institutionalize the Commission's policy of early, often, and meaningful consultation with California Native American tribes with the intent of collaborative problem-solving and partnership.
- Facilitate collaboration between the Commission and its regulated entities regarding tribal consultation and engagement, when wanted by tribes, for the purpose of improving tribal government access to CPUC-approved programs and information about CPUC-regulated projects.
- Support tribal efforts toward water, land, communications, cultural resource, and energy sovereignty.
- Protect tribal cultural resources[5] on and off reservations, and treat those resources with culturally appropriate dignity by accounting for tribal cultural values and the meaning of the resources to the consulting tribes, including but not limited to:
    - Protecting the cultural character and integrity of the resources;
    - Protecting the traditional use of and access to, the resources; and
    - Protecting the confidentiality of the resources.

These goals are consistent with Governor Brown's Executive Order B-10-11 and Governor Newsom's Executive N-15-19. Since 2018, the Commission continues to learn from and partner with Tribes.

In an effort to meet these goals and address the areas that have raised by California Native American tribes the Commission seeks to continue to establish and maintain a respectful and effective means of communicating with tribes and will seek in good faith to:

[5] Tribal cultural resources (TCRs) are defined in Public Resources Code § 21074.

- Provide guidance for staff regarding which personnel are designated to represent their divisions in tribal consultations and the roles and responsibilities of the Tribal Advisor and division tribal liaisons.
- Establish a consistent tribal consultation policy implementation across divisions within the Commission, consistent with California law.
- Provide guidance to regulated industry staff, Executive, Legal, and Administrative Law Judge (ALJ) Division staff regarding expectations as to consultation, coordination, and notice to California Native American tribes regarding state regulated programs, projects, and requirements.
- Give timely and meaningful consideration to tribal interests on issues within the Commission's jurisdiction, including:
    - Assess the potential impact of proposed Commission actions on tribal interests and ensure, to the greatest extent feasible, that tribal concerns are considered before such actions are taken such that impacts are avoided, minimized, or mitigated in conformity with legal requirements;
    - Provide timely and useful information relating to proposed actions that may affect tribal interests;
    - Acknowledge and seek ways to accommodate the limited financial and staffing resources of Tribes and the Commission to ensure effective communication and consultation; and
    - Identify and endeavor to remove unnecessary impediments to working effectively with Tribes.
- Support tribal efforts toward digital sovereignty and encourage and facilitate tribal government participation in Commission approved broadband programs.
- Encourage investments in and by tribal governments in onsite and virtual renewable energy generation, energy efficiency measures; low carbon transportation and energy storage deployment; and broadband development opportunities.
- Develop technical assistance and guidance to tribes in their efforts to engage with CPUC.

The goals and objectives set out above continue these efforts and are responsive to the comments and feedback expressed by California Native American tribes through

many consultations, meetings, letters, and other engagement that has occurred throughout the State since the initiation of Rulemaking (R.)22-02-002.[6]

3. Tribal Consultation

It is the policy of the Commission to engage in early, often, and meaningful consultations with California Native American tribes on policies, processes, programs, proceedings, and projects that may impact tribal communities.[7] Consultation may be both informal and formal as described below. California Government Code Section 65352.4 defines "consultation" as:

> "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance."

This policy promotes early and often communication and collaboration through informal consultation whereas formal consultation refers to Government-to-Government Consultation. This policy encourages staff to seek early, often and meaningful communication and collaboration to promote effective and positive working relationships.

Government-to-Government Consultation is a formal consultation process that occurs between tribal and state or federal governments. This process recognizes the sovereign-to-sovereign relationship and unique responsibilities that exist between

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[6] Summaries of the issues raised in many of these meetings were submitted into the record of R.22-02-002 via ALJ Ruling.

[7] Government Code Section 11019.81 (c).

recognized tribes and the United States (and by virtue the states within it). Such legal obligations include, but are not limited to, trust responsibility, treaty rights, executive orders, and case law.[8]

a) Overview

Consultation between the Commission and California Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.[9]

For the purposes of this policy, tribal consultation is broken down into two levels of consultation: formal Government-to-Government Consultation and informal consultation. Consultations may be initiated by either a tribal government or the Commission.

Consultation applies to Actions with Tribal Implications, as defined below. When determining whether an Action may have Tribal Implications, the Commission should take as broad of an approach as feasible.

It is important to note that capacity constraints may prevent a tribe from responding to a request for consultation, even if they are interested in the issue. Moreover, a nonresponse from a tribe does not indicate consent to a Commission action, and the Commission should continue engaging and requesting consultation as the proceeding or other Commission process progresses.

Tribes may not respond to a request for consultation or may decline to consult. If a tribe does not respond to a request for consultation, the Commission will continue to notify tribes of updates as the Action progresses. If a tribe clearly states they do not

[8] See California Natural Resources Agency Tribal Consultation Policy, see CNRA Tribal Consultation Policy at page 3 footnote 3.

[9] Government Code Sections 7927.000-7927.005.

want to consult on a particular action, but, later in time, the tribe wishes to re-engage in consultation regarding the action, the Commission shall include them in future consultations and notifications.

b) Objectives of Consultation

While the specific issues and desired outcomes for Tribal consultation will vary with each situation, the following objectives apply to all consultations. For each consultation, the Commission shall:

1) Share pertinent materials with a tribe in a timely fashion such that tribal leaders, representatives, and/or staff may make an informed decision and provide meaningful comments.
2) Provide tribal consultation timelines that allow tribal leaders, representatives, and/or staff to process information, schedule internal and external meetings, make informed decisions, and provide thoughtful comments and feedback.
3) Provide opportunities for tribal leadership to express their views and concerns and in so doing, for Commission staff to develop a clear understanding of the tribal perspectives, needs, and concerns.
4) Strive for collaborative problem-solving as well as integrating and advancing of tribal priorities and perspectives into Commission decision-making where feasible.

c) Definitions of Tribal Consultation

- Assembly Bill 52 (AB 52) passed in 2014, amended the Public Resources Code and requires as of July 1, 2015 all California Environmental Quality Act (CEQA) lead agencies to, within 14 days of undertaking a project, consult a California Native American tribe, or tribes, that is/are traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe

responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.[10]

- Tribal consultation: the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.
- Formal Consultation: Government-to-Government dialog between official representatives of a tribe and the Commission that is initiated via a formal request and follows a prescribed process.
- Informal Consultation: Tribal engagement through regular communication, collaboration and relationship building. This includes staff to staff meetings and coordination by Commission staff of discussions between tribal representatives and representatives of investor-owned utilities. "Informal" describes a procedural category and not the value, seriousness, or weight of the tribal and state participation involved.
- "Early, Often, and Meaningful":
    - Early: Early consultation requires that the Commission consult Tribes before an action or decision cannot be changed, and preferably before Commission actions and decisions have been made.
    - Often: The Commission will strive to build and maintain relationships with California Native American tribes on an ongoing basis, before formal consultation is needed.
    - Meaningful: Meaningful consultation requires that the Commission hear, understand, respect, and consider tribal feedback and comments; accordingly, consultation must happen well in advance of any major Commission decisions.
- "Actions with Tribal Implications":

[10] See California State Water Resources Control Board Tribal Consultation Policy dated June 2019. AB 52 procedural requirements are set out in statute, and the Commission staff will continue to conduct AB 52 consultation consistent with the procedural statutory requirements. AB 52 consultation is subject to the objectives and intent of this policy, while timelines and compliance may be different than what is set forth for herein for other consultations.

- Actions may include, but are not limited to: Commission development of policies, regulations, guidelines, processes, programs, legislative proposals, projects, and rulemakings, as well as Commission review of regulated entities' applications, strategic plans, planning documents, funding and grant opportunities, memoranda of understanding, or operational activity.
- Actions with Tribal Implications are actions:
  - conducted by the CPUC that can potentially impact California Native American tribes; or
  - that are of interest to tribes, including but not limited to tribal cultural resources, natural resources, economic development, access to and use of ancestral lands, ancestral land return, or the availability of public resources and services to Tribes and their communities.

d) Considerations in the Timing of Consultation Initiation and Frequency

As stated above, "early, often, and meaningful" are key principles of the Commission's Tribal Consultation Policy. This means that the Commission should contact potentially affected tribes as early as feasible and on as frequent or as-needed basis to achieve the consultation objectives set forth in this policy and to "allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications."[11] Determining when and how often to consult with a tribe may depend on several factors including, but not limited to:

1) State laws and mandates, such as Public Resources Code Section 21080.3.1 (AB 52).[12]
2) Commission-specific mandates (e.g. permitting and regulatory actions).

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[11] Government Code Section 11019.81 (c).

[12] Government Code Section 11019.81 (b)(3).

3) Size and complexity of a particular project or action (e.g. permitting, broad policy decisions, emergency actions, etc.).
4) Number of tribes, governmental entities, or stakeholders that may be potentially affected by an agency action.
5) Whether the Commission, or a tribe has requested consultation.
6) Commission meeting schedules.
7) Tribal council meeting schedules and other tribal events or ceremonies.

e) Commission Consultation Process

Determining when to seek consultation with tribes requires a two-step analysis: (1) the Commission should first determine whether its action has potential implications for tribes, may be of interest to tribes, or would have impacts to their ancestral lands, cultural or natural resources;[13] and, (2) for actions identified in step one, tribes, the Commission, or its divisions should identify key milestones, needs, and timing associated with the action and identify where in that process to seek consultation with tribes such that tribes have multiple opportunities to provide meaningful and timely input to inform the decision-making of an action.

There are three levels of the Commission that should consider tribal implications: Commissioners, ALJs, and Staff.

i. Tribal Requests for Consultation

Tribes are encouraged to reach out to the Commission's Office of the Tribal

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[13] The Tribal Advisor will work with the ALJ Division tribal liaison, relevant division tribal liaisons, Executive Management Team and respective assigned Commissioner offices to make an initial determination. The Tribal Advisor will also provide information on new and high-profile proceedings on a regular basis to tribes. The Commission recognizes that it may not be possible for the Tribal Advisor to compile and track every action that could fall within this provision. With that recognition in mind, the Tribal Advisor will strive to provide notification of critical Commission actions to California Native American tribes. For AB 52 consultation Commission staff will work with the Tribal Advisor to address these two prongs consistent with statutory requirements.

Advisor for informal consultation regarding actions of the Commission.

In the event that there is a request for formal consultation, the tribal entity is encouraged to express the request in writing to the Office of the Tribal Advisor. Prior to a Government-to-Government Consultation, the Tribal Advisor will hold a pre-consultation meeting with tribal representatives, if requested by the requesting tribe, and relevant Commission representatives to identify the desired outcomes of the Consultation.

If it is determined by the tribe that formal consultation is desired, the tribe will notify the Office of Tribal Affairs, the Executive Director, or Commissioner(s). Formal consultation will be initiated within 60-days of the initial request.[14]

ii. Commission Requests for Consultation

The Commission shall seek consultation with tribes on high level policy issues that obviously and specifically impact tribes or are of critical statewide importance. Examples of methods or ways that the Commission may seek tribal consultation include through working groups, workshops, group or individual tribal consultations , or in collaboration with other state agencies and any combination thereof.

The Commission may also seek consultation with an individual tribe on a specific issue that relates to matters within the specific tribe's jurisdiction or where a Commission action is subject to the CEQA process.

iii. Emergency Consultations

In some cases, consultation periods are truncated, or the Commission may need to take emergency actions that require quick decisions to protect life, the environment, or property (e.g., wildfire response, flooding from storms, oil spills, emergency

[14] AB 52 consultation will be subject to statutory timelines, which may be different than the general timelines set forth in this policy.

regulations, public health, etc.). During these emergency situations, the Commission may not be able to offer "early" consultation to tribes. However, the Commission should strive to uphold the principles of this policy (i.e. early, often, and meaningful consultations) to the extent practicable and allowable under the law. Additional local, state, and federal laws may also need to be considered.

During specific emergencies that involve the Commission 's jurisdiction, the Commission will coordinate with the Office of Emergency Services to assure that appropriate tribes are contacted and made aware of the pending emergency.

f) Coordination of Tribal Consultation Policy with Other Commission Policies:

This policy shall inform and be read in coordination with the Commission's Tribal Land Transfer Policy and its Environmental and Social Justice Action Plan, in current and future iterations.

4. Tribal Consultation Authority

a) Overview

This section includes details concerning tribal consultation authority and how the Commission Tribal Advisor and tribal liaisons are designated at division levels. Commission staff who are not designated tribal liaisons shall closely coordinate with the Commission Tribal Advisor and their division tribal liaisons when working on projects that might affect tribes, including working with the Tribal Advisor on implementation of tribal consultations.

b) Officials with Authority to Conduct Government-to-Government Consultations with Tribes:

The President (or their designee), Commissioners (or their designee), the Executive Director (or their designee), and the Commission's Tribal Advisor shall have the authority to participate in government-to-government consultations with tribal

governments. Division tribal liaisons may be included in government-to-government consultations at the invitation of the authorities listed above. Absent authorization from the Commission or authority set forth in a Commission decision or resolution, no decisions on behalf of the Commission can occur during the consultation. Information gained in the consultation shall be provided to the appropriate Commission officials or staff to seek further resolution of the issues discussed in the consultation.

c) The Tribal Advisor and Division Tribal Liaisons

The Tribal Advisor and division tribal liaisons shall be available to support their colleagues to determine if or when a project or department action may affect a tribe or tribes and to determine the most appropriate pathway(s) for tribal consultation on a given action.

iv. Commission Tribal Advisor[15]

The Tribal Advisor is delegated authority to conduct initial tribal consultations, as described above, with appropriate Commission staff subject to coordination with the Commission Executive Director and appropriate Commissioner.

The Tribal Advisor is charged with maintaining an up-to-date list of tribal liaisons for each division in the Commission as approved by the Deputy Executive Director for the division (see section ii Division Tribal Liaisons below).

The Tribal Advisor is the lead CPUC staff person responsible for engaging with and assisting tribes. The Tribal Advisor also coordinates with Commission staff, including the division tribal liaisons, as needed, to support such efforts.

The Tribal Advisor will assist with implementing this policy. The Tribal Advisor is responsible for coordinating such activities as outreach, communication, education,

[15] When referencing Tribal Advisor this document is referring to the duties and responsibilities of the Office of the Tribal Advisor at the California Public Utilities Commission.

and other activities affiliated with tribal interests both internally and externally of the Commission. The Tribal Advisor is a point of contact for tribal governments and assists with enabling participation in Commission proceedings and Commission-approved programs. The Tribal Advisor will facilitate CPUC leadership availability for government-to-government consultation. The Tribal Advisor will manage the tribal contact list, training, other guidelines, materials, and resources relevant to the Commission's tribal consultation and engagement.

In the absence of a Tribal Advisor, any tribe seeking consultation from the Commission should continue to utilize the contact information on the Commission's Office of the Tribal Advisor webpage and may also contact the Commission's Public Advisor's Office.

The Commission Tribal Advisor has the responsibility to ensure consistency of the implementation of this policy. To accomplish this, the Tribal Advisor should strive to convene all division tribal liaisons on a monthly basis, to conduct activities that may include providing resources, coordinating on shared projects, and conducting trainings as needed. The Tribal Advisor may create sub-working groups to provide additional focus on key tribal affairs policies, including the implementation of this policy. The Tribal Advisor should strive to conduct a suite of trainings for all division tribal liaisons regarding the implementation of this policy and other tribal affairs policies. Further, the Tribal Advisor should strive to offer annual training for all employees at the Commission on this policy and tribal consultation best practices.

The Tribal Advisor, in coordination with Commissioner offices, should organize at least one statewide meeting no less than every two years or in partnership with other government agencies with an invitation to all California tribes, to provide information on Commission policies, proceedings, and general information covering the Commission's regulatory authority. Additional meeting(s) shall also allow time for tribes to provide information on areas of focused interests, concern or developments in

Indian country related to the industries regulated by the Commission. Such meeting(s) can take the form of a workshop, symposium, or other format that allows for information exchange between the Commissioners, Commission staff, California Native American tribes, and California Native American tribal staff.

The Tribal Advisor shall attend the Governor's quarterly Tribal Liaison/Advisor quarterly meetings (or send a division tribal liaison designee if unavailable). The Tribal Advisor's Office is also responsible for coordinating a booth and staffing from Commission divisions at California Native American Day or other state sponsored events recognizing California Native American tribes for the Commission.

v. Division Tribal Liaisons

Each division within the Commission is required to have a division tribal liaison.

A division tribal liaison must be approved by the Deputy Executive Director of the division. The list of tribal liaisons shall be provided to the Executive Director, the Deputy Director of the Office of the Commission, each division Deputy Director, the Chief Administrative Law Judge, General Counsel and each Commissioner Office. The list should be updated regularly. The list should be updated regularly, at a minimum quarterly, and shall be maintained by the Office of the Tribal Advisor.

Pursuant to this policy, division directors are required to formally designate a division tribal liaison(s), subject to the approval of the division's deputy executive director and to provide the following information to the Commission Tribal Advisor. for purposes of including the division designee on the Commission Division Tribal Liaison List: the 1) name, 2) title, 3) classification, 4) email, and 5) phone number.

Division directors are encouraged but not required to designate a department tribal liaison at the supervisor or senior staff level, with authority in the division. Each division is encouraged to have at least one designated tribal liaison with a portion of their working responsibilities allocated to perform the duties associated with the division tribal liaison roles and responsibilities noted below, to the extent such

allocation is feasible. It is highly encouraged to include the duties of the division tribal liaison in the job description and duty statement of the position serving as the division tribal liaison. Depending on the size and number of programs managed by a division, more than one tribal liaison may be designated at the discretion of the division Deputy Executive Director.

vi. Division Tribal Liaison Roles and Responsibilities

Division tribal liaisons serve as the main point of contact and act as the division's principal representative between division staff and the Tribal Advisor.[16]

Division tribal liaisons should generally be responsible for responding to requests for information and coordination with the Tribal Advisor, participating in engagement activities, and providing briefings to the Tribal Advisor, Executive Management, and Commissioner Offices as needed.

Division tribal liaisons provide support as needed to the Tribal Advisor. The Tribal Advisor ensures the implementation of the Commission's consultation policies and compliance with state mandates regarding tribal consultation. As such, division tribal liaisons and Commission CEQA staff provide critical support in fulfilling these responsibilities through coordination with the Tribal Advisor and ensuring appropriate subject matter experts are available as needed.

There may be situations where tribal governments or tribal government staff have questions or need information regarding matters that fall within the Commission's jurisdiction. A tribe may request an informal staff-to-staff consultation or meeting to address these issues or questions. The Tribal Advisor and relevant Commissioner

[16] For purposes of AB 52 consultation the Commission's CEQA staff, in coordination with the Tribal Advisor shall be the primary contact for AB 52 consultation. The CEQA staff will contact the Tribal Advisor to utilize the list maintained by the Tribal Advisor and ensure the Tribal Advisor is kept up to date on all AB 52 consultations and included as necessary.

should be notified of such a meeting. Nothing in this policy prevents division tribal liaisons and division subject matter expert staff from participating in such staff-to-staff tribal consultations or meetings. These consultations are distinguished from the Government-to-Government consultations and AB 52 consultations described above in this policy.

Division tribal liaisons and CEQA staff conducting AB 52 consultation are required to complete the statewide tribal consultation training provided by the California Department of Human Resources, the Commission's annual tribal training program (to be developed by the Tribal Advisor no later than June 1, 2027); and division tribal liaisons are also required to attend the Tribal Advisor's regular tribal affairs meetings.

5. Facilitating Tribal Government Participation

The Commission will encourage and facilitate tribal government participation in its programs and proceedings.

a. Tribal governments may contact the Commission's Tribal Advisor for assistance to initiate participation in a proceeding or consultation with Commission staff or decision-makers. If a tribe identifies a specific issue for consultation with the Commission and requests consultation, the Tribal Advisor will identify the appropriate Commission staff and/or decision-makers to participate in the discussions and ensure that the matter receives appropriate consideration.

b. The Commission's Tribal Advisor shall coordinate with the ALJ Division tribal liaison to develop a process to notify tribal governments of proceedings that have the potential to impact California tribes. Proceedings that might impact California tribes include, but are not limited to: requests for rate authorizations, including general rate case (GRC) applications; infrastructure permitting; safety or reliability matters such as public safety power shutoffs; etc. Notification may take place via regular communication identifying new proceedings and notice of upcoming workshops/Commission sponsored events that provide

information to California tribes as determined by the Tribal Advisor.

c. The Commission will give special consideration to tribal governments' requests to participate in Commission proceedings. ALJs and Commissioners are strongly encouraged to grant a tribal government's request to become a party in a proceeding, even if a request is untimely, if the proceeding can continue under the existing schedule, or if it is reasonable to modify the schedule and consistent with principles of due process. The assigned division staff, assigned Commissioner Office and ALJ are expected to coordinate with the Commission Tribal Advisor at the outset of a proceeding to discuss the extent and type of tribal outreach and engagement that may be required on a case-by-case basis.

d. The Tribal Advisor, Public Advisor, and commission staff will assist tribal governments in locating relevant information and documents that will facilitate and assist tribes in their participation in Commission proceedings and/or Commission-approved programs. If necessary, the Tribal Advisor or Commission staff will send the relevant information or documents to the tribal government electronically or direct them to where they can find such information on the Commission or IOU websites. Commission staff and the Public Advisor should coordinate with the Commission Tribal Advisor as necessary to assist with fulfilling the requirements of this provision.

e. Commissioners and their advisors will make every effort to grant tribal governments' requests for in-person meetings with decision-makers, consistent with the applicable law regarding ex parte communications and the equal time requirements.[17] Other Commission staff will also accommodate tribal governments' request for in-person meetings, whenever possible. The form of the meeting, in-person or virtual, requested by the tribal government should be accommodated where possible.

f. Commission staff and ALJs shall make efforts to ensure that relevant information the Commission receives from a tribal government is submitted into the record of a proceeding, consistent with confidentiality requirements. Where a tribal

[17] Public Utilities Code Section 1701.3(h)(3).

government has submitted written comments in a proceeding, the decision shall explain the tribe's concerns and how they are addressed. Where the Commission is unable to fully address the tribe's concerns, the Commission shall clearly explain the legal, practical, or policy considerations underlying its decision.

g. The Commission will make efforts to ensure that tribal governments are aware of Commission-managed grant programs and Commission-approved utility incentive and subsidy programs offered by the investor-owned utilities, especially those that target disadvantaged and/or remote communities. The Commission's Tribal Advisor will offer informational materials on Commission programs and meetings for tribal governments on these various programs, when requested. Information regarding Commission-managed grant and Commission-approved utility incentive and subsidy programs will be posted on the Office of the Tribal Advisor web page and information shall be included in the Office of the Tribal Advisor regular communication with tribal representatives.

h. Where feasible, Commission staff will provide information so that tribal governments may seek to participate in (or benefit from) grant programs implemented by the Commission and various Commission-approved incentive and subsidy programs administered by the utilities. The Commission Tribal Advisor will offer assistance to tribal governments on how to navigate the application process and will work to coordinate so that subject matter experts within the Commission are available to answer questions beyond the scope of the Tribal Advisor when possible.

i. If a tribal government believes that consultation has not met the standards set forth in this Policy, it may submit a written letter to the Executive Director of the CPUC explaining the deficiencies. Within 30 days, the Executive Director will either meet with the tribal government, or respond in writing, and will then direct any further consultation that is deemed appropriate.

6. Review of Tribal Consultation Policy

Every three (3) years the Tribal Advisor, in coordination with division tribal liaisons, specifically including division tribal liaisons for the ALJ Division and Legal Division, shall review the policy and provide recommendations for any modifications

to the policy. The Tribal Advisor shall report to the Commission on whether or not modifications are recommended and if so the specific modifications. The Tribal Advisor shall also provide notice of any recommended modifications to the Tribal Consultation Policy to the list of Tribal contacts maintained by the Office of the Tribal Advisor. The recommendations should be provided no later than the last day of March following the third year of implementation of this policy, and every third year thereafter.

7. Limitations of this Policy

This policy is intended solely for the employees of the Commission and does not extend to other governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between the Commission and California Native American tribes or tribal communities. This policy is not a regulation, and it does not create, expand, limit, or waive any laws, legal rights, or obligations, nor is it intended to be punitive such that it alters any existing collectively bargained for employment rights or memorandums of understanding between unions and the state.