

FINAL REPORT:  
Energy Options Analysis  
and Organization  
Development  
DE-FG36-05GO15172

*PREPARED FOR:*

*THE WINNEBAGO  
TRIBE  
OF NEBRASKA*

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## A. Background

The Winnebago Indian Reservation is located in the northern half of Thurston County in northeastern Nebraska, and covers approximately 120,000 acres of cropland, woodland, and pasture. The County's total population as of early 2004, inclusive of the Tribal members is 7,171. The closest metropolitan areas to the Reservation are Omaha, Nebraska, located 88 miles to the south, and Sioux City, Iowa, located 21 miles to the north. The Reservation borders the Missouri River, and the largest community on the Reservation is the Village of Winnebago.

The Winnebago Village is home to most Winnebago Tribal members and accounts for almost thirty percent of the Reservation's resident population. The Tribe and individual Tribal members own approximately one third of the Reservation acreage. Non-Tribal members, however, farm much of the Indian land. Important sectors of employment on the Reservation include health and education services, manufacturing, agriculture, public administration, and retail trade. The Winnebago Tribe's Trust Lands and holdings in Iowa are approximately 1800 acres at present with plans to extend ownership as development occurs. The Winnebagas Casino and the Convenience Store/Gas Station complex play a significant part in the general economy both in employment and revenue for the Tribe. Future expansion plans include an 18-hole golf course, RV Park and Motel.

Relative to state and national statistics, unemployment is rather high and household and per capita incomes are low for Native Americans living on the Reservation. According to 1990 U.S. Bureau of Census figures, unemployment on the Reservation was 20.4 percent overall and 20.4 percent for the Native American population compared to 3.7 percent unemployment statewide and 5.6 percent nationally. It is estimated that 44 percent of the Native American population on the Reservation live at or below the poverty level. Tribal leaders expect that the Reservation's growth should continue above 5 percent for the next ten years, as better economic opportunities continue to retain more of the Winnebago youth, and as older Tribal members return to the Reservation to retire.

As a sovereign Nation, the Tribe has demonstrated a long-standing commitment to the preservation of its resources and cultural heritage, and to the creation of opportunities for its members to thrive and become economically and socially self-sufficient as individuals, families and as a Tribal government. As part of this vision, the Winnebago believe that self-determination in managing energy matters is an integral part of economic development, and thus, to realization of this commitment. Further, the Tribe believes that the results of this proposed project will create local and regional environmental benefit, improve employment conditions, enhance economic development, contribute to self-sufficiency and human capacity, and benefit Tribal electricity users through lower bills and enhanced reliability.

The Winnebago Tribe formed a Tribal Energy Committee in September 2003, and has considered a variety of alternatives for utility formation. This Energy Options Analysis follows a Department of Interior funded resource assessment conducted by the Tribe in 2004, and was designed to expand upon previous work done by the Tribe in assessing energy resources, examining options for creating self-sufficiency in energy matters, and integrating energy management with the Tribe's economic development goals. Other Winnebago efforts included a broad energy needs and resource assessment, conducted in 2004 and funded under a Department of Interior grant.

## B. Tribal Energy Vision

The Winnebago Tribal Energy Vision, Objectives and Goals are:



### 1 Tribal Mission Statement:

The Winnebago Tribe of Nebraska, as a sovereign Nation, is committed pursuant to its Constitution, to maintain, improve and protect the Tribe; to preserve its resources and cultural heritage; to create opportunities for its members to thrive and become economically and socially self-sufficient as individuals, families and as a tribal government; and, thereby, promote the harmony of traditional values, beliefs which will ensure a positive course of action for future generations.

### 2 Energy Vision:

The Winnebago Tribe of Nebraska is committed to assure availability of safe, reliable, affordable, and clean energy to all its members; to further the Tribe's goals for self-sufficiency and self-determination through empowerment in the Tribe's energy interests; to ensure adequate supply and quality of energy to meet the Reservation's present and future needs; and, thereby, contribute to the economy of the Winnebago Tribe of Nebraska, consistent with the Tribe's dedication to improvement of health, welfare, and social and economic self-sufficiency of the Winnebago People.

### 3 Strategic Energy Goals:

- To meet the intent of, and realize, the Winnebago Energy Vision.
- To exercise Tribal sovereignty and rights of self-determination.
- To utilize energy management as a means to facilitate accomplishment of the Tribe's goals for improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People.
- To integrate energy management into the Tribe's pursuit of economic and community development goals.
- To build a successful example of Tribal energy management that can be used as a model for other Tribal entities.

### 4 Near Term Energy Objectives:

- To determine energy management alternatives that can further the Tribe's goals for enhanced quality of life through improved reliability, safety, and affordability of energy services for all Tribal members.
- To identify and act upon energy management alternatives, and/or viable energy efficiency, conservation, load management, and/or renewable generation projects that can facilitate economic and community development.

- To identify and act upon opportunities for development of Tribal renewable energy resources that meet Tribal needs, consistent with the Tribe’s mission to preserve resources, cultural heritage, traditional values, and beliefs.
- To evaluate and act upon the formation of an appropriate Tribal Utility Entity, capable of advancing the Tribe’s energy management objectives.
- To act upon current trends and policy changes, which create opportunities for empowering the Tribe in managing its energy affairs.

## C. Project Objectives and Scope

The Winnebago Tribe of Nebraska’s overarching objective in conducting this study was to utilize its results to advance the Tribe’s near term energy management objectives. Winnebago’s growth trends and expansion plans have caused the Tribe to examine the vital role that energy plays in supporting growth and economic development overall. The Tribe views a need to play a more active role in assuring that safe, reliable, affordable, and clean energy is available to meet the Reservation’s present and future needs. In considering alternatives to meet these needs, the Tribe strives to maintain alignment between its growth goals, and cultural values of sustainable, environmental stewardship. With goals of improving reliability, safety, and lowering energy costs, the project originally intended to analyze energy management options as a whole, including conservation, energy efficiency, demand management, and generation development.

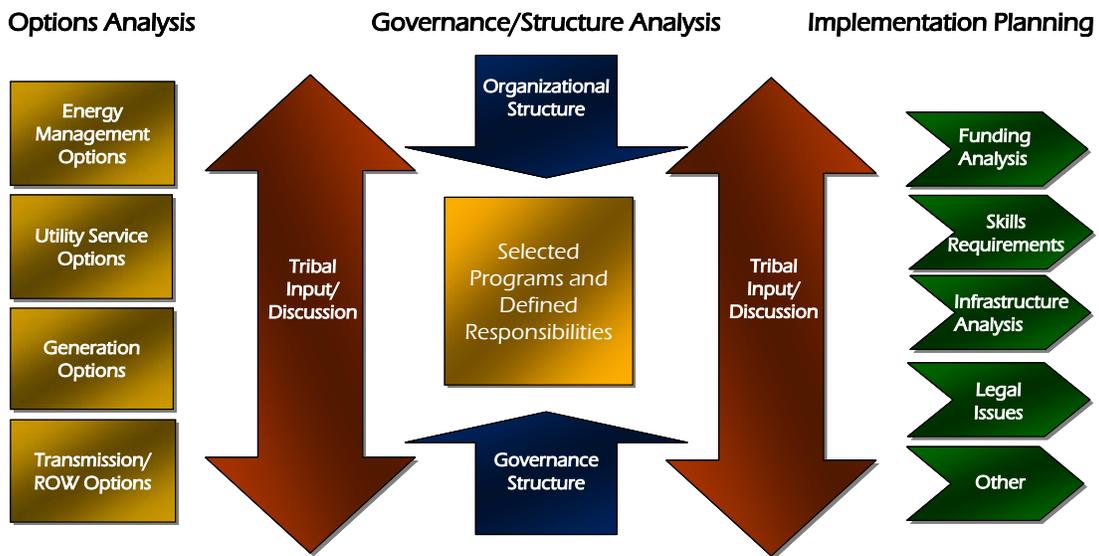
The study effort was carried out in several phases, with Tribal Council Secretary Louie Houghton acting as Project Director. The Winnebago Tribal Energy Committee acted as an advisory body and steering committee to Secretary Houghton. Red Mountain Energy Partners served as primary contractor to carry out the effort, in collaboration with, and under the supervision of the Tribal Project Director and Energy Committee.

The original scope was very broad, and included steps to:

- Analyze energy management options as a whole. With goals of improving reliability, safety, and lowering electricity costs in particular, options could include offsetting energy costs via –
  - Conservation, load management, and energy efficiency;
  - Self-supply through on-Reservation renewable generation;
  - Fuel volatility hedging through renewable generation; and
  - Power export from on-Reservation renewable generation.
- Analyze options for formation of a Tribal energy organization, which could best enable the Tribe to achieve its energy management goals. These options could include the creation of a Utility Authority, which *oversees and/or regulates* energy and/or non-energy (water, waste, telecommunications), reservation utility services, or a similar entity that assumes responsibility for the *management and operations* of these Reservation utility services.
- Validate the recommended options for execution, based on a Benefits Assessment. Factors for consideration could include utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
- Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

Early in the project, the Winnebago's interest in a few specific alternatives emerged. The Tribe was less concerned about the options and the process steps necessary to exercise energy management measures, but instead opted to evaluate its options for formation of the appropriate utility, utility authority, or organizational entity that could best facilitate accomplishment of its energy-related goals. The Organization Development component of the study considered a set of utility formation alternatives, and the proposed entity's oversight and regulatory alternatives, management, and operation alternatives. In the meantime, the Winnebago Tribe was notified that it had been awarded DOE funding to pursue its plans to conduct a Renewable Energy Feasibility Study, and opted to defer further discussion of all Renewable Energy-related activities to that effort. The Tribe submitted a revised Statement of Objectives on March 9, 2006, which was approved by the DOE Project Officer on April 14, 2006.

The following approach guided remaining project efforts, but focused primarily on the Utility Service Options aspect:



The following section describes in more detail the project tasks and activities undertaken in the course of remaining effort.

## D. Primary Project Tasks and Activities

During the project, the Tribe's contractor, Red Mountain Energy Partners, participated in six on-Reservation working meetings with the Energy Committee and Council to presents its preliminary analysis and findings, to discuss preliminary conclusions, to seek direction from Council.

Onsite meetings were held on:

- November 14 – 15, 2005
- February 16, 2006
- March 29, 2006
- April 24, 2006
- June 8, 2006
- July 19, 2006

The majority of Red Mountain's work took place in preparation for these meetings, at which Council, the Committee and other interested parties discussed, explored, raised questions and issues, and set direction for the effort.

The primary topics reviewed during each discussion included:

**November 14:**

- Project objectives
- Project approach
- Proposed project schedule
- The Winnebago Strategic Energy Vision
- Discussion of fit with present TEC goals
- Discussion of wind project opportunities (MAPS, DOI Economic Development, other funding sources)
- Information Needs Outline
- "Go-to" resources

**February 16:**

- Energy Management Options
- Utility Service Options
- Power Generation and Delivery Options
- Breakout Discussions to identify project contacts, resources, etc.

Following Red Mountain's presentation and discussion of broad utility options on February 16, Council recognized that in order to be able to implement any of these options, greater emphasis should be placed on creating the energy organization that could focus on energy, facilitate the implementation process and move to identify the best organization direction for the energy organization. The March on-site working meeting focused on presentation and discussion of each of these options in detail, so that the Tribe could make decisions based upon cost analysis and comparisons of the alternatives, the appropriate organizational structure that will enable execution of the best energy options identified, and identification of a sustainable financial structure for the optimum Tribal energy entity

**March 29:**

- Organization Structure Options
- Governance Options
- Implementation Issues
- Energy Manager Responsibilities
- Energy Organization Recommendations

**April:**

- Utility Board Structure
- Utility Board Responsibilities
- Utility Board Funding Sources
- Utility Board Implementation Plan

**June:**

- Implementation Plan Update
- Utility Code Discussion
- Utility Providers discussion

**July:**

- Summary Book Contents
- Implementation Plan Update
- Outstanding Issues

## **E. Deliverables**

The Tribe's contractor analyzed both energy options and energy organizational alternatives suitable for the Tribe, presented findings to the Tribal Council, and made recommendations regarding each. Work products delivered to the Tribe included:

### **1 Energy Options Matrix**

A matrix of energy management options applicable to the Tribe, which provided descriptions of particular conservation, efficiency, weatherization, and demand management alternatives. The matrix also provided insight about relative costs of the alternatives, cost/benefit efficacy, ease of implementation, resources for implementing, and observations about each.

### **2 Utility Services Matrix**

A matrix of utility service options applicable to the Tribe, describing each of the four alternatives described above. The matrix also provided insight about key benefits of each option, required resources, costs and timeframe for implementation, funding sources and analysis, and key issues for consideration.

### **3 Meeting Discussion Guides**

Discussion guides were prepared for each meeting with the Energy Committee and Council. Copies of the material for November, February, March, April, May and July are included in the Appendix.

### **4 Energy Manager's Position Description**

Red Mountain prepared a Position Description for the Energy Manager position, which was reviewed by the Tribal HR Department, and used by the Tribe to develop a position posting. The Energy Manager's Position Description is included in the Appendix.

### **5 Draft Utility Code**

A Utility Code was drafted, and revised, based on Council input. The Code was designed for Winnebago to use in establishing its Utility Board, and, once established, will provide guidance for the Board's further development. The Draft Utility Code is included in the Appendix.

### **6 Project Summary**

A project summary book was developed to include all key information, deliverables and utility provider data for the project. Books were provided to the Energy Committee and Council members,

in order to ensure that each participant had a complete record of project content and discussion topics. Book sections included:

- Statement of Project Objectives
- Final Report
- Project Deliverables
- Utility Code
- Utility Providers Summary
  - Energy Infrastructure
  - Nebraska Public Power District
  - Burt County Public Power District
  - Aquila
  - Qwest
  - Village of Winnebago
  - Woodbury County Rural Electric Association
  - Propane Services
  - Other
    - Energy Organizations
    - Nebraska Power Association
    - Long Range Power Supply Plan
    - Nebraska Power Association Privatization Study
    - Nebraska Power Review Board
    - Nebraska Rural Electric Association
    - Nebraska Energy Code
    - Low Income Weatherization Programs
    - Nebraska Energy Office
    - Nebraska Public Service Commission
    - Nebraska Electric Deregulation Activities

## F. Conclusions and Recommendations

While Winnebago had no overwhelming energy issues or crisis, Council has had a continuing interest in energy and utility issues. Its formation of an Energy Committee, and interest in further development of an energy organization through which to manage its energy interests, led to its application for DOE funding to pursue these activities. With that in mind, Red Mountain identified multiple funding sources available to provide resources to establish, develop, organize, staff and run the Utility Board, and should be scheduled, planned and accessed

Council recognized multiple needs, including integrated infrastructure planning, particularly with respect to the intersection of Tribal vs. Village utility infrastructure. Utility service appears adequate at this time, although rural members have expressed concerns about timing of outage responses.

The preferred alternative is a Winnebago Utility Board, led by a full-time dedicated manager and established as a Tribal governmental entity with jurisdiction over telecom, pipeline utilities, electric utilities, gas utilities, water companies, heating utilities, and all other utilities that operate, maintain, or control any equipment or facilities within the Reservation. The Utility Board should consider establishing an entity to oversee water, wastewater, solid waste, electric, gas, and telecom/internet services provided on reservation.

By focusing efforts on forming a Winnebago Utility Board with the responsibility to oversee, and ultimately regulate utility services provided by non-Tribal entities, improvements in access, service and control of infrastructure will result in improved services, and equitable charges for utility services.

Advocate for members re: customer service quality levels, including meter reading, billing, collection and disconnection policies; community programs, including low income assistance, energy efficiency or conservation; rate setting, including rate structure, levels, cost adjustments;

Given the multiple hats worn by Council members, it was apparent that a dedicated energy organization could provide focus to energy activities, efforts to access funding, and emphasis on improved Tribal member utility services. A full-time Energy Manager could provide coordination and focus to energy and utility activities, while both accessing and disseminating knowledge and communicating Tribal needs and requirements to Tribal, community and utility contacts.

Development of the Utility Code authorizes, or could ultimately authorize, extension of franchises to serve Tribal lands, including obligation to serve, non-discriminatory service; access authority; trespass penalties; right-of-way procedures, value and terms; condemnation procedures and environmental requirements. The Code also allows the Tribe to set policies re: tax collection issues, including prohibition of state taxes, or establishment of Tribal taxes; and could ultimately establish environmental approvals, and oversee right-of-way management, reporting, and, potentially, utility provider approvals.

While the draft Code authorizes the Tribe to consider utility system operations, including system maintenance and improvements, the Tribe has no current plans to operate electric, gas, water, or wastewater utilities.

## G. Lessons Learned

The Winnebago Tribe has, over a long period of time, demonstrated fulfillment to its pledge to preserve its resources and cultural heritage, and to create opportunities for its members to thrive and become economically and socially self-sufficient as individuals, families and as a Tribal government. As part of this vision, the Winnebago believe that self-determination in managing energy matters is an integral part of economic development, and to realization of this commitment.

The array of energy options available is broad, and allows the Tribe to select those activities that best fit its energy strategies, goals and objectives. However, the array can also be overwhelming, for Tribes that have not their primary areas of focus, programs, and activities. An energy options analysis provides multiple opportunities for capacity building, depending on the level of involvement, interest, and participation of Tribal members, Council and Tribal leadership. However, identification of an energy champion to drive implementation forward is critical in allowing the Tribe to move from an energy *vision* to actual *achievements*.

While there is increasing awareness that Tribes can move beyond gaming activities in order to develop enterprise capacity and improve economic conditions for Tribal members, in reality, development of organization and human capacity is critical to accomplish economic improvement through sound energy management. While learning and knowledge transfer did occur throughout the study, working through the Energy Committee, and with Council, allowed for maximum knowledge transfer. It is essential for the Tribe to commit to further development of that human capacity to ensure that the Tribe can implement its plans, and communicate their intent.

Leveraging the opportunities to focus on energy, leveraging all resources available, and involving the maximum number of Tribal members, personnel and leadership in the effort will allow project benefits to extend beyond the Winnebago Tribal members and Reservation residents, and bring local and regional environmental benefits, and broader economic benefits.

## H. Appendix

- 1 Discussion Guides
- 2 Energy Manager Position Description
- 3 Utility Code

**POSITION TITLE:** Utilities Manager  
**CLASSIFICATION:** Exempt  
**ORGANIZATION:** Utility Board  
**SUPERVISOR:** Winnebago Tribe of Nebraska Energy Committee

**Position Summary:**

Under general direction of the Winnebago Tribe of Nebraska Energy Committee, coordinates and supervises activities of the Utility Board associated with Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight. Responsibilities include, but are not limited to, overall management of the Winnebago Tribe of Nebraska utility and energy activities, studies and related analyses. Maintains confidentiality of all privileged information.

*This list of duties and responsibilities is illustrative only of the tasks performed by this position and is not all-inclusive.*

**Duties & Responsibilities:**

- Establishes, implements, and communicates Winnebago Tribe of Nebraska Utility Board goals, objectives, policies and procedures pertaining to Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight.
- Coordinates and supervises all activities associated with Utility Board operations (Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight).
- Coordinates response to Utility emergencies.
- Maintains working relationships on Utility Board issues between Winnebago Tribe of Nebraska Energy Committee, Tribal administration, Tribal members and businesses, as well as suppliers and vendors.
- Assists Winnebago Tribe of Nebraska in securing additional funding sources for Utility Board staff, operations and projects.
- Assists Winnebago Tribe of Nebraska in planning efforts relative to utility infrastructure.
- Prepares and submits pertinent statistical and narrative reports pertaining to Utility Board activities according to established timelines and requirements.
- Ensures accurate and efficient processing of Utility Board project management budgets, payments and purchases.
- Coordinates technical and educational assistance to community members for Utility or related activities.
- Represents Winnebago Tribe of Nebraska Utility Board to external agencies, organizations, and individuals, and establishes solid relationships with others having common interests.
- Coordinates and maintains communication with local and Tribal agencies and organizations related to Utility Board activities (Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight).
- Develops public information and educational materials regarding Utility Board activities (Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight).
- Maintains professional and technical knowledge by conducting research; attending seminars, educational workshops, classes and conferences; reviewing professional publications; establishing networks; participating in professional societies; conferring with representatives of contracting agencies and related organizations.
- Performs other duties as required.

**Minimum Qualifications:**

Bachelor's Degree in Energy Management; Civil, Mechanical or Electrical Engineering; Renewable Energy Technologies or related field, plus three years progressive work experience; or equivalent combination of education and experience. Current valid Nebraska Driver's License with no DWI/DUIs in the past three years. Must be able to successfully pass a pre-employment drug/alcohol screen and background investigation.

**Knowledge, Skills, Abilities, and Certifications Required:**

- Knowledge of the functions and structure of the Winnebago Tribe of Nebraska.
- Knowledge of applicable federal, state, county and local laws, regulations, requirements, and codes.

- Knowledge of materials, methods, practices and equipment used in Utility Board operations (Energy Management, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight).
- Knowledge of business English, proper spelling, grammar, and punctuation, and basic arithmetic.
- Knowledge of workplace safety requirements and practices.
- Ability to communicate effectively in the English language both verbally and in writing.
- Ability to interpret applicable federal, state, county and local laws, regulations, requirements, ordinances, and legislation.
- Ability to maintain confidentiality.
- Ability to analyze situations and adopt appropriate courses of action.
- Ability to establish and maintain professional relationships with co-workers at all levels.
- Ability to interact and maintain good working relationships with individuals of varying social and cultural backgrounds.
- Ability to work independently and meet strict time lines.
- Ability to make solid decisions and exercise independent judgment.
- Ability to define problems, collect data, establish facts, and draw valid conclusions.
- Skill in analyzing problems, projecting consequences, identifying solutions, and implementing recommendations.
- Skill in preparation of project time lines and staffing plans.
- Skill and ability in preparing reports and correspondence.
- Skill in budget preparation, administration and reporting.
- Skill in preparing, reviewing, and analyzing operational and financial reports.
- Skill in providing leadership to, supervising, training, and evaluating assigned staff.
- Ability to develop and interpret policies and procedures.
- Ability to delegate complex and routine tasks appropriately.
- Ability to demonstrate excellence in everything, and continually seek improvement in results.
- Skill in interpreting technical written material and translating into layman's terms.
- Skill in operating business computers and office machines, including in a Windows environment, specifically Word, Excel, Access, and presentation software (such as PowerPoint).
- Knowledge of occupational, OSHA and safety codes.

**Physical Demands:**

While performing the duties of this job, the employee regularly is required to walk; sit; and talk or hear. The employee frequently is required to stand; use hands to finger, handle, or feel; and reach with hands and arms. The employee occasionally is required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 75 pounds.

**Work Environment:**

Work is generally performed in both an office setting with a moderate noise level and outdoors where exposure to natural weather conditions and various dusts and mists may occur. Some field work associated with Energy Management, Utility Board Leadership, Utility Infrastructure Planning, Utility Program Administration, and Energy Development Project Oversight will be required on a daily basis. Prolonged standing and walking may be on uneven surfaces or unstable ground. Situations where safety-toe shoes, safety goggles, gloves, protective face shields, or hardhats are needed may occur. Evening and/or weekend work will be required. Travel is required for training, meetings, conferences, presentations, and other events.

**Performance Expectations:**

Primary Responsibilities	Daily/Periodic Tasks	Performance Expectations
<b><i>Management of Utility Board Activities</i></b>	Communications	<ul style="list-style-type: none"> <li>• Communicate with Winnebago Tribe of Nebraska Energy Committee, other Utility Board staff, vendors and general public, via telephone, email, letters or memorandums, or in person, as required, to effectively conduct activities</li> <li>• Documentation and record keeping for work activities as required or directed</li> <li>• Deal with coworkers, vendors, customers, others in a courteous and professional manner</li> <li>• Provide one-page monthly activities report within 10 days after the end of each month</li> </ul>
	Management	<ul style="list-style-type: none"> <li>• Manage consultants or staff engaged in Utility Board activities and Energy Development Projects</li> <li>• Coordinate activities of Winnebago Tribe of Nebraska Utility Board including agenda development, materials preparation, notes and follow up items</li> </ul>
	Customer Contact	<ul style="list-style-type: none"> <li>• Coordinate communication on Utility Board issues on behalf of greater Winnebago Tribe of Nebraska community</li> <li>• Ensure that customer call log is maintained (caller, time, phone number, request, other) on Utility Board activities</li> <li>• Handle and maintain Utility Board customer complaints by resolving, or referring to appropriate personnel, as appropriate</li> </ul>
	Compliance with Regulatory Requirements	<ul style="list-style-type: none"> <li>• Keep current with regulatory requirements and state of the art developments in Utility Board operations (Energy Management, Energy Development Project Oversight and Energy Operations)</li> <li>• Complete required reports accurately and in a timely manner</li> </ul>
	Record-Keeping	<ul style="list-style-type: none"> <li>• Ensure that files and logs are maintained in a logical, orderly fashion, for the purpose of preserving and retrieving information</li> </ul>
	Policies and Procedures	<ul style="list-style-type: none"> <li>• Able to develop and follow Winnebago Tribe of Nebraska Utility Board policies and procedures</li> </ul>
<b><i>Financial Records</i></b>	Purchasing	<ul style="list-style-type: none"> <li>• Ensure that Utility Board purchase requests are prepared accurately and neatly, reflecting all needed data and appropriate accounting charge information</li> <li>• Ensure that Utility Board vendor files, including general correspondence, proposals, billings; copies of payment, are maintained</li> </ul>
	Budgets/Accounting	<ul style="list-style-type: none"> <li>• Participate in and make recommendations through</li> </ul>

Primary Responsibilities	Daily/Periodic Tasks	Performance Expectations
		role in the budget development process <ul style="list-style-type: none"> <li>• Review monthly budget/actual data for accuracy, and provide reports to designated management, per requests</li> <li>• Maintain summary records for designated budget components</li> </ul>
<i>General</i>	Other	<ul style="list-style-type: none"> <li>• Work independently with minimal supervision, but seek direction when unsure of any aspect in area of responsibility</li> <li>• Take responsibility for obtaining complete, clear instructions for assignments or requests</li> <li>• Continuously utilize knowledge of Winnebago Tribe of Nebraska and Winnebago Tribe of Nebraska Utility Board policies and procedures</li> <li>• Work within deadlines and constraints to accomplish activities</li> <li>• Use knowledge, skills and abilities to determine appropriate courses of action that consider alternative solutions, if appropriate</li> </ul>

**WINNEBAGO TRIBAL CODE****TITLE \_\_\_\_\_: UTILITIES****CHAPTER ONE****Legislative Findings and Purpose****1.01 Sovereign Power to Regulate**

The power to regulate utilities is an inherent and essential part of the authority of any reservation tribal government. The power is therefore an aspect of the retained sovereignty of the Winnebago Tribe of Nebraska ("Winnebago" or "Winnebago Tribe") except where it has been limited or withdrawn by federal law. Services, rates, policies, procedures and practices of utilities operating within the exterior boundaries of the Winnebago Reservation have a demonstrable impact upon the political integrity, economic security and health and welfare of the Winnebago Tribe of Nebraska. Tribal regulation of utilities operating within the exterior boundaries of the Winnebago Reservation is an essential government function of the Winnebago Tribe. The Winnebago Tribe of Nebraska is a sovereign Indian organized under a constitution and by-laws ratified by the Tribe on February 29, 1936, and approved by the Secretary of the Interior on April 3, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1934, (49 Stat. 378) The Winnebago Tribe of Nebraska is the only sovereign with authority to exercise civil regulatory jurisdiction within the exterior boundaries of the Winnebago Reservation.

Pursuant to the Constitution and Bylaws, as amended, the Winnebago Tribal Council is the governing body of the Winnebago Tribe of Nebraska. This Title is enacted pursuant to the inherent sovereign tribal powers expressly delegated to the Tribal Council in Article \_\_, Section \_\_, Subsections \_\_\_\_ of the Tribal Constitution, which authorize the Tribal Council to ...

This Code seeks to formalize and codify these civil authorities and establish a structure for the many growing and future utilities providing entities on the Reservation.

**1.02 Critical Need for Utility Regulation on Reservation**

As both Indian and non-Indian populations within the boundaries of the Reservation increase, and as additional residential, commercial, government and agricultural activities multiply, the need for adequate utility regulations concomitantly increases. Inasmuch as the Reservation is checker boarded with trust and nontrust land, and as trust land and nontrust land are crisscrossed by utility lines, pipelines, rail lines and rights-of-way of utilities and entities, the Tribe, tribal members and nonmembers have a critical need for the Tribe to regulate and coordinate all utilities, and entities providing utility services, operating within the Reservation.

**1.03 Demonstrably Serious Impacts of Utility Activities upon Economic Security, Health and Welfare of the Winnebago Tribe of Nebraska and Winnebago Tribal Members**

The rural nature of the Reservation and particular needs of the residents and businesses residing on the Reservation all present a compelling and urgent need for a seamless regulatory structure. Those particular needs stem from the following Reservation profile:

- (1) Many homes of tribal members, particularly government financed homes, are "all electric," that is, heated solely by electricity;
- (2) The health and the lives of many elderly and ill tribal members and non members are at risk during harsh winter and summer months;
- (3) The high cost of electricity within the Reservation;
- (4) The need to minimize and stabilize the high cost of electricity to the Tribe, tribal members and nonmembers and to economic enterprises owned by the Tribe and tribal members;
- (5) The urgency of minimizing and stabilizing cost of electricity to attract new and expanded investment and business on the Reservation;
- (6) The absolute necessity of adequate and reliable electricity for critical medical procedures and treatments received by ill persons on the Reservation;

These reasons, amongst others, all evidence the demonstrably serious impacts of utility services upon the economic security, health, and welfare of the Tribe and tribal members.

#### **1.04 State Jurisdiction and Regulation Not Applicable within Winnebago Reservation**

The State of Nebraska lacks jurisdiction to regulate utilities within the Reservation and any attempted imposition of state regulation of such utilities manifestly interferes with the right of the Tribe and tribal members to make their own laws and be ruled by them. Moreover, utility regulation is preempted by the Tribe and federal government with respect to all HUD homes of tribal members, other homes and businesses of tribal members financed in whole or in part by the Tribe or the federal government, all tribal buildings, facilities and businesses of the Tribe financed in whole or in part by the Tribe or the federal government or all Bureau of Indian Affairs or other federally owned or operated buildings.

#### **1.05 Finding of Consensual Relations between Utilities Operating Within Reservation and the Tribe, Tribal Members and Non Members of Tribe.**

The Council finds that every utility which enters and operates within the Reservation, enters into consensual relations, commercial dealings and contracts with residents of the Reservation, Indian and non-Indian, and with the Tribe, to provide services, operate facilities, construct and erect pipelines, transmission lines, poles, towers, and other improvements upon and across the Reservation lands owned by Indians, non-Indians and the Tribe. The Council further finds that the services, rates, policies, procedures and practices of every utility located and operating upon the Reservation have a demonstrably serious impact which imperils the economic security, health, welfare and general well-being of the Tribe, its members, and all residents of the Reservation and that regulation of every such utility by the Tribe is a necessary and proper exercise of the sovereign authority of the Tribe. The

Council further finds that regulation of such utilities located, operating or providing services upon the reservation is an essential governmental function of the Tribe and that regulation of every such utility located, operating or providing services upon the Reservation by the State of Nebraska or any municipality or political subdivision of the State is an infringement upon the right of the Tribe to make its own laws and be governed by them and demonstrably imperils the political integrity and right of self-government of the Tribe.

#### **1.06 Illegality of State Tax Collection by Utilities**

Any and all state taxes, whether embedded in rates or identified as a line item on retail or commercial utility bills, are illegal as a matter of public policy and law for any and all Indian persons, tribally-owned enterprises and tribal programs located on the Reservation.

#### **1.07 Benefits Provided by Tribal Government to Utilities**

Among the numerous benefits provided by the tribal government to all utilities located, operating or providing services within the Reservation are the following:

- (1) The provision of governmental services, including sewer and water systems, police and fire protection, clearing and maintenance of approved right-of-ways on trust and allotted lands on the Reservation, and a Tribal Court system of general jurisdiction;
- (2) The promotion and regulation of economic activities within the Tribe's sovereign jurisdiction;
- (3) The orderly development and protection of the Reservation lands, resources and communities.

#### **1.08 Purpose**

The Tribal Council hereby declares it to be in the public interest that:

- (1) There is an immediate need to inventory and regulate all utility facilities and any and all right of way corridors, encumbrances, uses on the Reservation;
- (2) All utilities located, operating, or providing services within the Reservation be regulated as hereinafter provided in order to provide all retail customers of utility services and commodities within the Reservation with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of such utilities and their need to construct facilities to provide such services and commodities or otherwise to obtain utility supplies, to avoid unnecessary duplication of facilities which increase costs of service to the consumer and to minimize disputes between utilities which may result in inconvenience or diminished efficiency in service to such customers.
- (3) The purpose of this legislation shall also be to hereinafter codify tribal regulation with respect to all utility entities located, operating or providing services within the Reservation with respect to matters generally including, but not limited to, rates, connection of service, disconnection of service, reconnection, deposit and overdue payment charges and to prohibit discriminatory or unreasonable preferences or advantages to any consumer or group of consumers by providers of utility services.

- (4) The regulation of utilities within the Reservation by the Tribe pursuant to this Title be deemed exclusive and preempt all other regulatory authority with respect to all utilities located, operating or providing services within the Reservation, in order to promote consistency and a seamless regulatory structure for the Reservation and its residents.

#### **1.09 Scope of Services to be Regulated**

- (1) Services to be regulated by the Winnebago Tribe shall initially include, electricity, telecommunications, water and wastewater services.
- (2) At such time as the Winnebago Tribe shall deem appropriate, the Winnebago Tribe shall extend its active regulatory jurisdiction to other utility services and facilities as its utility Board shall identify.

#### **1.10 Territory, Persons and Property Affected**

To the extent permitted by Tribal and federal law, this Code, any subsequent and/or related regulations, and Board regulatory authority shall apply to the following:

- (1) The Winnebago Tribe of Nebraska Reservation, as defined by its historical boundaries under the {treaties with the United States signed on March 8, 1865 and June 22, 1874}, including, but not limited to, all lands, islands, waters, roads, and bridges, and all interests herein, whether in trust or non-trust status, and such other lands, islands, waters or any interest therein thereafter added to the Reservation, including Thurston and Woodbury Counties.
- (2) All trust or restricted land of the Winnebago Tribe of Nebraska in Nebraska and Iowa, and any enrolled member of the Tribe, or any other person residing within the historical boundaries of the Reservation as defined by the {Act of March 2, 1889, 25 Stat. 888}, including, but not limited to, all lands, waters, roads, bridges, and Thurston and Woodbury counties, and all interests therein.

#### **1.11 Explicit and Implicit Intention for State Law Preemption**

The Winnebago Tribe of Nebraska has exclusive jurisdiction over utilities or entities operating within or maintaining, or controlling any utility equipment or utility facilities within the Reservation which furnish or seek to furnish at retail price any utility service product or commodity to any consumer. The Tribe, subject solely to the supremacy of federal law, exercises civil regulatory jurisdiction over all residents on the Reservation. In order to provide for the equitable regulation of such utilities and protection of such utilities, the Tribe, tribal members and nonmembers within the Reservation, it is the express intent of the Council that this Title shall preempt any law enacted by the State of Nebraska or local jurisdictions within the State purporting to regulate such utilities located, operating or providing services within the Reservation.

## **CHAPTER TWO**

### **General Provisions**

#### **2.01 Title and Date**

The title of this Winnebago Tribal Code shall be "Utilities" and come into force on the date of enactment by the Winnebago Tribal Council.

## 2.02 Sovereign Immunity

The Winnebago Tribe of Nebraska, and all its constituent parts, including the Tribal Utility Board established pursuant to this Title and Code, are immune from suit in any jurisdiction except to the extent that such immunity has been expressly and unequivocally waived by the Tribe in this Title or elsewhere. Nothing in this Title shall be construed as waiving the sovereign immunity of the Tribe or any of its constituent parts, including the Tribal Utility Board, except that after the exhaustion of tribal administrative remedies as provided herein, a party aggrieved by a Board decision may petition the { *Winnebago Tribal Court* } for review of the decision by the Board.

## 2.02 Definition of Terms

In this Title, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings:

- (1) "Board" refers to the Winnebago Tribe of Nebraska's Tribal Utility Board created and established under this Title;
- (2) "Board Member" refers to one of the members of the Board;
- (3) "Corporation" refers to a private or public corporation incorporated under the laws of any nation, state or Tribe, a municipality, an association, a cooperative whether incorporated or unincorporated, a joint stock association, a business trust, or any political subdivision or agency, but shall not mean any tribal entity created under Title \_\_\_ of this Code;
- (4) "Winnebago" or "Tribe" refers to the Winnebago Tribe of Nebraska;
- (5) "Director" refers to the Tribal Utility Board Director acting in their official capacity;
- (6) "Municipality" refers to any town, city, or other local government, however organized, but shall not include the Tribe;
- (7) "Rate" means every compensation, charge, fare, toll, tariff, rental and classification, or any of them, demanded, observed, charged, or collected by any utility for any service product or commodity, offered by it to the public, and any rules, regulations, practices or contracted affected any such compensation, charge, fare, toll, rental, tariff or classification;
- (8) "Service" shall refer to the furnishing by any utility or entity of any utility service product or commodity; the installation, removal or repair of equipment or facilities utilized in the delivery of measuring the service product or commodity of any utility or entity providing such;
- (9) "Tribal Utility Board Account" means the account in a federally-insured financial institution established;
- (10) "Utility" means any person, corporation or other legal entity, its lessee, trustee, and receiver, now or hereafter located, operating or providing services within the Reservation, or maintaining, or controlling within the Reservation, equipment or facilities for furnishing at retail price telecommunications services; pipeline utilities engaged in the transportation of gas, oil, coal and water; electric utilities engaged in the generation and distribution of light, heat or power; gas utilities engaged in the distribution of natural, synthetic or artificial gas; water companies for the storage and distribution of water for domestic or other beneficial

use; heating utilities which operate, maintain, or control any equipment or facilities within the Reservation;

## **CHAPTER THREE                      Winnebago Tribal Utility Board; Regulatory**

### **3.01                      Creation of Winnebago Tribal Utility Board**

The Winnebago Tribe of Nebraska hereby creates and established, pursuant to this Title, the Tribal Utility Board, a regulatory governmental agency and subordinate subdivision of the Winnebago Tribe of Nebraska.

### **3.02                      Number and Selection of Board Members**

The Board shall be comprised of five voting members appointed by Council who satisfy the qualifications set forth in this Title. Each member of the Board shall be a resident on the Winnebago Tribe Reservation.

### **3.03                      Terms of Office**

Board Members shall serve three (3) year terms and shall hold office until their qualified successor have been appointed; Provided however, the initial Board shall have terms of office as described herein.

### **3.04                      Board Qualifications**

All Board Members that apply and are appointed by Council shall be able to provide evidence of proficiency, professional experience and/or familiarity with utility and/or corporate issues, operations, policy or other experience deemed of sufficient relevance by Council. Board Members shall comply with the background and other requirements of any elected or appointed tribal representatives of the Winnebago Tribe of Nebraska.

### **3.05                      Initial Appointment of the Utility Board**

Two Board Members appointed to the initial Board shall serve terms of three (3) years. Two Board Members appointed to the initial Board shall serve terms of two (2) years. The remaining Board Member appointed to the initial Board shall serve a term of one (1) year.

### **3.06                      Vacancies**

If any Board member shall die, resign, be removed, or for any reason be able to serve as a Board member, the Council shall declare that position vacant and shall appoint another person to fill that position. The term of office of any person appointed to replace an initial Board Member shall be for the balance of any unexpired term for that position.

### **3.07                      Resignations**

Any Board Member may resign by delivering a written resignation to the President of the Board. Such resignation shall be effective upon receipt, unless otherwise provided by the terms thereof. A Board Member's resignation under this Section or removal under 3.08 below shall also terminate that Board Member's status, if applicable, as a presiding officer of the Board.

### **3.08 Removals**

A Board member agrees accepting their appointment that they may be removed by the Council for serious inefficiency, or neglect of duty, or for malfeasance, misfeasance or nonfeasance, or for misconduct in office, but, except as provided below in this Section, only after a hearing before the Council, and only after the Board member has been given written notice of the specific charges at least ten (10) days prior to such hearing. At any such hearing, the Board Member shall have the opportunity to be heard in person or by counsel and to present witnesses on their behalf. If the Council determines that immediate removal of a Board Member is necessary to protect the interest of the Tribe, the Board Member may be temporarily removed immediately, and the question of permanent removal shall be determined pursuant to the hearing procedures specified herein. A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Secretary. A decision on removal by Council shall be final.

### **3.09 Officers of the Board and Duties of Officers**

(1) President. The President of the Board shall be appointed by the Council from among the members of the Board and shall hold office for a term of two (2) years. No Board Member may serve as President for two consecutive terms.

The President shall preside over all Board meetings; is authorized to sign on behalf of the Board all documents, decisions, orders, noticed or other documents approved for such execution by the Board; and shall have such other powers and duties as may from time to time be assigned to them by the Board.

(2) Vice President. The Vice President of the Board shall be appointed by the Council from among the members of the Board and shall hold office for a term of one (1) year. Whenever the President is unable to preside or fulfill their duties as President, the Vice President shall do so, and when so acting, shall be clothed with all the powers and duties of the President.

(3) Secretary. The Secretary of the Board shall be elected by and from the Board membership for a term not to exceed his term of office as Board Member. Their duties shall be those assigned them by the Board.

(4) Treasurer. The Treasurer of the Board shall be the tribal treasurer and shall perform all functions as such for the Board pursuant to their constitutional authority.

### **3.10 Compensation of Board Members**

Compensation for Board Members, if any, shall be determined by the Council and shall be paid from the dedicated utility account established by the Tribe.

### **3.11 Quorum**

Three (3) Board Members shall constitute a quorum of the Board. A majority of those Board Members present at a meeting at which there is no quorum may by resolution adjourn the meeting from time to time for a period not exceeding ten (10) days in any one instance.

### **3.12 Majority Vote**

All questions arising in connection with the action of the Board shall be decided by majority vote.

### **3.13 General Procedures of the Board**

No Board Member shall participate in any hearing or proceeding in which such Board Member has any direct personal pecuniary interest. The Board may make or amend such general rules or orders as may be necessary for the orderly regulation of proceedings before it, including forms of notice and the service thereof, which shall conform as nearly as possible to those rules in use by the *{Winnebago Tribal Courts}*. Any party may appear before the Board and may be heard in person or by attorney. Every vote and official action of the Board shall be entered into the record and its proceedings shall be published upon the request of any interested person. Every Board Member shall have the right to administer oaths and affirmations in any proceeding pending before the Board.

### **3.14 Tribal Utility Account Established**

It is hereby authorized and directed to be established an account in a federally insured financial institution to be known as the Winnebago Tribal Utility Board Account.

### **3.15 Jurisdiction of Board**

(1) General Jurisdiction of the Board over Utilities. The general jurisdiction of the Board may extend to and include:

- a. Telecommunications companies engaged in the furnishing of telecommunications services, including telegraph and telephone companies engaged in the transmission of messages, conversations and data by voice or electronic means;
- b. Water and Sewer companies engaged in the storage and distribution of water for domestic or other beneficial reservation use;
- c. Gas utilities engaged in the distribution of natural, synthetic or artificial gas;
- d. Heating utilities engaged in the distribution of heat;
- e. Pipeline utilities engaged in the transportation of gas, oil, coal and water;
- f. Electric utilities engaged in the generation and distribution of light or power;
- g. Electric companies engaged in the generation of power and/or steam;
- h. All other utilities that operate maintain or control any equipment or facilities within the reservation.

Nothing in this Title shall prohibit the Board from making any order affecting rates, contracts, services rendered, adequacy or sufficiency of facilities, of any utility owned and operated by any state or by any political subdivision of any state or any utility that is not operated for profit.

### **3.16 Powers and Duties of Board With Respect to Utilities/Siting**

The Board shall have power to:

- (1) Investigate all methods and practices of utilities or other persons subject to the provisions of this Title;
- (2) Participate materially in the coordination of, or coordinate, permitting and approvals for existing and new utility facilities on the Reservation;
- (3) Require utilities or other persons to conform to the laws of the Tribe and to all rules, regulations, and orders of the Board not contrary to law;
- (4) Require copies of reports, rates, classifications, schedules and time tables in effect and use by such utilities or other persons and all other information desired by the Board relating to such investigations and requirements to be filed with the Board.
- (5) Compel enforcement to its lawful orders by proceedings of mandamus or injunction or other proper proceedings, in the name of the Tribe, in any court having jurisdiction of the parties or of the subject matter, including the *{Winnebago Tribal Court(s)}*;
- (6) Hold hearings on good cause shown or on its motion, and to provide notice thereof prior to hearing. Such notice shall be reasonable in view of the nature, scope, and importance of the hearing. At any time it shall appear to the satisfaction of the Board that all of the interested parties have agreed concerning a matter at hand, the Board may issue its order without a hearing.
- (7) Require, in its discretion, proof that no unreasonable profit is made in the sale of materials to or service applied for any utility by any form or corporation owned or controlled directly or indirectly by the utility or any affiliate, subsidiary, parent, holding, associate or any corporation whose controlling stockholders are also controlling stockholders of the utility, before permitting the value of such materials or services to be included in valuations or cost of operations for rate-making purposes. If unreasonable profits have been made in any such transactions, evaluations of such materials or services may be reduced accordingly.
- (8) Employ and fix the compensation of rate experts, engineers, and all other expert help and assistance for rate increase application hearings, investigations, and proceeds relating to utilities.
- (9) Cooperate with and receive technical and financial assistance from the United States or any state for any purposes relating to federal energy laws that deal with energy conservation, rate reform, and utilities subject to the jurisdiction of the Board. The Board shall also have the authority to file reports, hold hearings and promulgate regulations for any such purposes.
- (10) Promulgate and enforce rules and regulations consistent with this Title.
- (11) Employ and consult with advisors regarding its duties as it may deem necessary.
- (12) Require by regulation the filing of any forms or reports necessary for the implementation of this Title.
- (13) Examine under oath either orally or in writing any agent, officer, or employee of any utility subject to regulation under this Title, or any other witness with respect to any enforcement action authorized by this Title.
- (14) Delegate to an individual Board Member, or to the Director or other members of the Board staff or Tribal staff, such of its functions as may be necessary to administer this Title efficiently, provided that the Board may

not delegate its powers to promulgate rules and regulations, or to hear or rule upon any complaints filed pursuant to this Title.

(15) Adopt by regulation a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files and records.

(16) Exercise all authority delegated to it by law, or as may be reasonably necessary in the implementation of any provisions of this Title.

Failure to exercise one or more powers delegated under this Title shall not be deemed a waiver or affect the ability to exercise such powers in the future.

### **3.17 Annual Reports by Utilities**

The Board may require any utility to file annual reports in such form and content, having regard for the provisions of this Section, as the Board may require, and special reports concerning any matter about which the Board is authorized to inquire or to keep itself informed.

### **3.18 Production of Records**

The Board may require, by order served on any utility in the matter provided herein for the service of orders, the production, at a reasonable time and place as the Board may designate, of any books, accounts, papers, or records of the utility relating to its business or affairs within the Reservation, pertinent to any lawful inquiry and kept by such utility in any office or place within or without the Reservation, or at its option, verified or photo static copies in lieu thereof, so that an examination may be made by the Board or under the direction of the Board.

### **3.19 Investigation**

The Board, upon complaint or upon its own initiative and whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the condition and operation of any utility or any part thereof.

### **3.20 Hearings; Examiner**

The Board may, in addition to the hearings specifically provided for under this Title, conduct any other hearings as may be reasonably required in administration of the powers and duties conferred upon it by this Title. Reasonable notice of all hearings shall be given to persons interested therein as determined by the Board.

### **3.21 Rules of the Board**

The Board shall promulgate such written rules and regulations as are necessary to carry out the orderly performance of all its duties and powers. All rules shall provide for hearings for all interested persons upon reasonable notice to be heard. The *Tribal Courts* and other courts of competent jurisdiction shall take judicial notice of rules and regulations promulgated.

### **3.22 Board Employees and Expenses**

The Board may employ persons or entities and incur such expenses as necessary for the proper discharge of its duties subject to the limitations and restrictions set out in this Section. The Board may utilize regular Tribal staff

to accomplish the same upon approval by Council. The total amount disbursed by the Treasurer in one fiscal year for the payment of salaries, expenses, and incidentals of the Board shall not exceed the amount in the Board budget for that fiscal year.

## **CHAPTER FOUR                      Public Utilities: Responsibilities, Duties, Requirements**

### **4.01                      Duty to Provide Adequate Service**

All utilities located, operating, or providing services within the Reservation shall provide all retail customers utility services and commodities within the Reservation that are adequate and reliable at reasonable rates. All utilities shall at least comply with standard industry practices for outages and may be appropriately fined for unreasonable practices which lead to detrimental and demonstrable harm to customers. The Board may Order higher standards of reliability where such standards are in the best interest of the Tribe, however, the Board shall also approve rate increases as necessary and just to fund needed infrastructure or technical improvements for meeting such higher standards.

### **4.02                      Unauthorized Utilities Facilities Prohibited**

Any user of a right of way, easement or lands for the operation or ownership of any utility facility without a valid authorization, and cannot provide any documentation to support any such authorization, shall be notified by the Board of a procedure and timeline to get said right of way, easement or land lease into compliance and registered with the appropriate authorities.

### **4.03                      Duty to Produce Information on Reservation Easements**

Any utility or entity providing utility services on the Reservation shall supply the following information to the Council on forms to be provided, stating:

- (1) Name and mailing address of the current holder of the right-of-way or other authorization or current user of a right-of-way if unrecorded or unauthorized;
- (2) Legal or other description reasonably setting forth the exact location of the right-of-way or other authorization;
- (3) All purposes for which the right-of-way or other authorization is utilized;
- (4) A detailed description of all facilities constructed, utilized or operated by the current holder of the authorization;
- (5) A copy of all documents authorizing the use of Reservation land, and evidence that the Nation has granted or consented to the authorization;
- (6) If the current holder is not the original grantee of the right-of-way or other authorization, a copy of all assignments of the authorization from all predecessors in interest and evidence that the Nation has consented to all such assignments.

### **4.04                      Disconnection or Discontinuation of Service**

Utilities shall maintain reasonable public policies for disconnection of customers and for discontinuation of service to customers. Such policies shall provide for reasonable notice prior to disconnection, except in the case of emergencies.

**CHAPTER FIVE****Electric Utility Service on Winnebago Reservation****5.01 Assigned Service Areas; Franchise Requirement [No Exclusivity]**

(1) All providers of artificial or natural gas, electric light, water, power or heat, street railways, telegraph and telephone line operators, telecommunications and other entities providing energy or utility services to customers on the Reservation must obtain a franchise to provide service within the Reservation.

(2) All Franchises shall be Nonexclusive, except as expressly reserved for a tribal utility service.

**5.02 Franchise Service Rights; Term of Franchise**

(1) Franchises may be Issued by Order of the Board after consideration of all relevant facts submitted to the Board, and after consideration of the best interests of the Tribe. The Board shall consider all requests for Franchises and shall grant those that are determined to be in the best interests of the Tribe. The Board may require new Franchisees to negotiate a tribal tax or license agreement for the term of the Franchise as a condition of the Franchise.

(2) No Franchise shall be granted or extended for any longer period of time than 20 years from the date of such grant or extension, unless a previous agreement controls such term.

**5.03 Interconnection Standards and Obligations**

Utilities shall maintain reasonable public policies for interconnection to their facilities. No Utility shall disapprove an interconnection that meets national standards of safety and reliability. The Tribe, its subsidiaries and/or its affiliated entities shall have the right to interconnect wholesale or retail facilities to the facilities of any Utility under the same terms and conditions as the Utility interconnects to its own facilities.

**5.04 Net Metering**

All electrical utilities shall follow the policy of providing for Net Metering on the Reservation. Net Metering is defined as the ability of utility customers to install distributed generation behind the Utility's meter and to run that generator as needed, while the meter nets power coming in to the customer and the power going out of the customer's meter.

**5.05 Energy Conservation & Energy Efficiency**

(1) Weatherization. Utilities providing electrical utility related services shall promote the weatherization of tribal buildings through programs similar to those available to customers within the State of Nebraska. Any state or federal funds received for these programs by the Utility shall be

available for use within the Reservation, if like funding is not also available to the Reservation.

(2) Energy Efficiency. Utilities providing electrical utility related services shall promote efficient use of energy through educational programs, technical assistance programs, energy audits, and financial assistance for improving energy efficiency. Any state or federal funds received for these programs by the Franchisee shall be available for use within the Reservation, if like funding is not also available to the Reservation.

**5.06 Lower Income Programs**

Utilities providing electrical utility related services shall maintain a program for subsidizing low income persons within the Reservation through programs similar to those available to customers within the State of Nebraska. Any state or federal funds received for these programs by the Franchisee shall be available for use within the Reservation, if like funding is not also available to the Reservation.

The Tribe may provide Utilities with names of customers eligible for these programs if the Tribe determines that the elderly or handicapped, or others should receive a preference in this program.

**5.07 Environmental Obligations**

(1) Utilities shall be bound by Federal and Tribal environmental laws regarding all facilities on the Reservation.

(2) Notice of Off-reservation Environmental Issues: Utilities shall provide written notice to the Tribe of all new activities or proposals of the Utility that may have a significant impact on the regional and/or reservation environment.

**5.08 Ownership of Wires and Facilities**

(1) Unless an easement or right-of-way document signed by the Tribe and approved by the Bureau of Indian Affairs exists with regard to Utilities facilities, no Utility holds real property rights or may claim that real property rights have been transferred due to the existence of facilities on the Reservation. All facilities without such documentation are deemed to be personal property.

(2) Any new facilities installed on the Reservation by Utilities in order to extend service to new customers shall be the personal property of the Tribe, and not the personal property of the Utility, when the new facilities are paid for by the new customer or by a particular user. The Utility shall provide notice to the Tribe of each such facility constructed.

(3) Any facilities which are the personal property of the Tribe pursuant to this Section that are used by Utility to deliver their product or service shall be operated and maintained by the Utility in a manner consistent with the operation and maintenance of their own facilities.

**5.09 Valuation of Electric Utility Property [Reserved]****CHAPTER SIX Telecommunications Service [Reserved]****CHAPTER SEVEN Tribal Utility Board – Enterprise [Reserved]****7.01 Winnebago Tribe’s Provision of Tribal Utility Services – Generally**

The Winnebago Tribe authorizes the establishment of a Winnebago Tribal Utility Board (“WTUB” or “Enterprise”) in order to provide utility services to tribal facilities and members on the Winnebago Reservation. The Winnebago Tribe, at such time as it deems necessary and appropriate, shall authorize the establishment of this tribal utility organization to provide services and/or acquire, build and/or own utility facilities on the reservation through a tribal council resolution specifying any such authorization(s). Subsequent to the proper and legal authorization of the establishment of a Winnebago Tribal Utility Board utility enterprise, a Plan of Operation shall be filed with the Tribe.

**7.02 Name, Location, and Place of Business**

The principal place of business and the office of the Enterprise shall be at Winnebago, Nebraska. The Enterprise may also have offices at such other place or places as the Board may from time to time direct, or as the operation of the Enterprise shall require.

**7.03 Duration**

The duration of the Winnebago Tribal Utility Board, or Enterprise, when organized shall be perpetual.

**7.04 Purposes - General.**

The purposes for which the Winnebago Tribal Utility Board shall be organized as follows:

(1) To operate, maintain, and promote existing utility systems furnishing electric, gas, water, sewer utility services, generation and telecommunications and information services (as such services are defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 151, et seq.) for the benefit of residents and enterprises of the Winnebago Tribe, including the establishment, ownership, operation and maintenance of electric generating, telecommunications, and information services facilities on or off the Winnebago Reservation.

(2) To expand and execute such extensions of existing and new utility, generation, telecommunications and information technology systems as are appropriate, efficient and feasible.

(3) Ancillary Purposes include to do everything necessary proper, advisable, or convenient for the accomplishment of the purposes herein above set forth and to do all things incidental thereto or connected therewith, which are not forbidden by law, or this chapter for the Enterprise.

**7.05 Board; purpose; duties and powers**

(1) Direction of purposes and exercise of power by Board. Subject to applicable Federal and Winnebago Tribal laws and regulations, the Board shall direct the purposes and exercise the following powers and duties:

(a) The Board of the Winnebago Tribal Utility Board is delegated authority and responsibility for the management and operation of the Enterprise.

(b) The Board shall exercise full power and shall be responsible for the custody and management, operation, inventory and maintenance of all utilities and facilities, the planning, constructing and operating of all new facilities, and for the taking of any and all usual, necessary and convenient actions, incidental thereto including, should it be deemed advisable or desirable, the borrowing of funds, the making of contracts or commitments necessary to the functioning of the organization.

© The Board shall function in much the same capacity as an elected Board of Directors of a chartered public service corporation, and shall numerously be responsible for making investment decisions, subject to the limitations contained herein or in any advance of funds, for the establishment and maintenance of effective operating policies, for the selection of management personnel except that the person selected as the General Manager shall be approved by the Winnebago Tribal Council; and for continuous supervision of the utility authority's performance.

(d) The Chairman of the Board shall make a formal report to the Winnebago Tribal Council not less often than annually, and in such report, shall include a summary of the budget, which the Board has approved for the coming fiscal year.

(e) The Board shall submit any contract or act wherein a Winnebago Tribal Officer or employee may have an interest directly or indirectly in the matter or transaction to any regularly called or noticed meeting of the Winnebago Tribal Council. Any contract or act that shall be approved or ratified by the vote of the Winnebago Tribal Council shall be valid and binding upon the parties.

(2) **Enumerated powers.** Subject to Winnebago Tribal Council approval where required, and applicable Winnebago Tribal laws and Federal laws and regulations, the Board shall have the following powers:

(a) Facilities. The Board shall exercise full authority and shall be responsible for the custody, management and operation of all utility authority property and facilities owned and operated by the Winnebago Tribe, including such expansions and enlargements thereof as shall be authorized.

(b) Capacity to act. To have the capacity to act and to direct the officers of the Enterprise to act in the same capacity as that of natural persons, but to have authority to perform only such acts as are necessary, convenient or expedient to accomplish the purposes set forth in the authorizing tribal resolutions and/or documents.

© To appoint officers and agents. To elect or appoint officers, agents, engineers, auditors, and such professional consultants as in the opinion of the Board or Winnebago Tribal Council may be needed from time to time, and to define their duties and fix their

compensation. The Board, at Enterprise expense, shall require the bonding of all officers, agents or employees responsible for the handling or safeguarding of funds, property or other assets of the Enterprise.

(d) To deal in real property. To negotiate the acquisition of (by purchase, exchange, lease, hire or otherwise), utilize, improve, manage, operate, and to negotiate the sale, lease, or mortgage of, either alone or in conjunction with others, real estate of every kind, character and description and any interest therein, necessary or incidental to the purposes set forth in the authorizing tribal resolution and/or authorizing document, except as prohibited by law. Title to all such real property shall be taken in the name of the Winnebago Tribe and title to all trust or restricted real property shall be and remain in its trust or restricted status.

(e) To deal in personal property, generally. To acquire (by purchase, exchange, lease, hire or otherwise), hold, own, manage, operate, mortgage, pledge, hypothecate, exchange, sell, deal in and dispose of, either alone or in conjunction with others, personal property, and interest therein, and commodities of every kind, character and description necessary or incidental to the purposes set forth for the Enterprise by the Winnebago Tribal Council.

(f) To execute guaranties. To make any guaranty respecting indebtedness, interest, contracts or other obligations lawfully entered into by or on behalf of the Board, to the extent that such guaranty is made in pursuance of the purposes set forth for the Board by the Winnebago Tribal Council.

(g) To make contracts. To enter into, make, perform and carry out or cancel and rescind, contracts for any lawful purpose pertaining to its business necessary or incidental to the purposes set forth for the Enterprise, including the negotiation of contracts subject to 25 U.S.C. §81, which shall, as therein provided, become effective only upon the approval of the Secretary of the Interior.

(h) To approve budgets. To give initial approval to annual Enterprise budgets, and to take final approval action with reference to the use of funds under the exclusive control of the Enterprise for operating and capital addition purposes.

(i) To borrow funds. To borrow money, make and issue notes, obligations and bonds of the Authority for any of its purposes, and to secure payment thereof by pledge of, or lien on, all or any of its fixtures, personalty, revenues, income or contracts.

(j) To accept grants or loans. To accept grants or loans from, and enter into contracts, agreements or other transactions with, any federal agency, the Government of the Winnebago Tribe, or agencies thereof, and to expend the proceeds thereof for any of the Board's purposes.

(3) Ancillary powers. To have and exercise all powers necessary or convenient to affect any or all of the purposes for which the Board is organized.

## **7.06 Indemnification of officers, employees and members of the Board**

The Winnebago Tribal Utility Board shall indemnify any officer, employee or member of the Board or former officer, employee or member of the Board, or any person who may have served at its request as an officer, employee or member of the Board, against reasonable expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding of which he or she is made a party by reason of being, or having been, such officer, employee or member of the Board except in relation to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; or except in relation to matters in which such employee was acting beyond the scope of his or her employment.

#### **7.07 Executive Board**

(1) The Board, by resolution duly adopted, may designate four members of the Board to constitute an Executive Board.

(2) During the intervals between meetings of the Board, and subject to such limitations as maybe required by resolution of the Board, the Executive Board shall have and may exercise such authority as may be delegated by the Board.

#### **7.08 Election; term of office, qualifications**

Executive officers with the exception of the General Manager, shall be chosen annually by the Board at its annual meeting, or as soon after such annual meeting as newly appointed Board Members shall have qualified. Each officer shall hold office until a successor is chosen and qualified, or until death, or until the General Manager shall have resigned, or shall have been removed in the manner provided herein.

#### **7.09 Removal; Resignations; Vacancies**

(1) Any officer or agent elected or appointed by the Board may be removed by the Board whenever, in its judgment, the best interests of the Enterprise will be served thereby, but in the absence of dereliction in duty, negligence or malfeasance in office, or any other good cause shown, such removal shall be without prejudice to the contract rights, if any, of the persons who are removed; provided, however, the General Manager may be removed only pursuant to any approved contract provisions.

(2) Any officer may resign at any time by giving written notice to the Board, or to the Chairperson, or Secretary; such resignation shall take effect at the time specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

(3) Any vacancy in any office because of death, resignation, removal, or any other cause shall be filled for the unexpired portion of the term in the manner prescribed herein for election or appointment to such office.

#### **7.10 Other officers and agents**

The Board may appoint such other officers and agents as it deems necessary or expedient, and may determine their duties, as well as the terms of their holding office.

#### **7.11 General Manager; functions; duties**

(1) The General Manager shall be employed under a written employment contract subject to approval by the Winnebago Tribal Council and the Secretary of the Interior or authorized representative, and shall be responsible to, the Board.

(2) The General Manager shall be the active, operating executive of the Enterprise and shall prepare plans and annual budgets; and make suggestions as to policies and any proposals for improvements.

(3) The General Manager shall have the full authority and control over all employees of the Enterprise and shall be responsible for all department heads or other executives carrying out their assignments.

(4) The General Manager shall render regular reports to the Board and perform all other functions and duties specified in this chapter.

#### **7.12 Accounting; fiscal year**

The accounting system for the Board shall be maintained in accordance with generally accepted utility accounting practices. Financial operating statements shall be provided to the Winnebago Tribe on a regular basis.

#### **7.13 Records; inspection; audits**

The books, records and property of the Board shall be available for inspection at all reasonable times by authorized representatives of the Winnebago Tribe and upon notice to the Winnebago Tribal Council. Copies of Audit Reports shall be furnished to the parties receiving copies of the financial and operating statements as well as to the Winnebago Tribal Council.

#### **7.14 Insurance**

Insurance, including liability, adequate and sufficient to protect the interest of the United States and the Winnebago Tribe of Nebraska from losses by fire or other disaster shall be carried on all property of the utility enterprise.

#### **7.15 Rates and charges**

(1) All rates and charges for utility services shall be adopted by the Board after formal public hearing for which adequate notice as the Board may determine has been given.

(2) The Board may, in their sole discretion, negotiate with large users of a particular utility service for special rates and charges, provided, however, that such negotiated rates shall be demonstrated to be fair and equitable to all other customers or users of the Winnebago Tribal Utility Board services.

(3) Procedures set forth by the Board for appeals of rate decisions shall be followed.

#### **7.16 Pledge and security interests**

Any pledge of, or security interest in, personalty, fixtures, revenues or other monies or funds, or of a revenue-producing contract or contracts made by the Board shall be valid and binding from the time when the pledge is made or the security interest is given; the personalty, fixtures, revenues, or other monies or proceeds of any contract or contracts so pledged or secured and thereafter received by the Board shall immediately be subject to the lien of such pledge or security interest without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or

otherwise against the Board irrespective of whether such parties have notice thereof. Neither the resolution, nor any other instrument by which a pledge or security interest is created need be recorded.

**7.17 Exemption from levy and execution**

All property, including funds, of the Board shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property; nor shall any judgment against the Board be a charge or lien upon its property; provided, however, that this section shall not apply to or limit the right of note holders or bondholders to pursue any remedies or rights, including, but not limited to, possession, execution, attachment, and sale of security, for the enforcement of any pledge or lien given by the Board on its property, including personalty, fixtures, revenues, rates, fees, or other income of any other funds.

**7.18 Bonds**

The Board, as a subdivision of the Tribe, may issue bond instruments to fund the acquisition, ownership, operation or construction of tribal utility assets on the Reservation.

<b>CHAPTER EIGHT</b>	<b>Water Service [Reserved]</b>
<b>CHAPTER NINE</b>	<b>Gas Utilities [Reserved]</b>
<b>CHAPTER TEN</b>	<b>Heating Utilities [Reserved]</b>
<b>CHAPTER ELEVEN</b>	<b>Other Utilities [Reserved]</b>



# Energy Options Analysis and Organization Development and Renewable Energy Feasibility Study



for the Winnebago Tribe of Nebraska  
On-Site Working Meeting

Red Mountain Energy Partners

June 8, 2006

# Discussion Outline

- 1 Energy Options Analysis Objectives/Scope
- 2 Energy Options Analysis Status Report
- 3 Renewable Energy Feasibility Study Project Overview/Objectives
- 4 Renewable Energy Feasibility Study Project Budget
- 5 Renewable Energy Feasibility Study Project Schedule
- 6 Renewable Energy Feasibility Study Next Steps
- 7 Future Considerations – BIA MAPS Grant Application

# Discussion Outline

- 1 Energy Options Analysis Objectives/Schedule
- 2 Energy Options Analysis Status Report
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# Project Overview, Recap of Objectives

## The Winnebago Strategic Energy Vision

The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

## Project Objectives

1. Analyze energy management options as a whole, with goals of improving reliability, safety, and lowering *electricity* costs in particular.
2. Analyze options for formation of a Tribal energy organization, which can best enable the Tribe to achieve its energy management goals.
3. Validate the recommended options for execution, based on a Benefits Assessment that examines utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
4. Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

# Discussion Outline

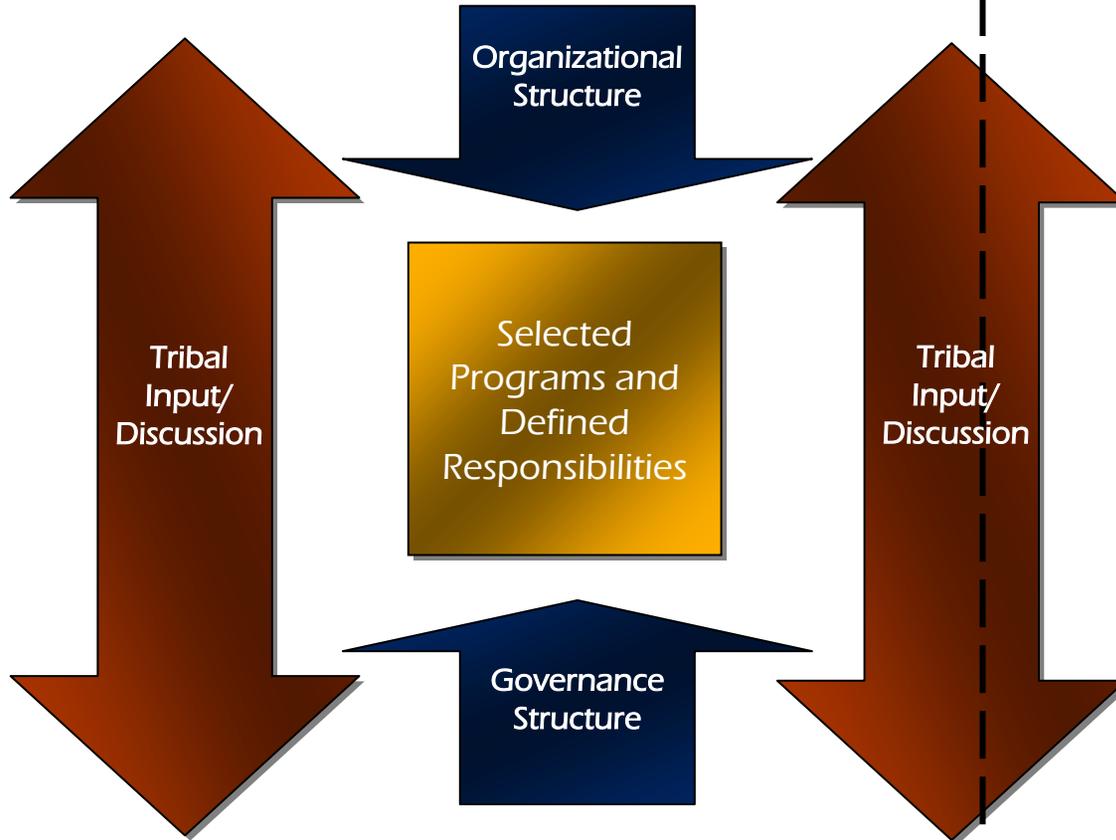
- 1 Energy Options Analysis Objectives/Schedule
- 2 Energy Options Analysis Status Report**
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# Energy Options Analysis Steps

## Options Analysis

- Energy Management Options
- Utility Service Options
- Generation Options
- Transmission/ROW Options

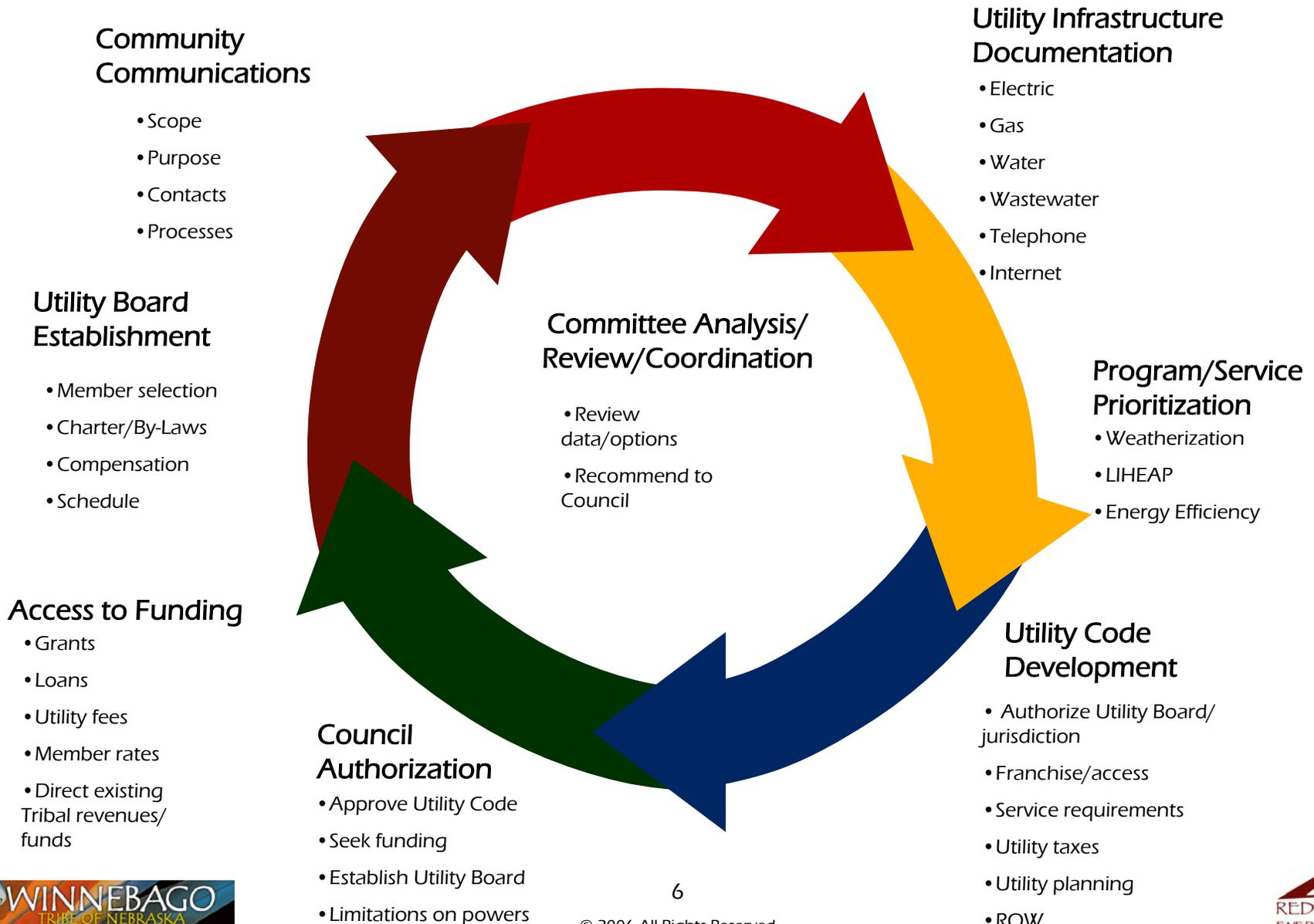
## Governance/Structure Analysis



## Implementation Planning

- Funding Analysis
- Skills Requirements
- Infrastructure Analysis
- Legal Issues
- Other

# Utility Board Implementation Plan



# Ongoing Efforts

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- Funding Analysis
  - ❖ Further follow up needed on state utility tax, WAPA allocation options
- Program/Service Prioritization
  - ❖ Weatherization, LIHEAP summaries needed
- Infrastructure Analysis
  - ❖ Continuing to gather utility documentation
- Code development
  - ❖ Draft underway

# Utility Code Draft - Discussion

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- Code essentially authorizes the Winnebago Utility Board to:
  - ❖ Clarify tribal civil jurisdiction to regulate current and future utility services and facilities by creating a Commission structure; and
  - ❖ When appropriate, to perform utility services or acquire, own, or build utility facilities (generation; transmission; distribution) at a future date
- Questions/Additional Information Gathering Still in Process
  - ❖ Enforcement
  - ❖ Taxation

# Discussion Outline

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# Project Background

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- Original application in February 2005
- Award announced in January 2006
- DOE indicated project would be eligible for first-year funding only
- Chairman Blackhawk letter to DOE
- DOE revised commitment to include full funding, as available

# Project Overview

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- Grant awarded - \$198,881
- Timing – 18 months originally estimated; anticipate completion in 12-15 months
- Recommended phases
  - ❖ Capacity Building – (Energy Manager salary + fringe)
  - ❖ Project Identification
    - ◆ Load Assessment
    - ◆ Resource Monitoring
    - ◆ Power Markets & Delivery
    - ◆ Community & Stakeholder Outreach
  - ❖ Technology Selection and System Design
  - ❖ Environmental Evaluation
  - ❖ Project Economics
  - ❖ Tribal Benefit Assessment
  - ❖ Project Implementation Plan

# Renewable Energy Feasibility Study Project Objectives

## The Winnebago Strategic Energy Vision

The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

## Project Objectives

- Develop a project planning and oversight framework;
- Analyze Tribal loads and resources, power markets and delivery options;
- Analyze technology, system and environmental impacts;
- Design the project plans: stakeholder outreach, financial plans, permitting and agreements, O&M, and sustainable implementation plan; and
- Evaluate the project benefits and impacts

# Discussion Outline

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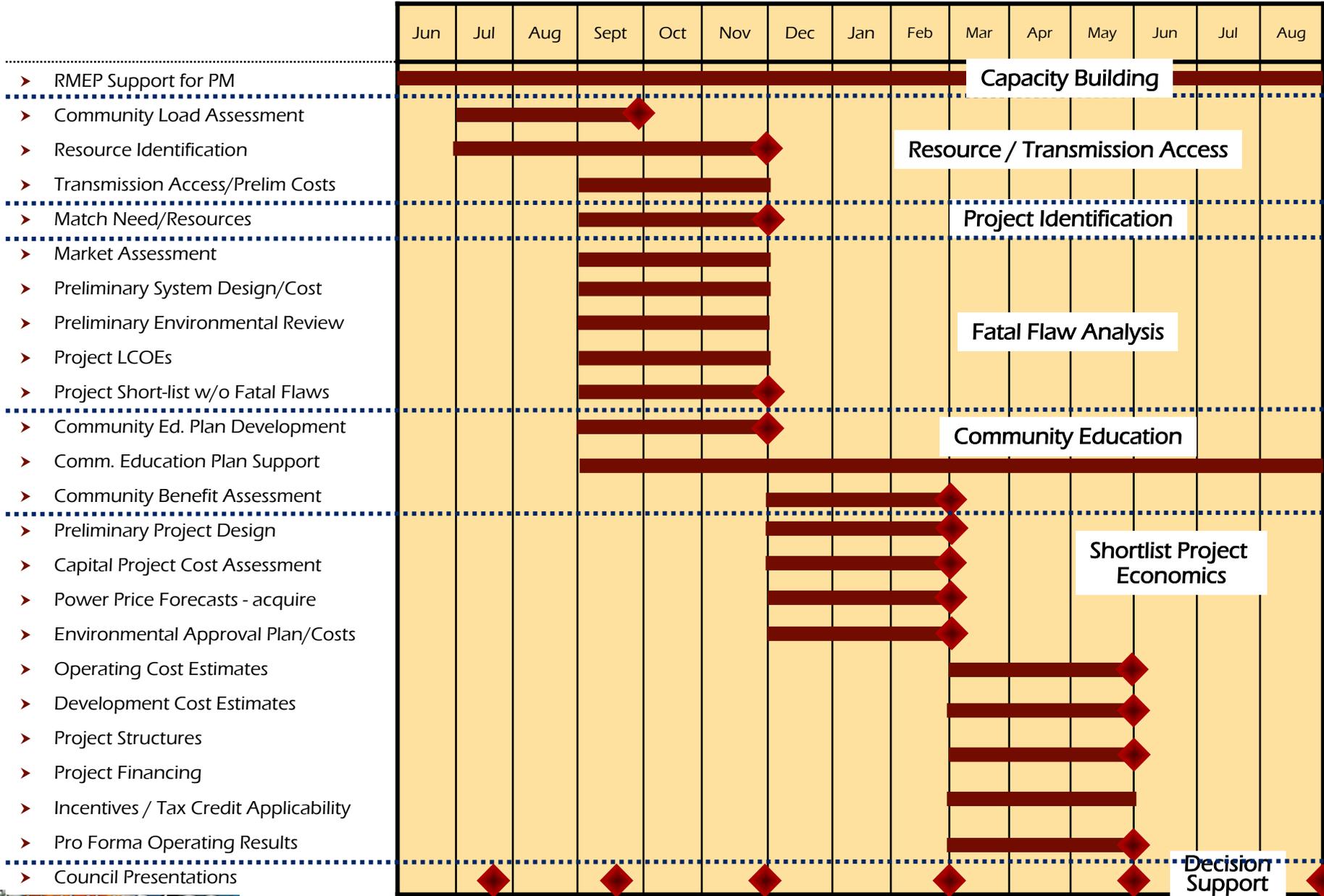
# Renewable Energy Feasibility Study Project Budget

Tasks	Effort	Costs
Capacity Building	80	\$ 11,642
Resource\Transmission Access	186	\$ 25,746
Project Identification	80	\$ 11,634
Fatal Flaw Analysis	104	\$ 14,156
Community Education\Involvement	76	\$ 11,071
Shortlist Program Economics	196	\$ 28,041
Project Decision Support	80	\$ 11,642
Project Management	74	\$ 9,929
Travel (Contractual)		\$ 17,618
	<b>876</b>	<b>\$ 141,479</b>
<b>Direct Expenses</b>		
Direct Expenses Personnel	2080	\$ 44,720
Direct Expense Fringe		\$ 9,682
Direct Expense Travel (Direct)		\$ 3,000
<b>Total Direct Expenses</b>		<b>\$ 57,402</b>
<b>Total Project Cost</b>		<b>\$ 198,881</b>

# Discussion Outline

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# Renewable Energy Feasibility Project Schedule



# Discussion Outline

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- 7 Future Considerations – BIA MAPS Grant Application

# Renewable Energy Feasibility Study Next Steps

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- Council input on project emphasis
- Load assessment
  - ❖ Collect Winnebago data/account numbers
  - ❖ Draft request to utility providers
  - ❖ Compile and analyze data
- Resource monitoring
  - ❖ Identify/quantify resource data
    - ◆ Wind
    - ◆ Solar
    - ◆ Biomass
    - ◆ Geothermal
    - ◆ Biofuels

# Discussion Outline

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# Renewable Energy Feasibility Study Future Considerations

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- BIA Mineral Assessment Program (MAPS) grant application submitted in December 2005
  - ❖ Grant would have been awarded (according to BIA), but for DOE funding
- Opportunity to use the next grant to implement feasible projects identified
  - ❖ Applications due late fall
  - ❖ Goal should be to make enough progress to apply for project development funding

# Further Information

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480 236-5896 direct

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# **Energy Options Analysis and Organization Development: Project Kick-off**



Kate Maracas, Edward Samson & Carolyn Stewart  
*Red Mountain Energy Partners*

Prepared For:  
The Winnebago Tribe of Nebraska  
November 14, 2005  
Winnebago, NE

## Discussion Outline

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- Introductions
- A Brief – Very Brief, Word About Red Mountain Energy Partners
- Discussion of Tribal Energy Committee – Foundation and Goals
- Review of Prior Work
- Review of Proposed Project
  - ❖ Project objectives
  - ❖ Project approach
  - ❖ Proposed project schedule
- The Winnebago Strategic Energy Vision
  - ❖ Discussion of fit with present TEC goals
- Discussion of wind project opportunities (MAPS, DOI Economic Development, other funding sources)
- Information Needs Outline
  - ❖ “Go-to” resources
- Observations and Open Discussion

# Discussion Outline

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- Introductions
  - ❖ Round Table – All
  - ❖ Carolyn, Edward, and Kate

# About Red Mountain Energy Partners

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## Transition and Evolution

Red Mountain Energy Partners is a Phoenix-based consulting firm, founded as a division of MCR Performance Solutions in Northbrook, IL. We focus on providing consulting services that help build Tribal and Renewable Energy capacity through effective, result-oriented partnerships based on mutual respect and trust.

- **Transition from Navigant Consulting, Inc. – October 2005:**
  - ❖ Red Mountain Energy Partners assumed ongoing Tribal clients and engagements; sought client agreements
- **Fulfillment of Client Needs:**
  - ❖ Our founding partners have more than 60 combined years of experience in energy and economic development planning, engineering, operations and finance
  - ❖ We collaborate with other reputable firms and trusted experts in the energy field
- **Our Commitment:**
  - ❖ Red Mountain Energy Partners will maintain seamless continuity of ongoing work, and continue to deliver quality client service



# Discussion of Tribal Energy Committee

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- Foundation and Goals
  - ❖ Open discussion

## Review of Prior Work

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- **Prior Work Conducted:**
  - ❖ BIA grant awarded to the Tribe in 2004
  - ❖ “Energy Needs Analysis and Impact Assessment for the Winnebago Tribe of Nebraska” completed in December 2004; deliverables included:
    - ◆ basic energy primer
    - ◆ reusable data/information collection tool for energy resource planning
    - ◆ Tribe-specific resource data
    - ◆ comprehensive listing of federal and state leveraging resources (grants, loans, incentives) available to assist Tribes in energy matters
    - ◆ project development and utility formation guidebooks
  - ❖ Previous work provided foundation for executable plan
- **“First Steps” Project** will provide specific roadmap and prerequisite for ultimate project feasibility/development

## Review of Prior Work

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- Ongoing and Future Work:
  - ❖ NREL Tall Anemometer Loan secured in August 2005
  - ❖ Tribal Energy Committee examining both self-supply and power export options for wind generation
  - ❖ Further feasibility analysis will be required
    - ◆ Design Projected Output report
    - ◆ turbine specification
    - ◆ power market assessment (if export warranted)
    - ◆ transmission studies
    - ◆ project architecture
      - pro forma analysis
      - partnership, structure
      - leveraging instruments
      - project finance
  - ❖ Utility organization, other resource planning options TBD as part of “First Steps”

# Review of Proposed Project: *Project Objectives*

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## Project Objectives

1. Analyze energy management options as a whole, with goals of improving reliability, safety, and lowering *electricity* costs in particular.
2. Analyze options for formation of a Tribal energy organization, which can best enable the Tribe to achieve its energy management goals.
3. Validate the recommended options for execution, based on a Benefits Assessment that examines utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
4. Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

# Review of Proposed Project: *Project Approach*

## Project Approach

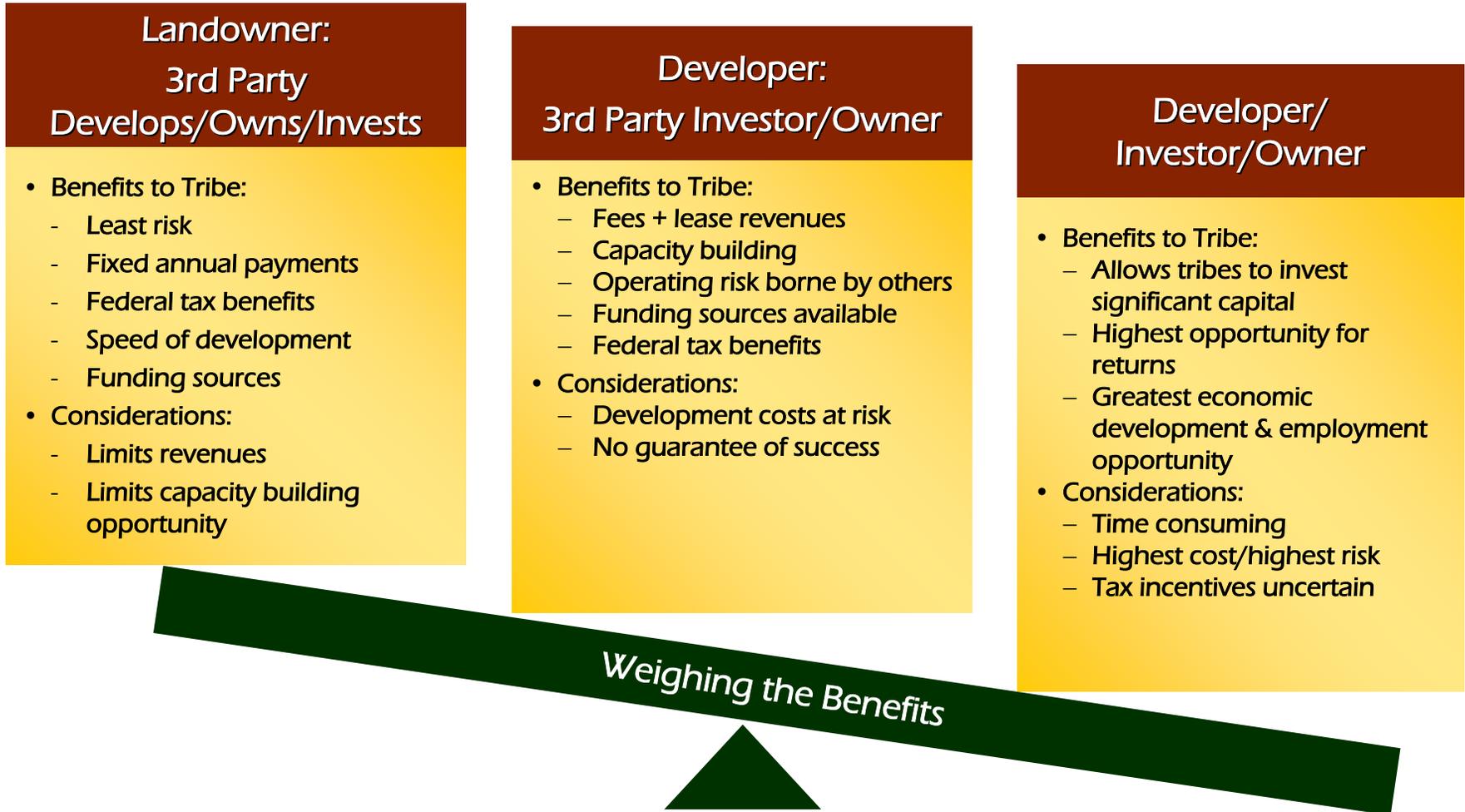
- Task 1: Energy Options Analysis
  - ❖ Assessment of overall energy resource options:
    - Conservation, demand management, and energy efficiency;
    - Self-supply through on-Reservation renewable generation;
    - Fuel volatility hedging through renewable generation; and
    - Power export from on-Reservation renewable generation.
  - ❖ Evaluation of current and forecasted Reservation load
  - ❖ A high-level (pre-feasibility) examination of:
    - generation technologies
    - power export feasibility
    - potential power markets
    - finance alternatives
    - leveraging incentives
    - estimates of achievable levelized energy costs

The energy options analysis will be based on the Tribe's Strategic Energy Plan, and will result in identification of optimum alternatives to meet Tribal energy needs for local consumption or for export off the Reservation.

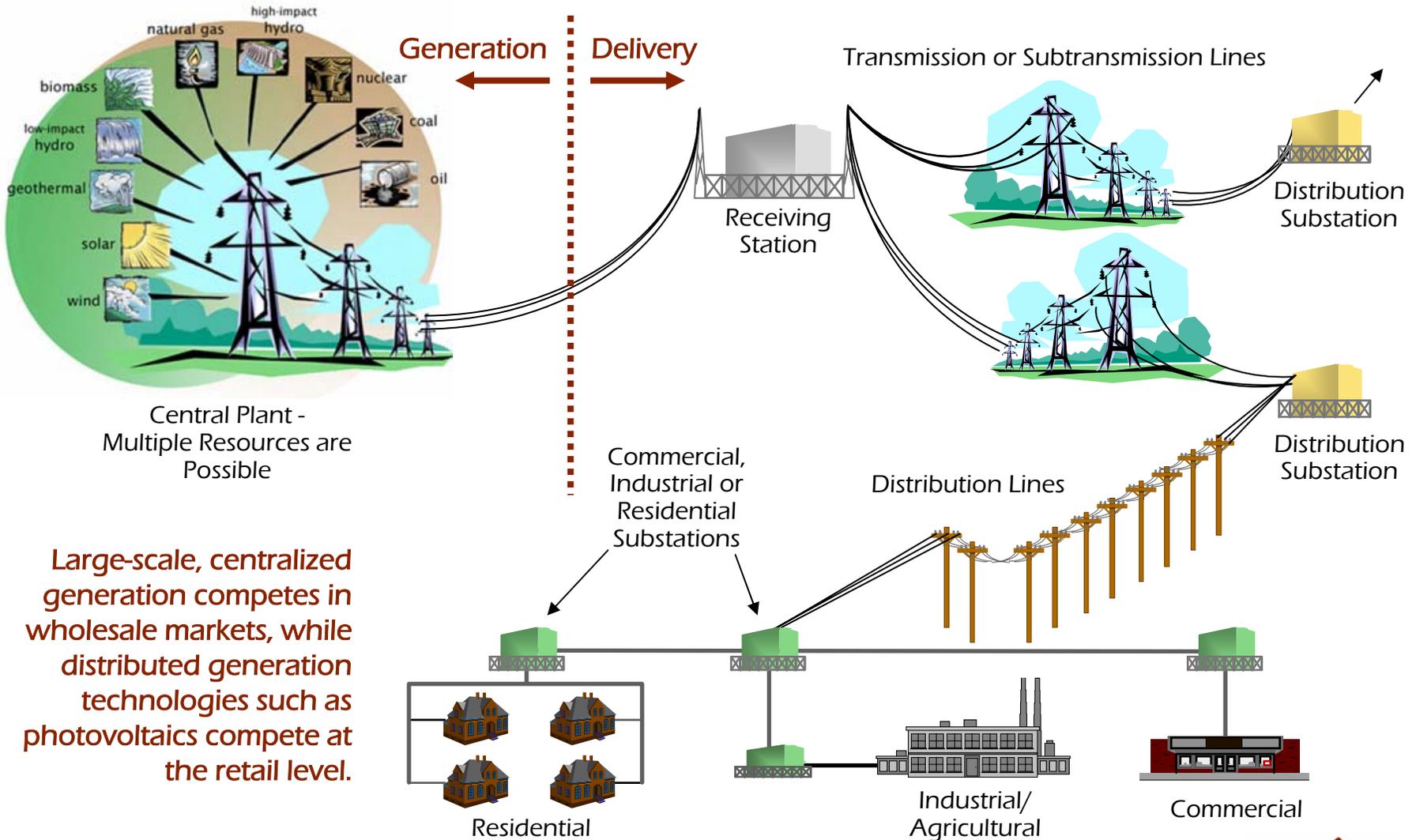
## Review of Proposed Project: *Energy Project Options*

Load Management	Self-Supply Power Generation	Power Export Generation
<ul style="list-style-type: none"> <li>• Conservation</li> <li>• Energy Efficiency               <ul style="list-style-type: none"> <li>– Lighting, daylighting, motion lighting</li> <li>– Weatherization</li> <li>– Energy efficient shading</li> <li>– Energy Star Appliances</li> <li>– Retrofits, energy reuse</li> </ul> </li> <li>• Demand-Side Management/ Demand Response               <ul style="list-style-type: none"> <li>– Load control</li> <li>– “Smart” metering</li> <li>– Real-time consumption</li> <li>– Time-of-use metering</li> <li>– Real-time pricing</li> <li>– Voluntary curtailment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Reliability/back-up generation               <ul style="list-style-type: none"> <li>– Diesel, recip engines</li> <li>– Grid-tied solar with storage</li> <li>– Small-scale grid-tied wind, biodigester, or other renewables</li> </ul> </li> <li>• Distributed generation, on or off grid               <ul style="list-style-type: none"> <li>– Self supply for commercial, institutional facilities (retail, casinos, health/wellness facilities, schools, BIA facilities)</li> <li>– Distributed residential systems (e.g. photovoltaics)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Tribe as landowner, using a 3<sup>rd</sup> party project developer/owner               <ul style="list-style-type: none"> <li>– Least risk, fixed annual payments, federal tax benefits</li> <li>– Limited revenues, capacity gain</li> </ul> </li> <li>• Tribe as developer, with a 3<sup>rd</sup> party investor/owner               <ul style="list-style-type: none"> <li>– Fees &amp; lease revenues, investment risk borne by others</li> <li>– Development costs at risk</li> </ul> </li> <li>• Tribe as developer/ investor/ owner               <ul style="list-style-type: none"> <li>– Highest returns, economic development opportunity</li> <li>– Highest cost/risk, time consuming</li> </ul> </li> </ul>

# Review of Proposed Project: *Considerations For Project Participation*

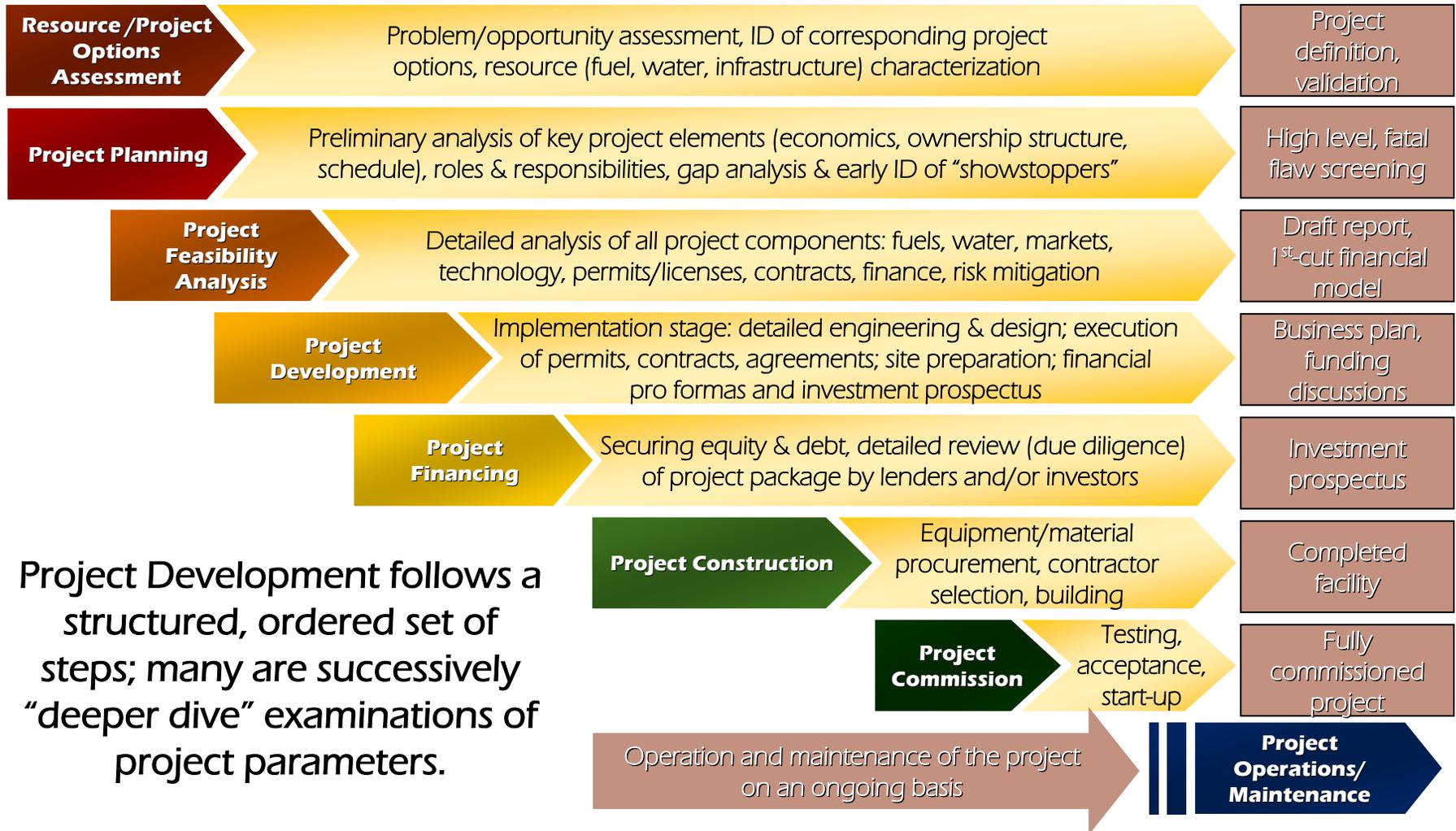


# Review of Proposed Project: *Wholesale and Retail Market Considerations*



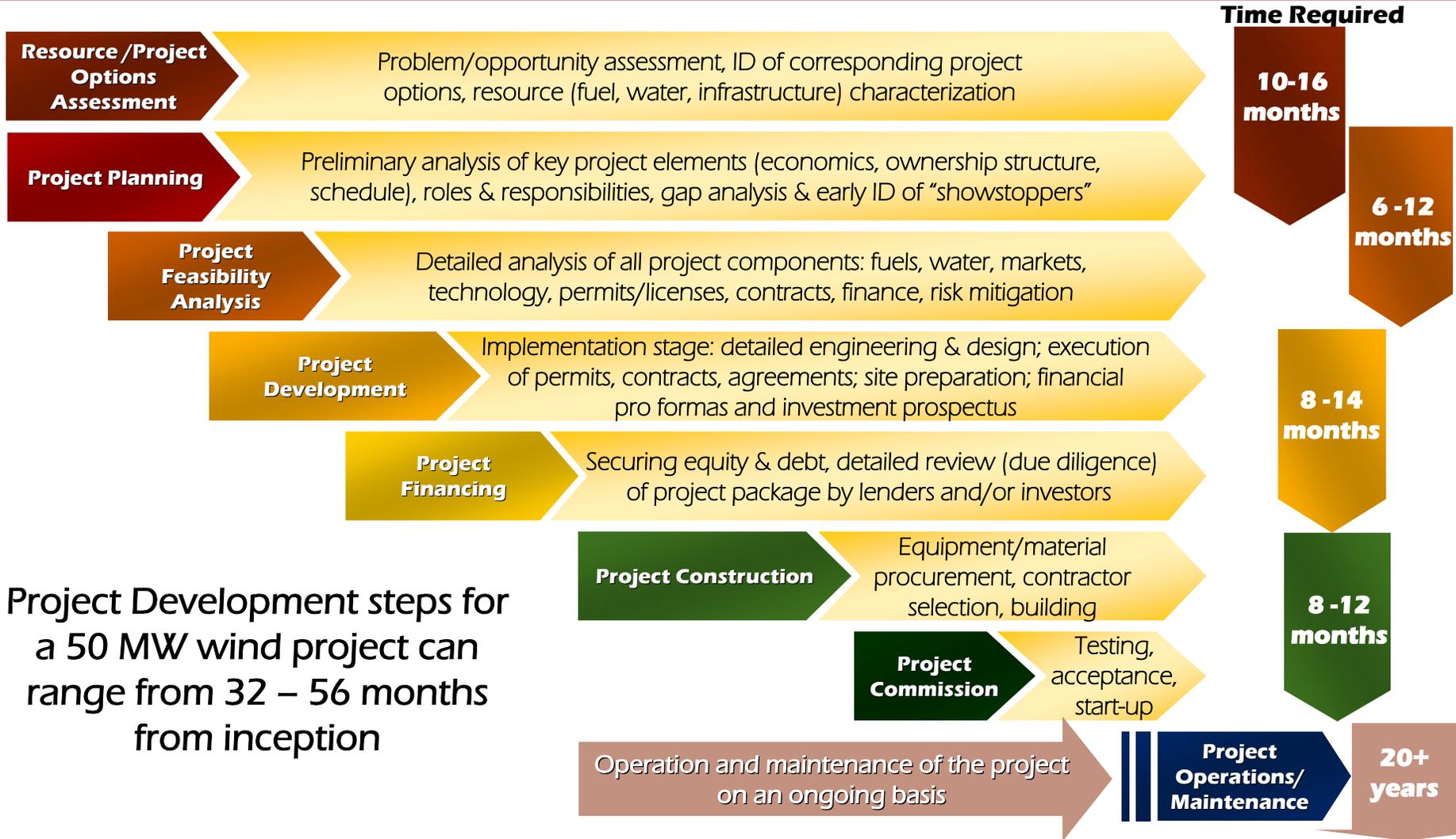
Large-scale, centralized generation competes in wholesale markets, while distributed generation technologies such as photovoltaics compete at the retail level.

# Review of Proposed Project: *Project Development Process*



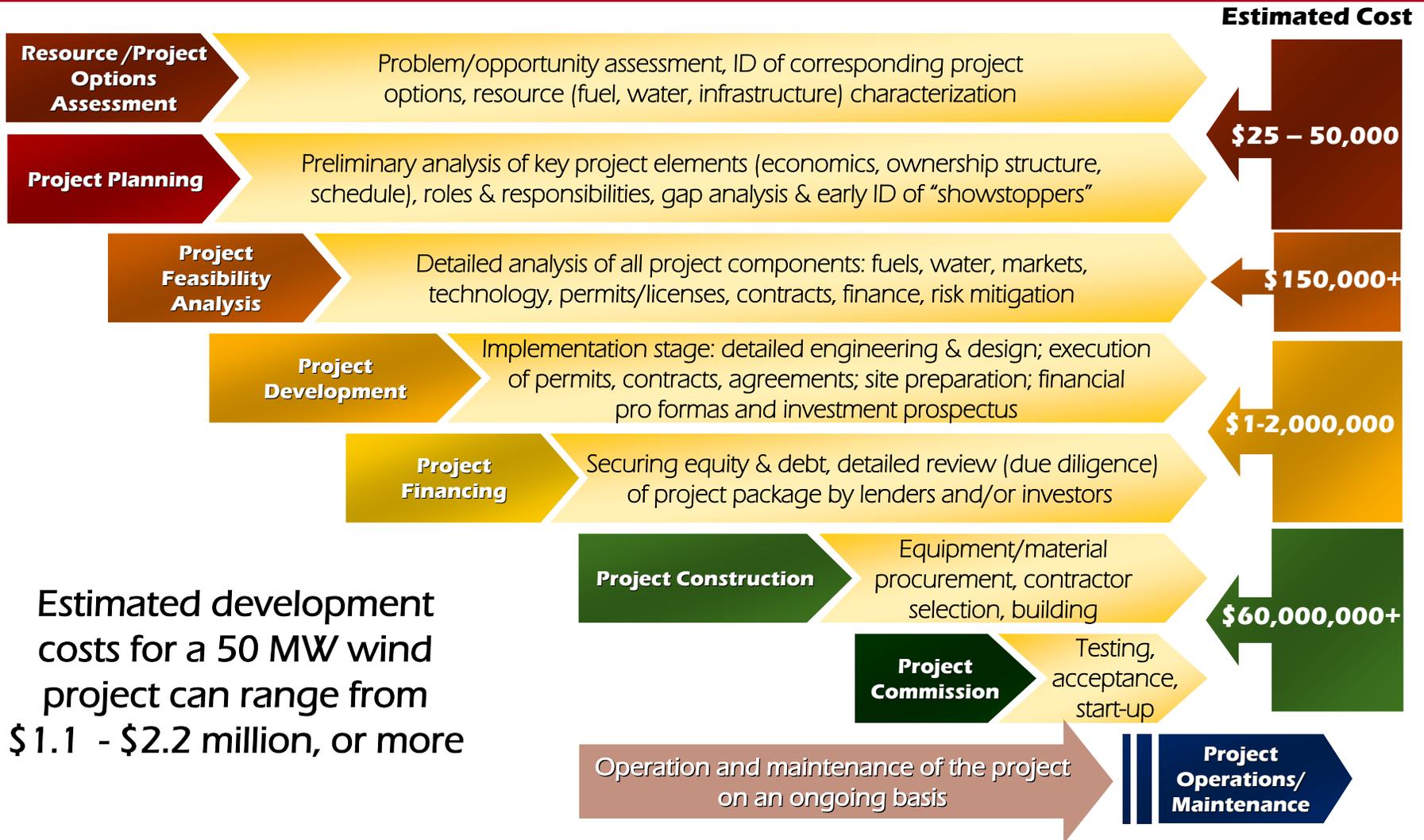
Project Development follows a structured, ordered set of steps; many are successively "deeper dive" examinations of project parameters.

# Project Development – Typical Timing for Wind



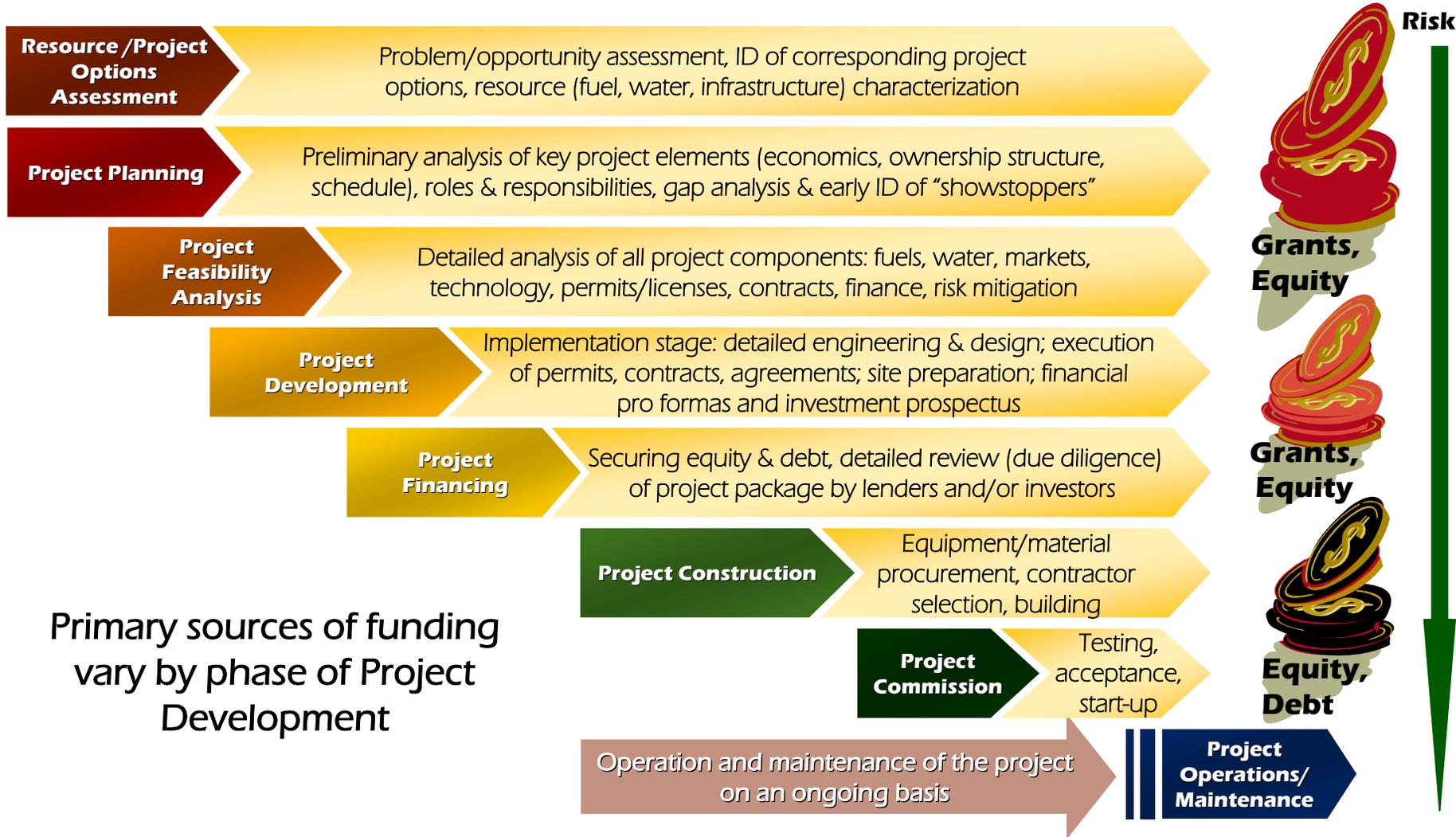
Project Development steps for a 50 MW wind project can range from 32 – 56 months from inception

# Project Development – Typical Costs for Wind



Estimated development costs for a 50 MW wind project can range from \$1.1 - \$2.2 million, or more

# Project Development – Sources of Funding for Wind



## Review of Proposed Project: *Cost & Performance Characteristics*

Type of Resource	System Size	Installed System Cost (\$/kW)	O&M Costs (¢/kWh)	Capacity Factor	Key Issues
Wind	Each Turbine: 650-2500 kW	1,200	0.5	Class 4 wind 30%	Intermittency
Solar Thermal	25kW – 300 MW	3,000 – 4,000	0.03-0.04	22-25%, up to 90% with storage	High Capital Cost
Solar PV - Commercial	250-1000 kW	6,500	0.8	14-20%	High Capital Cost
Solid Biomass	10-100 MW	1,500-2,000	1.5 (+fuel)	85%	Emissions
Biogas	5 MW	1,200-1,500	1.5-2.0 (+fuel)	85%	Air quality; gas collection system
Geothermal	50 MW+	2,000-2,500	1.0-1.5	90%	Upfront costs such as drilling an exploration; resource could deplete
Small Hydro	1-5 MW	3,500-4,500	0.5	45-65%	Permitting; High Capital Cost

## Review of Proposed Project: *Resource Characteristics*

Type of Resource	Measurement	Typical Values	1 MW Equivalent	Key Issues
Wind	Wind Speed (Density)	Class 4-7 15.7+ mph	Less than 1 Turbine	Intermittency
Solar PV	Solar Insolation	Capacity Factor Watts/m2	1 acre e.g. Walmart store	High Capital Cost
Solar Thermal	Solar Insolation	Capacity Factor Watts/m2	10 acres	High Capital Cost
Solid Biomass	Heat/Water Content	5000-7000 Btu/lb	1 Dry Ton/Hr	Emissions
Biogas	Methane Content	LFG: 50% Methane Dairy: 60% Methane	1 MM tons WIP; 1000 cattle	Gas Collection System, Gas Clean-up
Geothermal (Flash/Direct Steam)	Steam Temperature, Pressure and Quantity	>350F 100 psi	15-20klbs	Upfront Costs; Resource Depletion
Small Hydro	Head (ft) Flow(cu.ft/sec)	Wide range	33 ft @ 500 cu.ft/sec	Permitting; High Capital Cost

# Review of Proposed Project: *Project Approach*

## Project Approach

- **Task 2: Utility Organization Development**

The scope of this study will include evaluation of three potential organizational configurations, and will consider whether an optimum approach for each would also entail authority over non-energy services (water, waste, telecommunications). For the purpose of this study, however, the primary emphasis is energy, and non-energy services will be treated only to the extent that their inclusion in the identified organization structure is an optimal alternative. The three organization configurations to be considered are:

- ❖ A Utility Authority or Tribal Energy Office (“Oversight Authority”) that oversees/regulates some or all energy and non-energy Reservation utility services;
- ❖ A Utility Authority (“Operating Authority”) that manages and operates some or all energy and non-energy Reservation utility services; and
- ❖ A Utility Authority (“Generation Authority”) that takes part in developing/operating renewable generation. This option may also include delivery system ownership/operation.

# Review of Proposed Project: *Project Approach*

## Project Approach

- **Task 3: Benefits Assessment**

The purpose of Task 3 will be to assess the overall benefits of the recommended energy management options (the ideal mix of generation, energy efficiency, and load management) as identified in Task 1, and the recommended energy organization as identified in Task 2.

- ❖ not intended to be a rigorous cost/benefit analysis or overall pro forma
- ❖ rather, will comprise a qualitative assessment of benefits, including consideration of comparative implementation costs, as well as benefits associated with recommended project options.

Overall factors for consideration will include (but not be limited to):

- ❖ local and regional environmental benefits
- ❖ improved employment conditions
- ❖ enhanced economic and community development
- ❖ contribution to self-sufficiency and human capacity, and
- ❖ benefits to Tribal electricity users through lower bills and enhanced reliability

# Review of Proposed Project: *Project Approach*

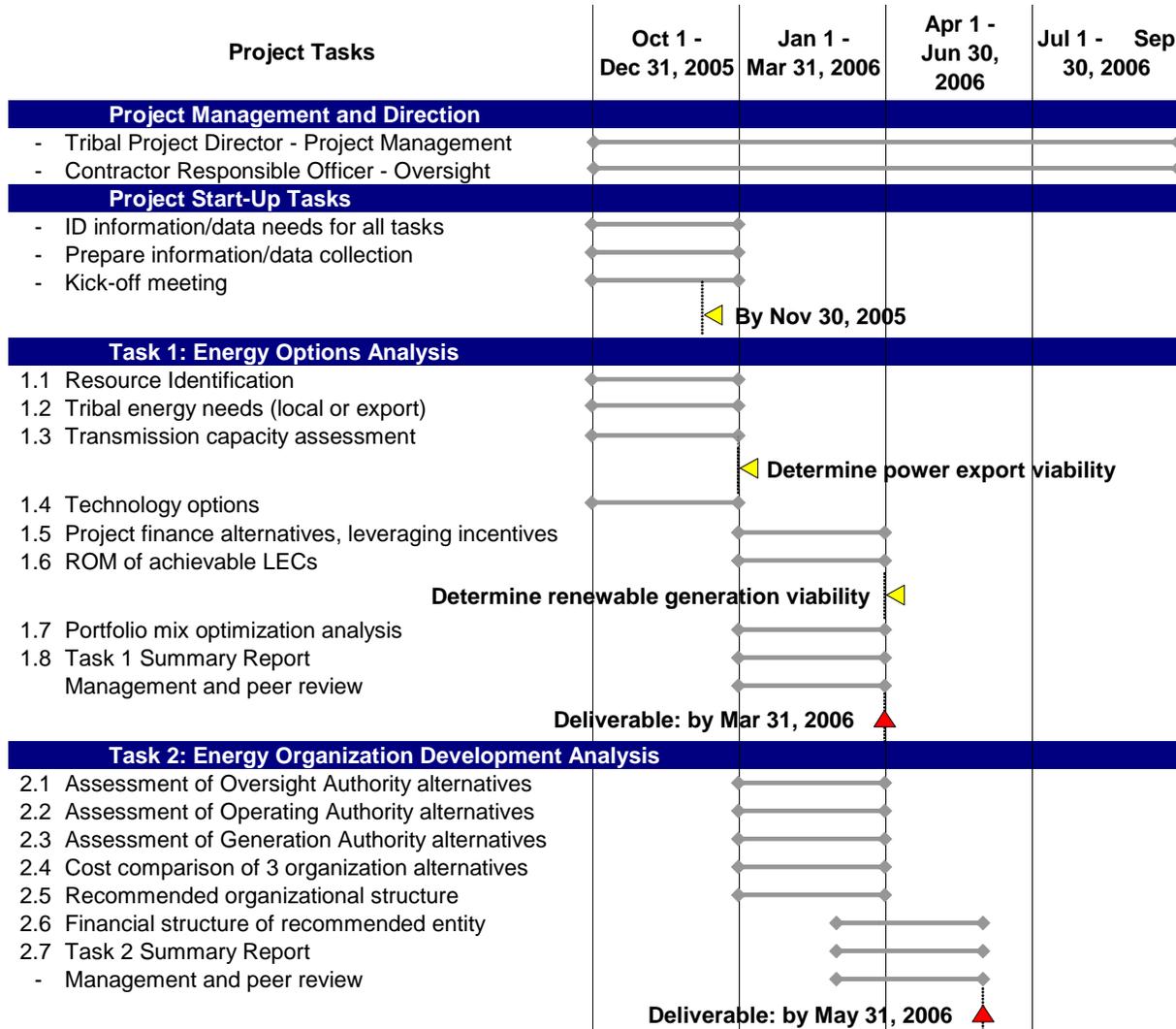
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## Project Approach

- **Task 4: Implementation Plan**

Task 4 will comprise the development of an Implementation Plan to carry out the recommended energy options identified in Task 1, and formation of the optimum energy organization identified in Task 2.

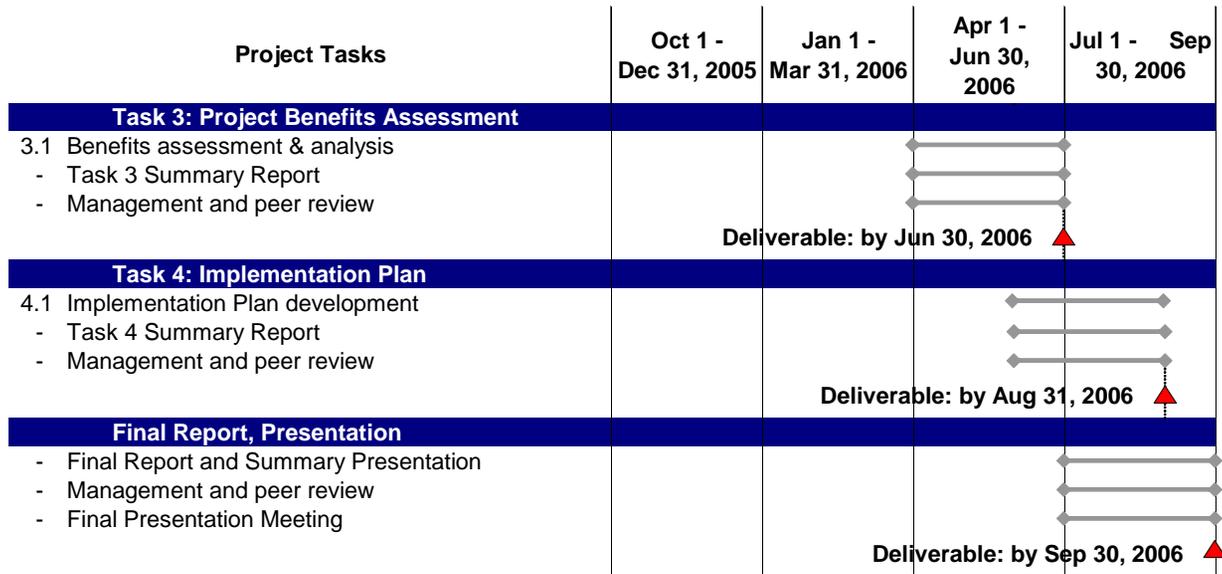
# Project Schedule



Schedule as  
proposed to  
DOE



# Project Schedule, *Continued*



Schedule as  
proposed to  
DOE

- We plan to revise the work plan as needed to reflect any requested modifications
- Additional on-site review(s) may be advisable
- Schedule can potentially be accelerated

# The Winnebago Strategic Energy Vision: *Fit With Present Goals*



## MISSION, VISION & GOALS

energy

### Tribal Mission Statement:

The Winnebago Tribe of Nebraska, as a sovereign Nation, is committed pursuant to its Constitution, to maintain, improve and protect the Tribe; To preserve its resources and cultural heritage; To create opportunities for its members to thrive and become economically and socially self-sufficient as individuals, families and as a tribal government; and, thereby, promote the harmony of traditional values, beliefs which will ensure a positive course of action for future generations.

### Energy Vision:

The Winnebago Tribe of Nebraska is committed to assure availability of safe, reliable, affordable, and clean energy to all its members; To further the Tribe's goals for self-sufficiency and self-determination through empowerment in the Tribe's energy interests; to ensure adequate supply and quality of energy to meet the Reservation's present and future needs; and, thereby, contribute to the economy of the Winnebago Tribe of Nebraska, consistent with the Tribe's dedication to improvement of health, welfare, and social and economic self-sufficiency of the Winnebago People.

Page 1

# The Winnebago Strategic Energy Vision: *Fit With Present Goals, Continued*



## MISSION, VISION & GOALS

energy

### Strategic Energy Goals:

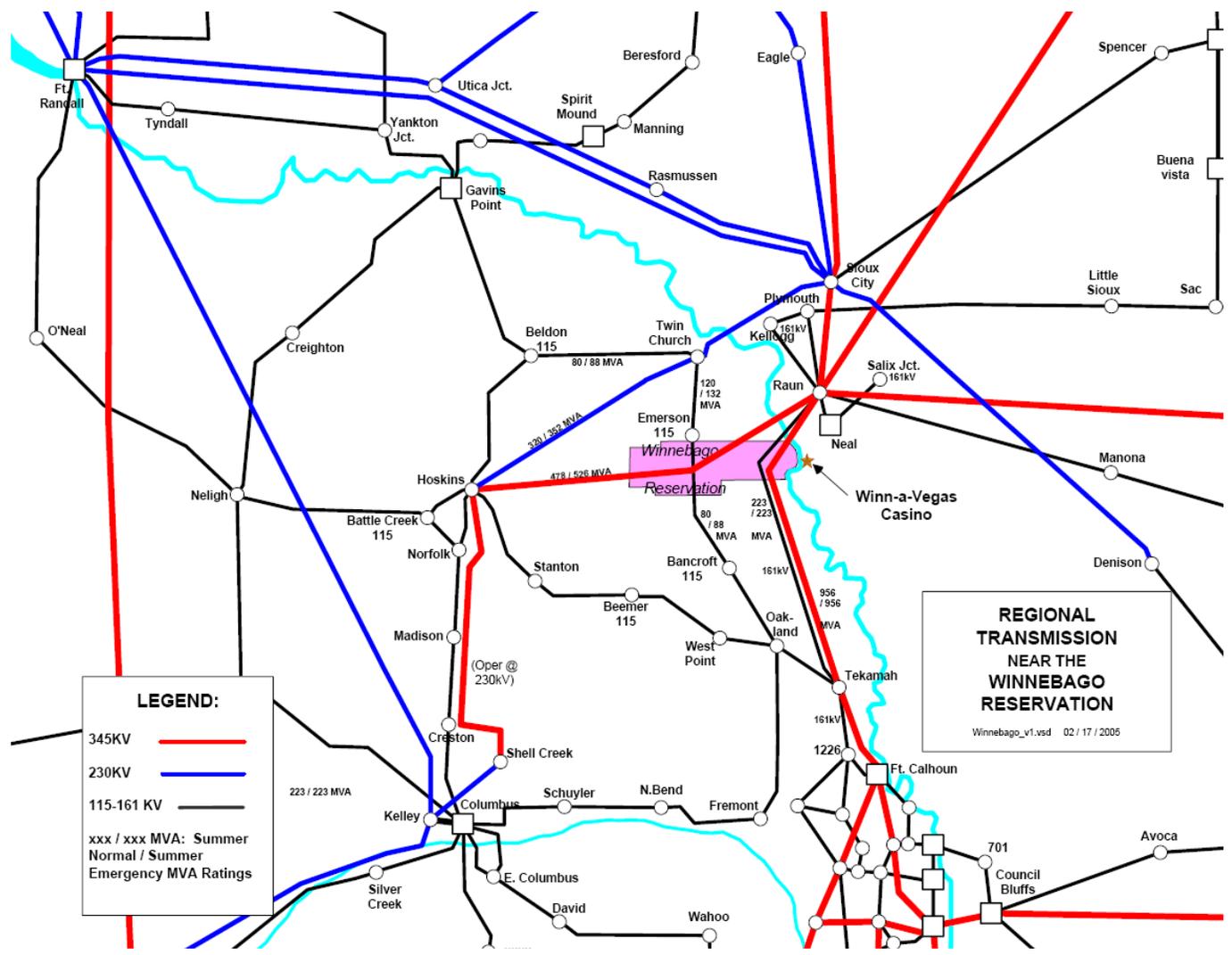
- To meet the intent of, and realize, the Winnebago Energy Vision.
- To exercise Tribal sovereignty and rights of self-determination.
- To utilize energy management as a means to facilitate accomplishment of the Tribe's goals for improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People.
- To integrate energy management into the Tribe's pursuit of economic and community development goals.
- To build a successful example of Tribal energy management that can be used as a model for other Tribal entities.

### Near Term Energy Objectives:

- To determine energy management alternatives that can further the Tribe's goals for enhanced quality of life through improved reliability, safety, and affordability of energy services for all Tribal members.
- To identify and act upon energy management alternatives, and/or viable energy efficiency, conservation, load management, and/or renewable generation projects that can facilitate economic and community development.
- To identify and act upon opportunities for development of Tribal renewable energy resources that meet Tribal needs, consistent with the Tribe's mission to preserve resources, cultural heritage, traditional values, and beliefs.
- To evaluate and act upon the formation of an appropriate Tribal Utility Entity, capable of advancing the Tribe's energy management objectives.
- To act upon current trends and policy changes, which create opportunities for empowering the Tribe in managing its energy affairs.

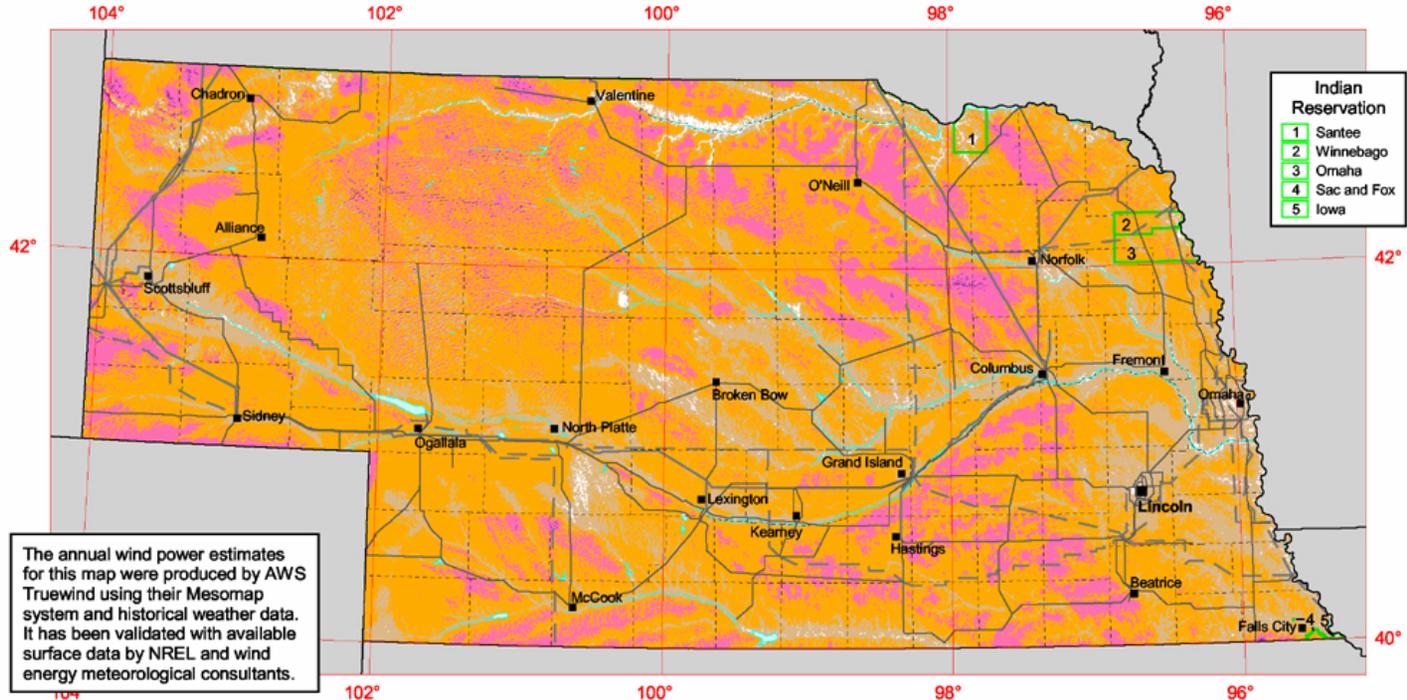
Page 2

# Wind Project Opportunities: *Regional Transmission*



# Wind Project Opportunities: *State Wind Resource*

## Nebraska - 50 m Wind Power

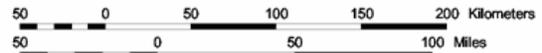


Wind Power Classification				
Wind Power Class	Resource Potential	Wind Power Density at 50 m W/m <sup>2</sup>	Wind Speed <sup>a</sup> at 50 m m/s	Wind Speed <sup>a</sup> at 50 m mph
1	Poor	0 - 200	0.0 - 5.7	0.0 - 12.8
2	Marginal	200 - 300	5.7 - 6.5	12.8 - 14.6
3	Fair	300 - 400	6.5 - 7.2	14.6 - 16.1
4	Good	400 - 500	7.2 - 7.8	16.1 - 17.5
5	Excellent	500 - 600	7.8 - 8.2	17.5 - 18.4
6	Outstanding	600 - 800	8.2 - 9.0	18.4 - 20.2
7	Superb	> 800	> 9.0	> 20.2

<sup>a</sup>Wind speeds are based on a Weibull k of 2.0 at 800 m elevation.

Transmission Line* Voltage (kV)	
—	35
—	115 - 161
—	230
—	345

\* Source: POWERmap, ©2005 Platts, a Division of the McGraw-Hill Companies



U.S. Department of Energy  
National Renewable Energy Laboratory



# Information Needs Outline

## "Go To" Resources

Topical Area	Tribal Contact/Information Source
Facilities management	
Power quality, reliability, outage tracking	
Utility liaison/customer service interface	
<ul style="list-style-type: none"><li>● Electricity</li></ul>	
<ul style="list-style-type: none"><li>● Gas</li></ul>	
<ul style="list-style-type: none"><li>● Water, sewer, waste</li></ul>	
Utility billing, accounts payable	
Community housing agency/ representatives	
Fuel bill assistance, weatherization assistance	

## Information Needs Outline, *Continued*

### "Go To" Resources

Topical Area	Tribal Contact/Information Source
Energy efficiency, energy audits	
Conservation, demand management	
Economic development	
Enterprise entity that would engage in project development	
Land use, infrastructure, and facilities mapping	
Nebraska State Energy Office	
Fish & wildlife, biological resources	
Cultural resources, historian	
EPA liaison, compliance officer	

## Observations and Open Discussion

---

- Question & Answer Period
- Discussion of Possible Scope Changes as Necessary
- Closing Observations & Next Steps

## Further Information

### Contact:



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# Energy Options Analysis and Organization Development: On-Site Working Meeting



Red Mountain Energy Partners

Prepared For:  
The Winnebago Tribe of Nebraska  
March 29, 2006  
Winnebago, NE

# Discussion Outline

1 Introduction/Project Overview/Recap of Objectives

2 Project Status

3 Discussion of Organizational Structure Options

4 Discussion of Governance Options

5 Discussion of Implementation Issues

6 Discussion of Energy Manager Responsibilities

7 Energy Organization Recommendations

8 DOE Renewable Energy Feasibility Study Plans

# Discussion Outline

- 1 Introduction/Project Overview/Recap of Objectives
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- 6 Discussion of Energy Manager Responsibilities
- 7 Recommendations
- 8 DOE Renewable Energy Feasibility Study Plans

# Project Overview, Recap of Objectives

## The Winnebago Strategic Energy Vision

The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

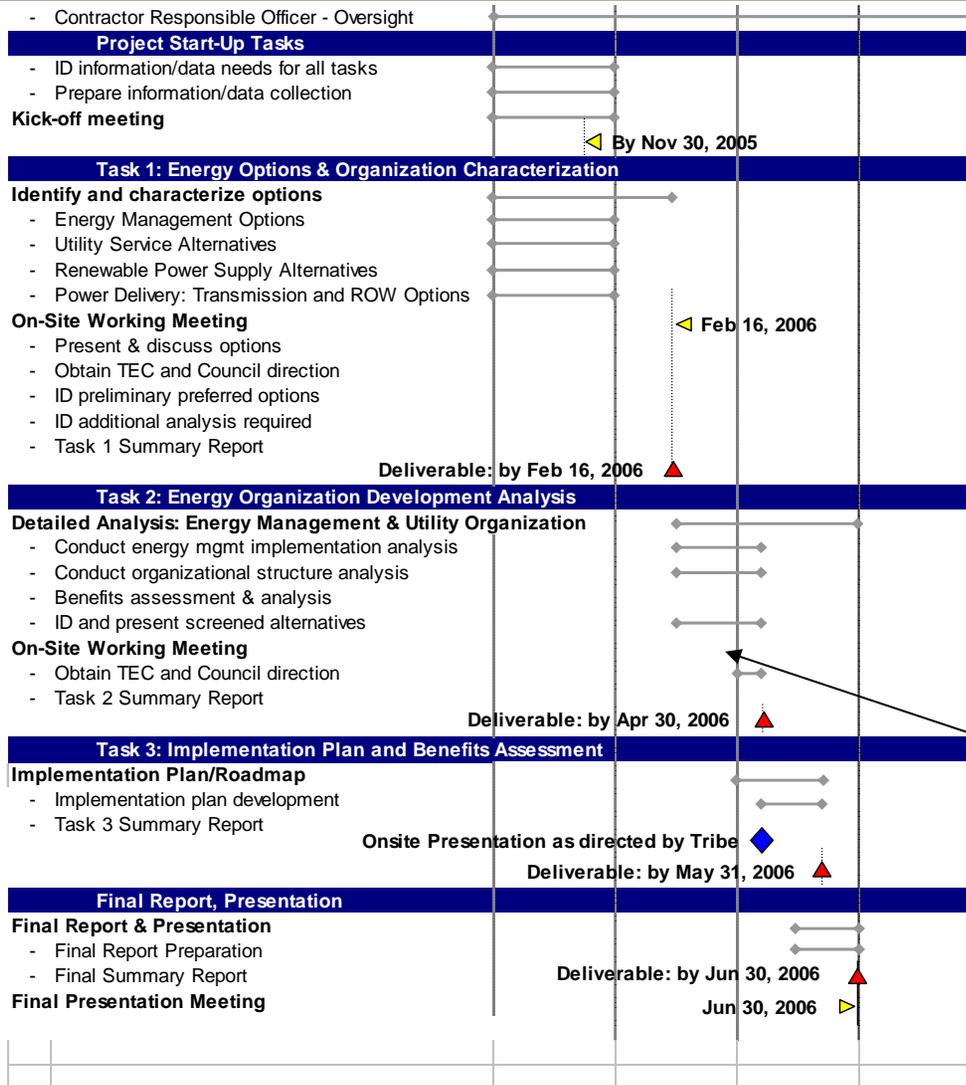
## Project Objectives

1. Analyze energy management options as a whole, with goals of improving reliability, safety, and lowering *electricity* costs in particular.
2. Analyze options for formation of a Tribal energy organization, which can best enable the Tribe to achieve its energy management goals.
3. Validate the recommended options for execution, based on a Benefits Assessment that examines utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
4. Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

# Discussion Outline

- 1 Introduction/Project Overview/Recap of Objectives
- 2 Project Status**
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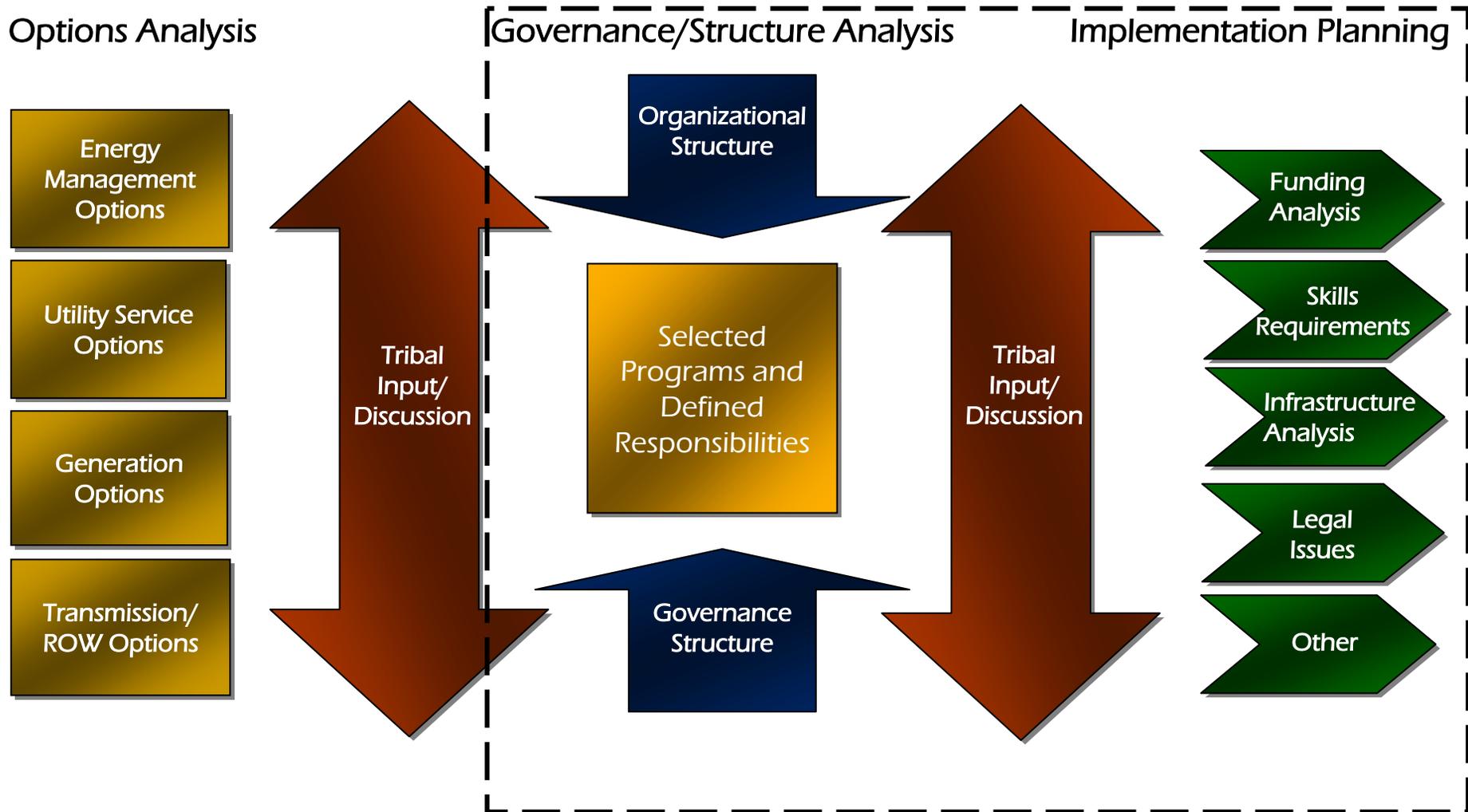
# Project Status >> Revised Project Schedule



- The project activities schedule now reflects directional changes approved by the Tribe following the November 2005 meeting.
- Any additional revisions necessary will be incorporated as directed by the Tribe.

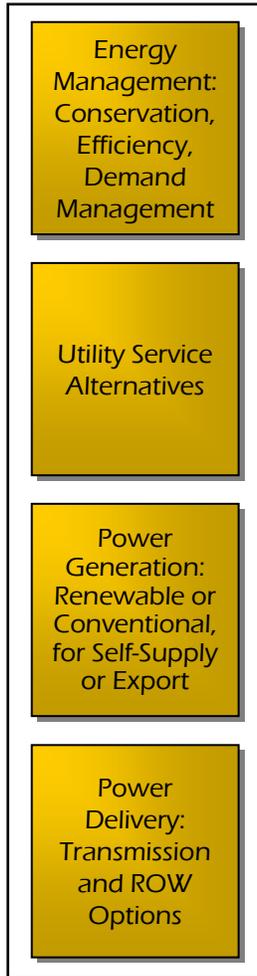
**Current Project Status**

# Typical Tribal Utility Options Analysis



# Project "Pathway"

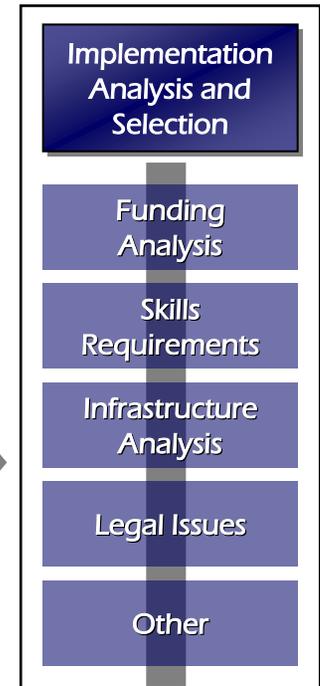
## Energy Options for Consideration



## Decision "Filters"



## Selection Criteria



Energy Vision

# Discussion Outline

- 1 Introduction/Project Overview/Recap of Objectives
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# Examples of Utility Service/Structure Options

## Committee

- Agua Caliente
- Washoe Tribe NV and CA (telecom)
- Pueblo of Laguna (telecom)

## Commission

- Kaw Nation
- Rosebud Sioux
- Salt River Pima Maricopa (ad hoc)

## Oversight Authority

- Pueblo of Laguna (electricity, gas)

## Operating Authority

- Fort Mojave (electric/gas distribution)
- Fort Mojave (water, wastewater)
- Fort Mojave (telecom)
- Pueblo of Laguna (water, waste water, solid waste)
- Gila River Indian Community (power supply)
- Tohono O'odham
- Navajo Tribal Utility Authority
- Salt River Pima Maricopa
- Mohegan TUA

## "Cooperative"

- Southern California Tribal Chairman's Association (telecom)
- Southwest Tribal Energy Consortium (underway; power project development)
- Cow Creek Electric Cooperative - Washington

# Committee

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- Key Benefits
  - ❖ No formal organization or entity required
  - ❖ Promote Tribal program participation and consensus
- Required Resources
  - ❖ Tribal program commitment/direction
  - ❖ Participants' time
  - ❖ Part-time administrative support
- Estimated Implementation Costs
  - ❖ No significant added costs
- Implementation Timing
  - ❖ Immediate/ongoing
- Key Issues
  - ❖ Could continue to utilize as a planning group to create a more formal utility business or regulatory entity
    - ◆ Could survey and identify current tribal expertise/needs
  - ❖ No legal authority/could assert through Council direction

# Committee Example

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- Agua Caliente Band of Cahuilla Indians (energy)
  - ❖ Program Directors heavily involved, operational staff
  - ❖ Focus on setting priorities and processes to evaluate energy strategies and projects
  - ❖ Does not deal with utility infrastructure/system planning issues

# Commission

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- Key Benefits
  - ❖ Provide tribal venue for tribal customers and utilities serving tribal customers to voice comments, suggestions, complaints, issues
  - ❖ Assert regulatory authority over entities providing utility services
  - ❖ Promote coordination of utility services on the reservation to avoid unnecessary duplication, confusion in siting, etc
- Required Resources
  - ❖ Legal authority to authorize assertion of jurisdiction via commission as an instrumentality of tribal government
  - ❖ Set forth in tribal code commission scope, membership, oversight, etc.
- Estimated Implementation Costs
  - ❖ Dependent on complexity of code structure
- Implementation Timing
  - ❖ Development of code(s); public comment period; election or appointments
- Key Issues
  - ❖ No funding through member rates/infrastructure loans
  - ❖ Mix of full-time employees vs. voluntary part-time participation
  - ❖ Higher level of Council participation may be required

# Commission Example

- Rosebud Sioux
  - ❖ Rosebud Sioux Law and Order Code: Title for Utilities
  - ❖ Tribal commission established as a tribal governmental agency, subordinate subdivision of the Tribe
  - ❖ 5 voting members appointed by Council; 3 must be tribal members; each must be resident of the reservation throughout term in office
  - ❖ 3-year terms (initially staggered 2 – two years; 2 - three years; remaining 1 – one year)
  - ❖ President - appointed; Vice President - appointed; Secretary – elected by and from Commission membership; and Treasurer – tribal treasurer)
  - ❖ Commission Director – full time paid employee; day-to-day operation of the Commission pursuant to delegation of authority
  - ❖ General jurisdiction over utilities: telecom, pipeline utilities, electric utilities, gas utilities, water companies, heating utilities, and “all other utilities that operate, maintain, or control any equipment or facilities within the Reservation”

# Oversight Authority

- Key Benefits
  - ❖ Usually a tribal entity'; enjoys sovereign attributes of Tribe
  - ❖ Board of Directors responsible for Authority activities; less dependence on Council
  - ❖ Can access grant funding for entity, or on behalf of Tribe
  - ❖ Promote coordination of utility services on the reservation to avoid unnecessary duplication, confusion in siting, etc
- Required Resources
  - ❖ Initial organization
    - ◆ Energy manager and administrative support
  - ❖ Charter, by-laws
- Estimated Implementation Costs
  - ❖ Depends on complexity of organization
- Implementation Timing
  - ❖ Depends on complexity of organization
  - ❖ Initial charter/by-laws should be developed
- Key Issues
  - ❖ Need for ongoing funding sources, beyond funding

# Oversight Authority Example

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- Pueblo of Laguna (electricity, gas)
  - ❖ Oversight authority via Initial Charter, By-Laws and Board
  - ❖ Administrative/operations development completed via ANA funding
  - ❖ Administrative staff supports operations and non-Tribal operating utility oversight/planning
  - ❖ Responsible for planning infrastructure/future operations
  - ❖ Limited ability to access funding for utilities it does not operate

# Operating Authority

- Key Benefits
  - ❖ Normally designed for, and delegated, operational control of physical facilities (transmission lines, distribution lines, electricity generation, etc)
  - ❖ Usually a tribal entity, enjoys the sovereign attributes of the Tribe but separates out from Tribe liabilities tied to owned, operated assets
  - ❖ Can allow for direct receipt of hydro allocations
  - ❖ Can access funding on behalf/for Tribe infrastructure
- Required Resources
  - ❖ Authorization or delegation by tribal government
  - ❖ Asset-based
  - ❖ Ongoing fee structure needed to support continued operations
- Estimated Implementation Costs
  - ❖ Depends on scope of operations
- Implementation Timing
  - ❖ Depend on scope, timing of facility acquisition
- Key Issues
  - ❖ Significant commitment to taking over operations; often related to service adequacy

# Operating Authority Examples

- Fort Mojave (electric/gas distribution)
  - ❖ Formed in 1991; initial electric connections in new tribally-owned subdivision; Tribal casino/administration facilities expanded its services
  - ❖ Fort Mojave (water, wastewater) (telecom)
- Pueblo of Laguna (water, wastewater, solid waste)
  - ❖ Utility Authority formed in 1998; operationalized in 2005
- Gila River Indian Community
  - ❖ Developed to provide power supply/generation projects
- Tohono O'odham
  - ❖ Operates/maintains 600 miles of transmission and distribution lines
  - ❖ Acquired electric cooperative systems on reservation (1960s); expanded to serve tribal villages and large customers
- Navajo Tribal Utility Authority
  - ❖ Enterprise of the Navajo Nation, established 1959; supplies electricity, water, natural gas, wastewater treatment, and solar power services to residents
  - ❖ Authority and responsibility to manage NTUA and function "in much the same capacity as an elected Board of Directors of a chartered public service corporation"; elected positions
- Mohegan Tribal Utility Authority
  - ❖ Manage and service reservation's lands and infrastructure, including power, water and land
  - ❖ Developed Fort Hill substation and installed fuel cells to provide reliable power for reservation and Mohegan Sun

# Cooperative

- Key Benefits
  - ❖ Multi-organization cooperative – can leverage resources of members to promote energy development and regulation; can aggregate energy products into larger package to take to market
  - ❖ Tribal Utility Cooperative – meet standards of service to receive federal power allocations and also work with other public utilities
  - ❖ Can be wired or wireless
- Required Resources
  - ❖ Business plan; identification of electricity resources sought; authorization and delegation of Tribes to proceed
- Estimated Implementation Costs
  - ❖ Dependent on operational plan and potential facilities acquisitions and/or new facility development (lines, poles, meters, generation)
- Implementation Timing
  - ❖ Legal authorizations and delegations; funding to support staff and/or new projects or acquisitions
- Key Issues

# Cooperative Examples

- Southwest Tribal Energy Consortium (underway; power project development)
  - ❖ Designed to leverage each member's resources, market position, needs
- Cow Creek Electric Cooperative – Washington State (est. 2001)
  - ❖ Condemnation of utility assets on reservation
  - ❖ Legal changes to tribal law: personal property definition; authorization of eminent domain; designation of franchise area for new tribal coop
  - ❖ Transfer of incumbent cooperative facilities to tribal cooperative
  - ❖ Designed to meet normal utility standards of service requirements to receive and distribute federal power (Bonneville), including:
    - ◆ Financial capability to contract for power and transmission
    - ◆ Ability to contract for maintenance of facilities
    - ◆ Accounting and billing systems
    - ◆ Appropriate utility staff

# Discussion Outline

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# Governance Options

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- Department of Tribe
  - ❖ Council/administration oversight
- Enterprise/entity of Tribe
  - ❖ Board of Directors
- Separate business (i.e., Section 17)
  - ❖ Board of Directors

# Discussion Outline

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# Funding Analysis

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- Purpose of funds generation
  - ❖ Organization expenses
  - ❖ Education/training
  - ❖ Administration
  - ❖ Advocacy
  - ❖ Service improvements
  - ❖ Infrastructure improvements
  
- Sources of funding
  - ❖ Short-Term
    - ◆ Grants/loans
    - ◆ Development project review fees
  - ❖ Long-Term
    - ◆ Member rates
    - ◆ Utility ROWs
    - ◆ WAPA allocations
    - ◆ WAP/LIHEAP administrative allocations
    - ◆ Debt financing

# Skills Requirements

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- Organization leadership
- Supervise administrative support
- Utility operations knowledge
- Coordination of member services
- Technical (specific to each utility)

# Infrastructure Analysis

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- Gas
- Electric
- Water
- Sewer
- Telephone
- Internet

# Legal Issues

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- Jurisdiction
  - ❖ Assertion of tribal jurisdiction – be ready for some resistance!
  - ❖ Incumbent cooperatives usually defend themselves by inviting Tribe, tribal members to get involved in cooperative governance
- Level of authority – different levels for delegations of authority:
  - ❖ Policies
  - ❖ Administration
  - ❖ Operations
  - ❖ Planning
  - ❖ Infrastructure
- Financing entity
  - ❖ Utility entity could receive grants, be eligible for USDA funding or RUS low-interest loans, encumber its assets, take on debt – and be separate tribal legal entity for purposes of liabilities associated to any indebtedness

# Discussion Outline

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# Suggested Energy Manager Responsibilities

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- Utility organization leadership
  - ❖ Utility Manager
- Utility infrastructure planning coordination
  - ❖ Organize/oversee coordinated utility planning
  - ❖ Leadership role in existing discussions
- Utility program administration
  - ❖ Prioritize and implement initial programs selected
- Communicate/coordinate with existing utility leadership
- Renewable energy feasibility project oversight

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# Identified Winnebago Needs

---

- Coordinated infrastructure planning
- Potential to operate one or more utilities in the future
- Entity of Tribe with authority to access funding
- Independent Board to oversee utility/energy issues

# Organization/Transition Recommendations

- Expanded Energy/Utility Committee continue as transitional entity to including:
  - ❖ Identified Program Directors
  - ❖ Council Members
  - ❖ Legal Counsel
  - ❖ Other Identified Stakeholder(s)
  - ❖ Other support as needed
- Finalize Energy Manager scope of duties; recruitment; identify transitional and on-going organization funding options
  - ❖ Winnebago Utility Code development – scope of delegated authority; regulatory issues; facility operations issues (if any); short- and long-term planning
- Council Enacted to empower Winnebago Tribal Utility Authority (regulatory and planning oversight) and at an appropriate time, Winnebago Tribal Utility (operations)
  - ◆ Winnebago Legislative Code amendments

# Discussion Outline

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# DOE Renewable Energy Feasibility Study

- Grant awarded - \$198,881
- Timing – 18 months originally estimated; anticipate completion in 12-15 months
- Recommended phases
  - ❖ Capacity Building – (Energy Manager salary + fringe)
  - ❖ Project Identification
    - ◆ Load Assessment
    - ◆ Resource Monitoring
    - ◆ Power Markets & Delivery
    - ◆ Community & Stakeholder Outreach
  - ❖ Technology Selection and System Design
  - ❖ Environmental Evaluation
  - ❖ Project Economics
  - ❖ Tribal Benefit Assessment
  - ❖ Project Implementation Plan

# Coordination with Other Grants (DOI Feasibility)

## Next Steps Related to Coordination of Future and Potential Grants

- BIA Mineral Assessment Program (MAPS) grant application submitted in December 2005
  - ❖ Award announcements due now
- Next steps:
  - ❖ If BIA MAPS grant is awarded, propose ideal scope that will allow the projects to be complementary
  - ❖ Negotiate with both agencies (DOE and BIA) to secure agreement
  - ❖ Use the next grant (or grants, if successful) to carry out both wind feasibility and *implementation* of the optimum energy organization identified in “First Steps”

# Further Information

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# Winnebago Tribe of Nebraska Energy Committee Meeting



Red Mountain Energy Partners

April 24, 2006  
Winnebago, NE

# Discussion Outline

1

Project Recap

2

Utility Board Structure

3

Utility Board Responsibilities

4

Utility Board Funding Sources

5

Utility Board Implementation Plan

6

Renewable Energy Feasibility Study

7

Met Tower Installation Update

8

1813 DOI/DOE Right-of-Way Study Update

# Discussion Outline

1

Project Recap

2

Utility Board Structure

3

Utility Board Responsibilities

4

Utility Board Funding Sources

5

Utility Board Implementation Plan

6

Renewable Energy Feasibility Study

7

Met Tower Installation Update

8

1813 DOI/DOE Right-of-Way Study Update

# Project Overview, Recap of Objectives

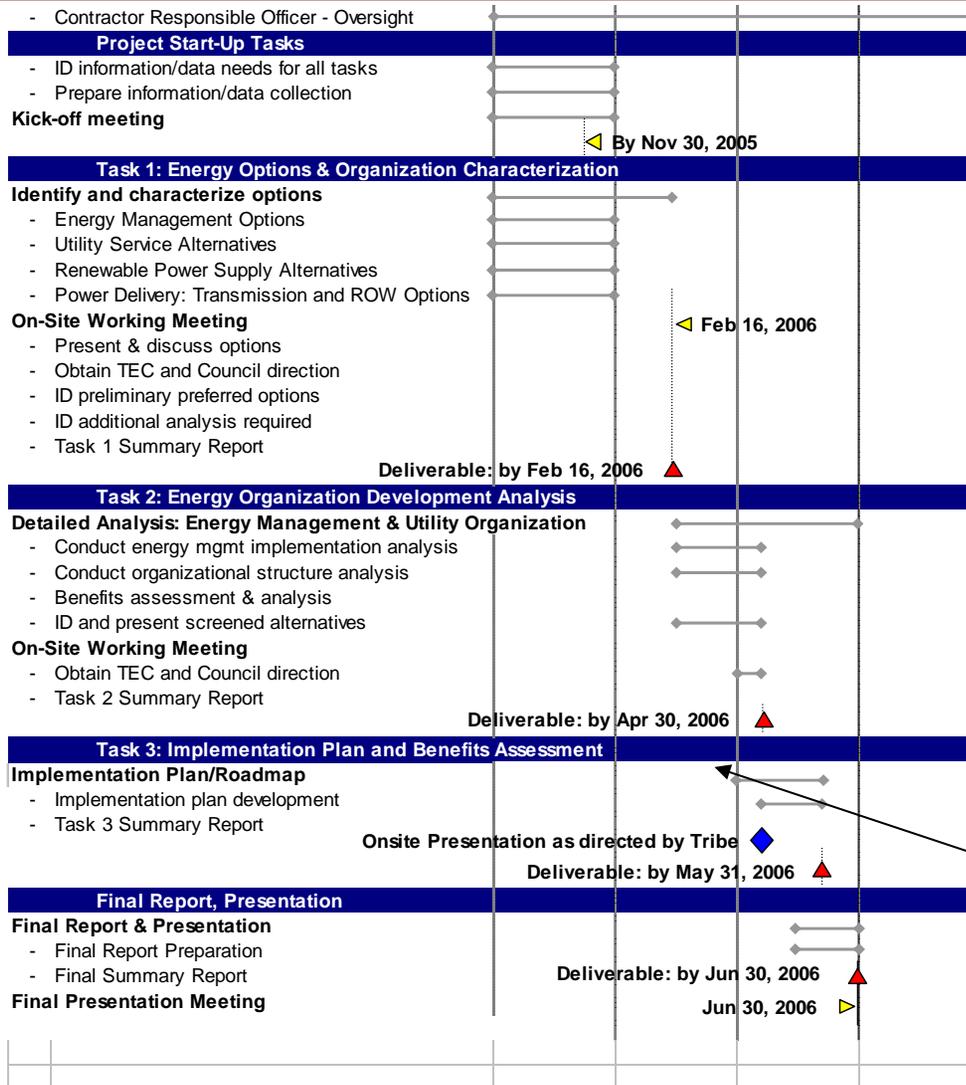
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The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

## Project Objectives

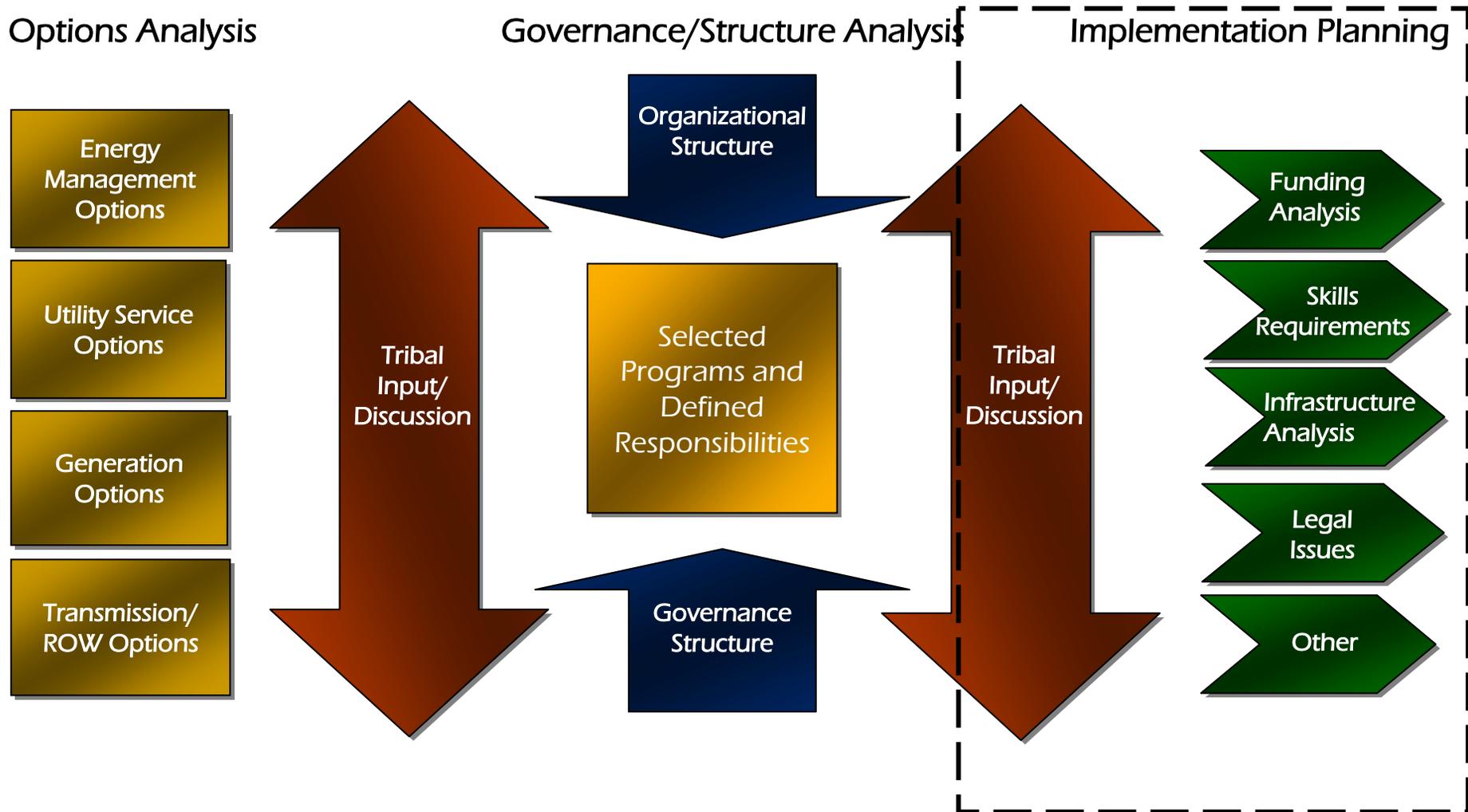
1. Analyze energy management options as a whole, with goals of improving reliability, safety, and lowering *electricity* costs in particular.
2. Analyze options for formation of a Tribal energy organization, which can best enable the Tribe to achieve its energy management goals.
3. Validate the recommended options for execution, based on a Benefits Assessment that examines utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
4. Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

# Project Schedule



**Current Project Status**

# Typical Tribal Energy Options Analysis



# Discussion Outline

1

Project Recap

2

**Utility Board Structure**

3

Utility Board Responsibilities

4

Utility Board Funding Sources

5

Utility Board Implementation Plan

6

Renewable Energy Feasibility Study

7

Met Tower Installation Update

8

1813 DOI/DOE Right-of-Way Study Update

# Utility Organization Options

**Commission**

**Purpose**  
Regulatory authority

**Benefits**  
Central utility venue  
Utility service coordination

**Challenges**  
Funding sources  
Greater Council involvement

**Needed Resources**  
Legal authority  
Tribal Utility Code/ Standards  
Administrative support  
Multiple part-time members

VS

**Oversight Authority**

**Purpose**  
Utility service policy/planning coordination

**Benefits**  
Centralized planning  
Sovereign attributes of Tribe  
Access to grant funding for planning/coordination  
Less Council involvement

**Challenges**  
Ongoing funding needed

**Needed Resources**  
Organization leadership  
Administrative support  
Board of Directors  
Charter/By-Laws

VS

**Operating Authority**

**Purpose**  
Operate/improve utility services

**Benefits**  
Sovereign attributes of Tribe/separates utility assets/liabilities  
Can allow for direct receipt of hydro allocations  
Access to grant funding  
Ability to finance infrastructure improvements

**Challenges**  
Fee structure required  
Significant commitment to taking over operations

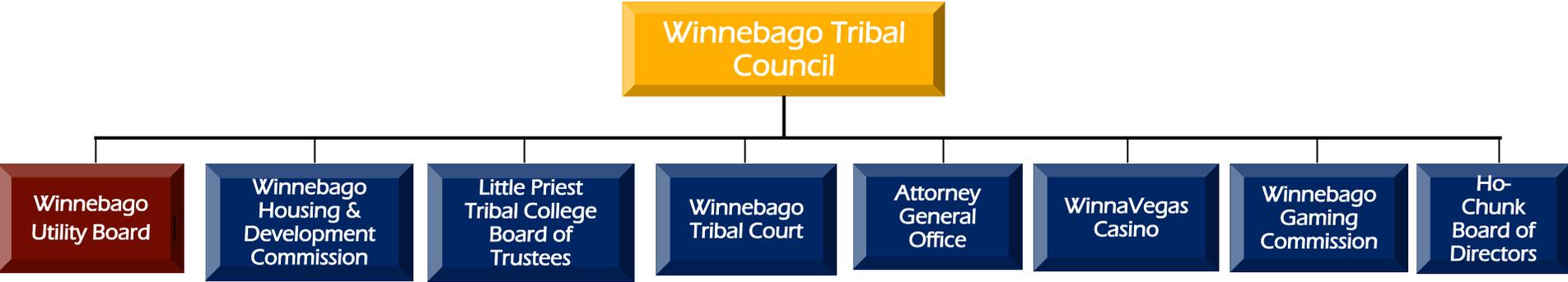
**Needed Resources**  
Organization leadership  
Administrative/customer service support  
Operations staff  
Board of Directors  
Charter/By-Laws

**Winnebago Utility Board**  
Regulatory authority; policy and planning; potential for utility operations

# Recommended Organization/Governance Structure

- Establish Winnebago Utility Board as a tribal governmental entity, subordinate subdivision of the Tribe
  - ❖ Authorized through Winnebago Utility Code
    - ◆ Jurisdiction over utilities: telecom, pipeline utilities, electric utilities, gas utilities, water companies, heating utilities, and “all other utilities that operate, maintain, or control any equipment or facilities within the Reservation”
    - ◆ Coordination of siting, planning, infrastructure, programs
  - ❖ Led by Utility Board Manager
    - ◆ Full-time paid employee; day-to-day operation of the Commission pursuant to delegation of authority
- Governance
  - ❖ 5 voting members initially appointed by Council
    - ◆ At least 3 tribal members; each must be resident of the reservation throughout term in office
    - ◆ Paid or voluntary
  - ❖ 3 - year terms (initially staggered)
    - ◆ 2 – two years; 2 - three years; remaining 1– one year
  - ❖ Offices
    - ◆ President – appointed; Vice President – appointed; Secretary – elected by and from Commission membership; and Treasurer – tribal treasurer

# Recommended Organization/Structure



# Discussion Outline

1

Project Recap

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# Recommended Utility Board Responsibilities

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- Oversee utility/energy issues
- Coordinate utility infrastructure planning and siting
- Oversee/administer utility programs
  - ❖ Prioritize/implement initial utility programs
- Communicate/coordinate with existing utility leadership
- Maintain Winnebago Utility Code
- Coordinate energy project feasibility activities
- Manage utility right-of-way activities
- Operate potentially one or more utilities in the future
- Grant adequate authority to access funding

# Utility Service/Infrastructure Prioritization

	Planning Coordination	Infrastructure	Services
Gas	■	■	■
Electric	■	■	■
Water	■	■	■
Sewer	■	■	■
Telephone	■	■	■
Internet	■	■	■

# Utility Board Manager Position

---

## Skill requirements/suggested responsibilities

- Utility Board Organization leadership
- Supervise administrative support
- Coordinate member utility service access
- Administer utility programs
- Renewable energy project oversight
- Manage prioritized utility operations
- Utility advocacy
- Utility education/training

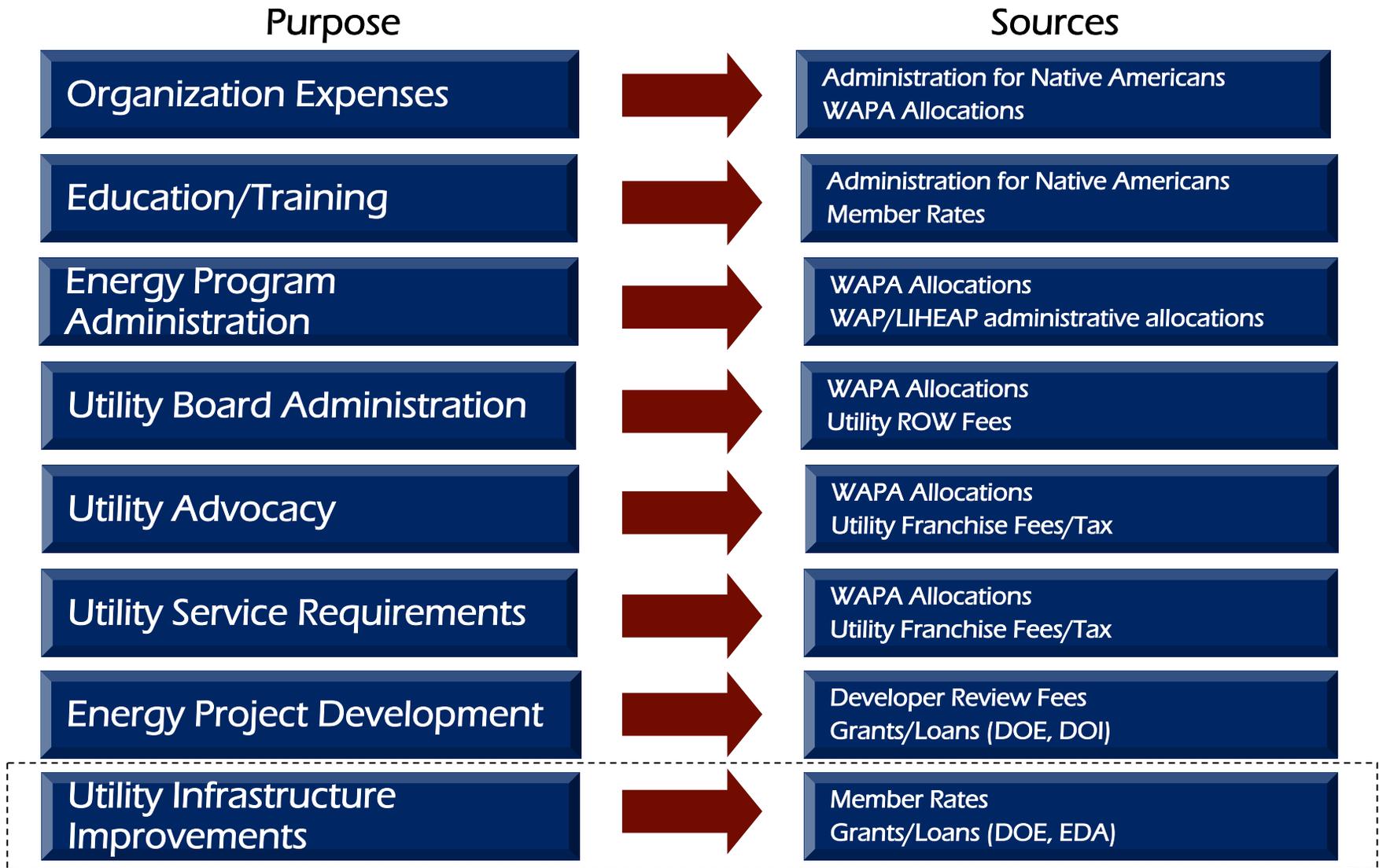
## Status

- Job Description drafted
- Posting?

# Discussion Outline

- 1 Project Recap
- 2 Utility Board Structure
- 3 Utility Board Responsibilities
- 4 Utility Board Funding Sources**
- 5 Utility Board Implementation Plan
- 6 Renewable Energy Feasibility Study
- 7 Met Tower Installation Update
- 8 1813 DOI/DOE Right-of-Way Study Update

# Utility Board Funding Sources



# Timing of Funding Contact/Requests

## Source Category

## Approach/Timing

Grants/Loans

Administration for Native Americans (spring)  
 Department of Energy (winter)  
 Department of Interior (winter)  
 USDA (varies)  
 EDA (continual)

WAP/LIHEAP administrative allocations

Department of Energy  
 Department of Health and Human Services

Utility ROW Fees

Council Action

WAPA Allocations

Developer Review Fees

Member Rates

Utility Franchise Fees/Tax

Establish by Utility Code

# Discussion Outline

1

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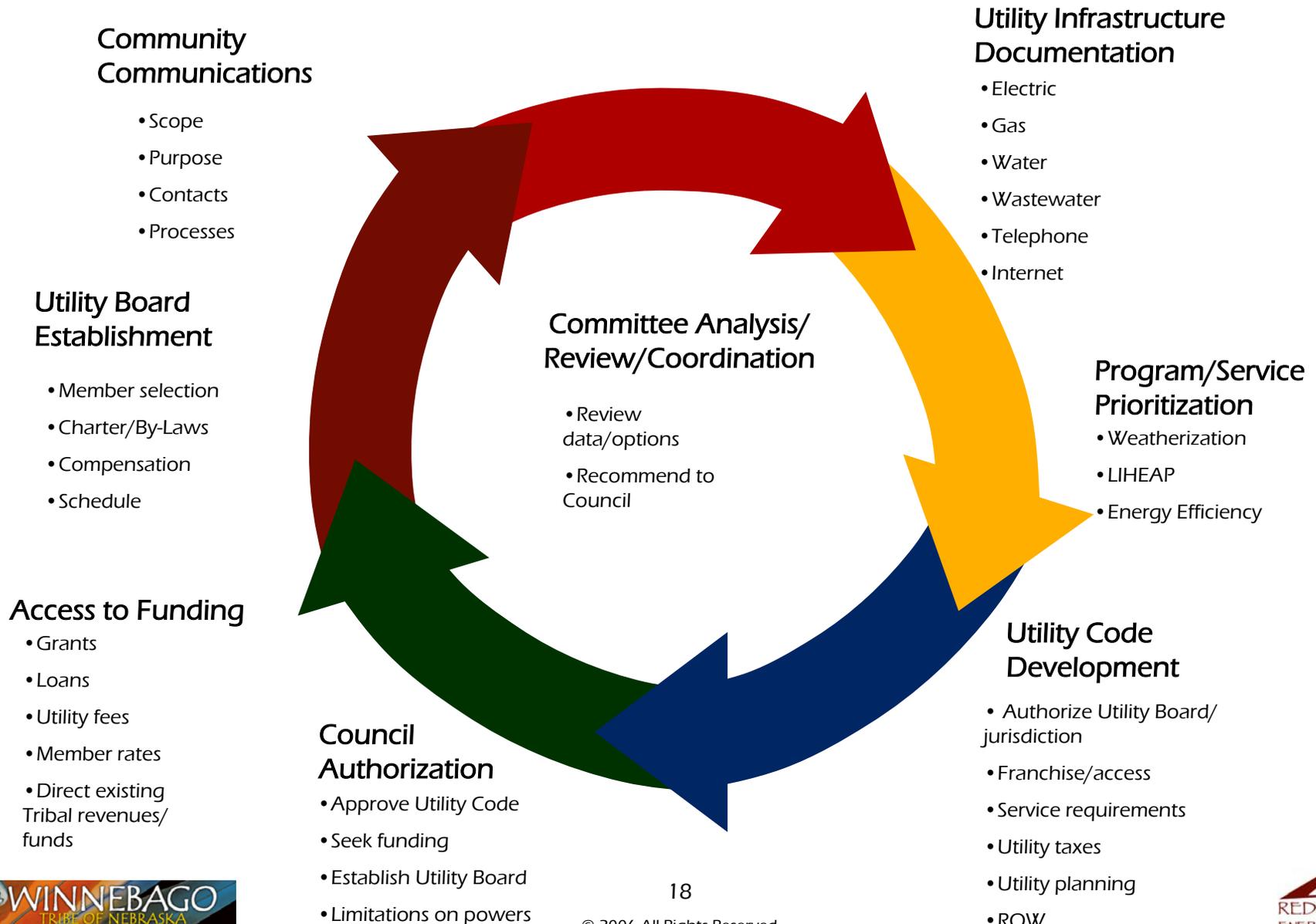
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8

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# Implementation Plan



# Committee Analysis/Review/Coordination

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## Review data/options

- Utility Board structure
- Utility infrastructure
- Program priorities
- Service priorities
- Utility Code options
- Funding sources

## Recommend to Council

- Utility Code components
- Funding sources/timing
- Utility Board concepts
- Community communications

# Utility Infrastructure Documentation

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## Systems

- Electric
- Gas
- Water
- Wastewater
- Telephone
- Internet

## Documentation Needs

- System map
- Rate structures
- Customer service policies
- Interconnection/expansion policies
- Contacts

# Program/Service Prioritization

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## Categories

- Weatherization
- LIHEAP
- Energy Efficiency

## Approach

- Self-Administration
- Centralization
- Tribal contribution/support
- Tribal services

# Utility Code Development

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## Possible components

- Authorize Utility Board/ jurisdiction
- Franchise/access
- Service requirements
- Utility taxes
- Utility planning
- ROW

## Process

- Review other codes?
- Discuss options
- Agreement on components
- Draft language
- Review/modify
- Finalize

# Council Authorization

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## Resolutions needed

- Approve Utility Code
- Seek funding
- Establish Utility Board
- Limitations on powers

## Approach

- Energy Committee recommendation
- Single or multiple resolutions

# Access to Funding

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## Potential Sources

- Grants
- Loans
- Utility fees
- Member rates
- Direct existing Tribal revenues/funds

## Approach

- Select sources
- Determine timing
- Coordinate applications/actions
- Council approvals

# Utility Board Establishment

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## Key actions

- Member selection
- Charter/By-Laws
- Compensation
- Schedule

## Approach

- Committee recommendations
- Charter/by-law concepts/draft/revisions
- Council action re: compensation, consistent with other Boards
- Meeting schedule/timing/location/public?

# Community Communication

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## Components

- Scope
- Purpose
- Contacts
- Processes

## Approach

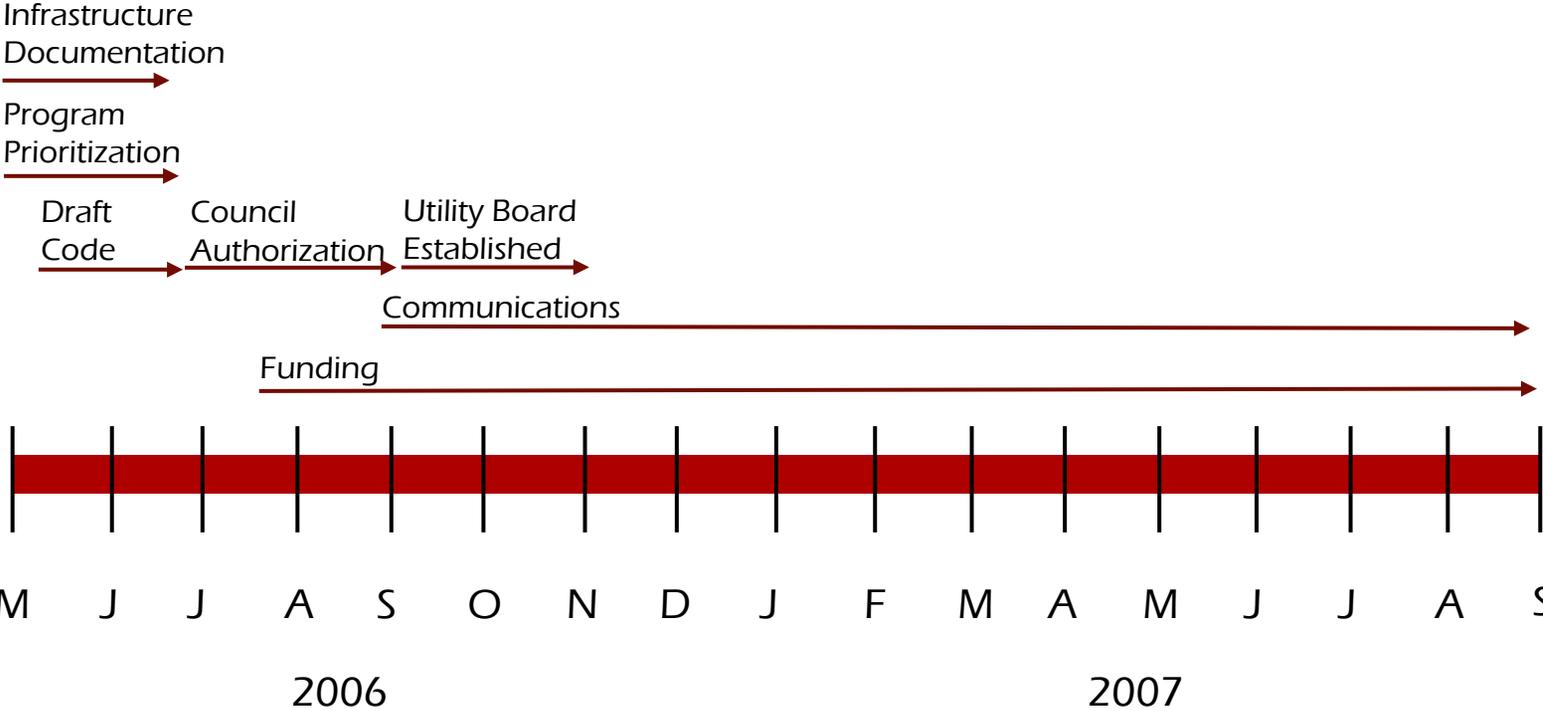
- Venue (meetings, newsletter, newspaper column)
- Frequency
- Consistent messages (need, timing, purpose)

# Implementation Sequence

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- Tribal Energy Committee role:
  - ❖ Serve as planning committee for Utility Authority establishment
- Phases:
  - ❖ Planning, then...
  - ❖ Studying, then...
  - ❖ Consultations, then...
  - ❖ Tribal utility exercise in governance and/or operations exercised *only* when the Tribe is ready and/or adequately funded to do so
- Codes, Charters, Bylaws, any issues relating to authorizations to govern will be studied by Tribal Energy Committee and taken to Tribal Council for feedback, changes & approvals

# Possible Implementation Timing



# Discussion Outline

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1813 DOI/DOE Right-of-Way Study Update

# DOE Renewable Energy Feasibility Study

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- Grant funds requested - \$198,881
- Timing – 18 months originally estimated
  
- Reconfigured Scope
  - ❖ Capacity Building – (Energy Manager salary + fringe)
  - ❖ Project Identification
    - ◆ Load Assessment
    - ◆ Resource Monitoring
    - ◆ Power Markets & Delivery
    - ◆ Community & Stakeholder Outreach
  - ❖ Technology Selection and System Design
  - ❖ Environmental Evaluation
  - ❖ Project Economics
  - ❖ Tribal Benefit Assessment
  - ❖ Project Implementation Plan

# DOI Renewable Energy Feasibility Study Application

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- Submitted in December 2005
  - ❖ Award announcements made
  - ❖ Tribe scored highly, but was not funded
  - ❖ Offer of technical assistance available

# DOE Renewable Energy Feasibility Study Update

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## Status

- DOE intends to fund first year only
- Tribe would need to reapply for year 2 funding

## Options

- Pursue issue with DOE
  - ❖ Request by Tribe for full funding
  - ❖ Request by Tribe for special year 2 consideration
- Reconfigure with year 1 funding only
- Contact BIA for additional assistance?
- Interns available?

# Discussion Outline

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# Met Tower Installation Issues

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- Coordination of technical expertise to site anemometer tower on a particular site that is most likely to –
  - ❖ Be the host of a project (actual close proximity to project)
  - ❖ Avail itself to transmission interconnection
  - ❖ Handle build out for larger expansion (if appropriate)
- Most productive use of a met tower
  - ❖ Collect at least 1 year of data
  - ❖ Collect data for 10+ years for correlative

# Discussion Outline

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# Tribal Rights of Way Study

- Section 1813 Tribal Rights of Way Study scoping underway
  - ❖ December 2005 Tribal Consultation Notice Published
  - ❖ March 2006 National Scoping Tribal Consultations
  - ❖ April 2006 National Study Update and Consultations
- Tribal workgroup, led by ATNI and CERT, has established a list of tribal principles and looking for tribal resolutions supporting the principles, to present a unified front to Interior and Congress
- Tribes also encouraged to submit comments specific to the particular right of way issues affecting each Tribe; Case Studies encouraged
  - ❖ Due May 15<sup>th</sup>
- Energy Companies Agenda:
  - ❖ Exertion of eminent domain
  - ❖ Standard valuation methodology

## Energy Policy Act of 2005 Section 1813

### (a) STUDY.-

(1) IN GENERAL.-The Secretary of Energy and the Secretary of the Interior (referred to in this section as the "Secretaries") shall jointly conduct a study of issues regarding energy rights-of-way on tribal land (as defined in section 2601 of the Energy Policy Act of 1992 (as amended by section 503)) (referred to in this section as "tribal land").

(2) CONSULTATION.-In conducting the study under paragraph (1), the Secretaries shall consult with Indian tribes, the energy industry, appropriate governmental entities, and affected businesses and consumers.

### (b) REPORT.-

Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report on the findings of the study, including-

(1) an analysis of historic rates of compensation paid for *energy rights-of-way* on tribal land;

(2) recommendations for *appropriate standards and procedures for determining fair and appropriate compensation* to Indian tribes for grants, expansions, and renewals of energy rights-of-way on tribal land;

(3) an assessment of the tribal self-determination and sovereignty interests implicated by applications for the grant, expansion, or renewal of energy rights-of-way on tribal land; and

(4) an analysis of relevant national energy transportation policies relating to grants, expansions, and renewals of energy rights-of-way on tribal land.

# INDIAN TRIBES – PARTNERS IN AMERICA’S ENERGY FUTURE

## SECTION 1813 RIGHT-OF-WAY STUDY – TRIBAL PRINCIPLES

- 1. Tribal Sovereignty and Consent.** The power of tribes to prevent third parties from using tribal lands without tribal consent is a critical element of tribal sovereignty that has been established in Federal law and policy for over 200 years. The tribal consent requirement to the use of tribal lands should be honored and preserved.
- 2. Conditions to Consent.** The tribal consent requirement includes the power of tribes to place conditions on the use of tribal lands, including conditions related to tribal jurisdiction, preservation of environmental and cultural resources, duration of use, and compensation.
- 3. No Negative Effects.** Adherence to the tribal consent requirement has resulted in greater energy production in Indian country and lower energy costs to consumers. The tribal consent requirement for rights-of-way has not had a noticeable negative effect on the availability or cost of energy to consumers.
- 4. Preservation of Tribal Jurisdiction.** No right-of-way agreement or other business arrangement that permits third-party use of tribal land should reduce the sovereign power of a tribe over its lands or the activities conducted on its lands in the absence of the specific consent of the tribe.
- 5. Restricted Duration of Rights-of-Way.** Federal law and policy should not be changed to require perpetual rights-of-way or automatic renewals of rights-of-way because such changes would deprive tribes of management and control of their lands.
- 6. Negotiated Compensation.** Tribes should continue to have the right to negotiate compensation for the use of tribal land that gives tribes a fair share of the economic benefits produced by use of their lands. Such revenues sustain tribal governments and cultures.
- 7. National Security.** Indian nations are an integral component of energy security of the United States, not a threat to that security. History demonstrates that tribes have permitted critical energy facilities to be used pending compensation negotiations even in cases where tribal rights-of-way have expired.
- 8. Industry Partnerships – Best Practices.** Federal law and policy should provide positive incentives to tribes and industry to foster partnerships and the mutual alignment of economic interests related to energy development, transmission and distribution.
- 9. Appropriate Deference.** As reflected in the Indian Tribal Energy Development and Self Determination Act of 2005, deference to tribal decision-making should remain a fundamental component of Federal Indian energy policy.
- 10. Allottee Experience.** The creation of a Federal administrative valuation process for fixing tribal right-of-way compensation would be an affront to tribal sovereignty and, as shown by the disastrous Federal management of Indian allottee resources, would be a mistake.

# Draft Resolution

RESOLUTION NO. 2006-\_\_\_\_

RESOLUTION  
OF  
THE

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April \_\_, 2006

**WHEREAS**, \_\_\_\_\_ (“Tribe or Nation”) is a federally recognized Indian tribe; and

**WHEREAS**, the \_\_\_\_\_ Tribal Council (“Governing Body”) is empowered and authorized to act on behalf of the Tribe; and

**WHEREAS**, Section 1813 of the Energy Policy Act of 2005 requires the Departments of Energy and Interior to prepare a study on the compensation practices and policy implications associated with the issuance of tribal consent for energy-related rights-of-way crossing tribal lands (“Right-of-Way Study”); and

**WHEREAS**, the Right-of-Way Study is a matter of great importance to the Tribe and to all tribes and may have significant implications regarding future legislation and tribal sovereignty; and

**WHEREAS**, under longstanding law, the consent of the governing body of a tribe must be obtained as a condition for the grant or renewal of a right-of-way across tribal lands; and

**WHEREAS**, the tribal consent requirement is a critical aspect of tribal sovereignty that allows tribal governments to negotiate acceptable terms, including those related to duration and compensation, for the use of tribal lands; and

**WHEREAS**, Governing Body has reviewed the attached statement of principles and has determined that these principles should be incorporated in the Right-of-Way Study and maintained as a matter of federal law and policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body hereby approves the attached statement of principles and authorizes distribution of this Resolution as an official policy statement of the Tribe.

**BE IT FURTHER RESOLVED** that the Governing Body directs that a copy of this resolution be forwarded to the Departments of Energy and Interior for inclusion in the record related to the Right-of-Way Study.

This Resolution was duly adopted this \_\_\_\_ day of April, 2006.

# ROW Data Needed

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- ROW type
- ROW size
- Multi-jurisdictional/state
- Type of Tribal land
- Initial/renewal ROW
- ROW dates/term
- ROW negotiation time
- ROW compensation
- ROW conditions
- Compensation methodology
- Satisfaction with ROW negotiation process
- Number of renewals
- Prior ROW payment history

# 1813 Study Timetable

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- DOI has identified July 1<sup>st</sup> for Initial Draft Report
  - ❖ July 11<sup>th</sup> Consultation Meeting
- August 2006 Final Report

# Further Information

## Contact:



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# Energy Options Analysis and Organization Development and Renewable Energy Feasibility Study



for the Winnebago Tribe of Nebraska  
On-Site Working Meeting

Red Mountain Energy Partners

July 19, 2006

# Discussion Outline

1

Energy Options Analysis Objectives/Scope

2

Energy Options Analysis Status

3

Renewable Energy Feasibility Study Project  
Overview/Objectives

4

Renewable Energy Feasibility Study Project Budget

5

Renewable Energy Feasibility Study Project Schedule

6

Renewable Energy Feasibility Study Next Steps

7

Wind Basics

8

Nebraska Power Supply

# Discussion Outline

- 1 Energy Options Analysis Objectives/Schedule
- 2 Energy Options Analysis Status
- 3 Renewable Energy Feasibility Study Project Objectives
- 4 Renewable Energy Feasibility Study Project Budget
- 5 Renewable Energy Feasibility Study Project Schedule
- 6 Renewable Energy Feasibility Study Next Steps
- 7 Wind Basics
- 8 Nebraska Power Supply

# Project Overview, Recap of Objectives

## The Winnebago Strategic Energy Vision

The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

## Project Objectives

1. Analyze energy management options as a whole, with goals of improving reliability, safety, and lowering *electricity* costs in particular.
2. Analyze options for formation of a Tribal energy organization, which can best enable the Tribe to achieve its energy management goals.
3. Validate the recommended options for execution, based on a Benefits Assessment that examines utility service quality, local and regional environmental benefit, employment growth, economic and community development, and contribution to Tribal knowledge base, self-sufficiency, human and/or organizational capacity.
4. Develop an Implementation Plan to carry out the ideal options discovered during the course of the study.

# Discussion Outline

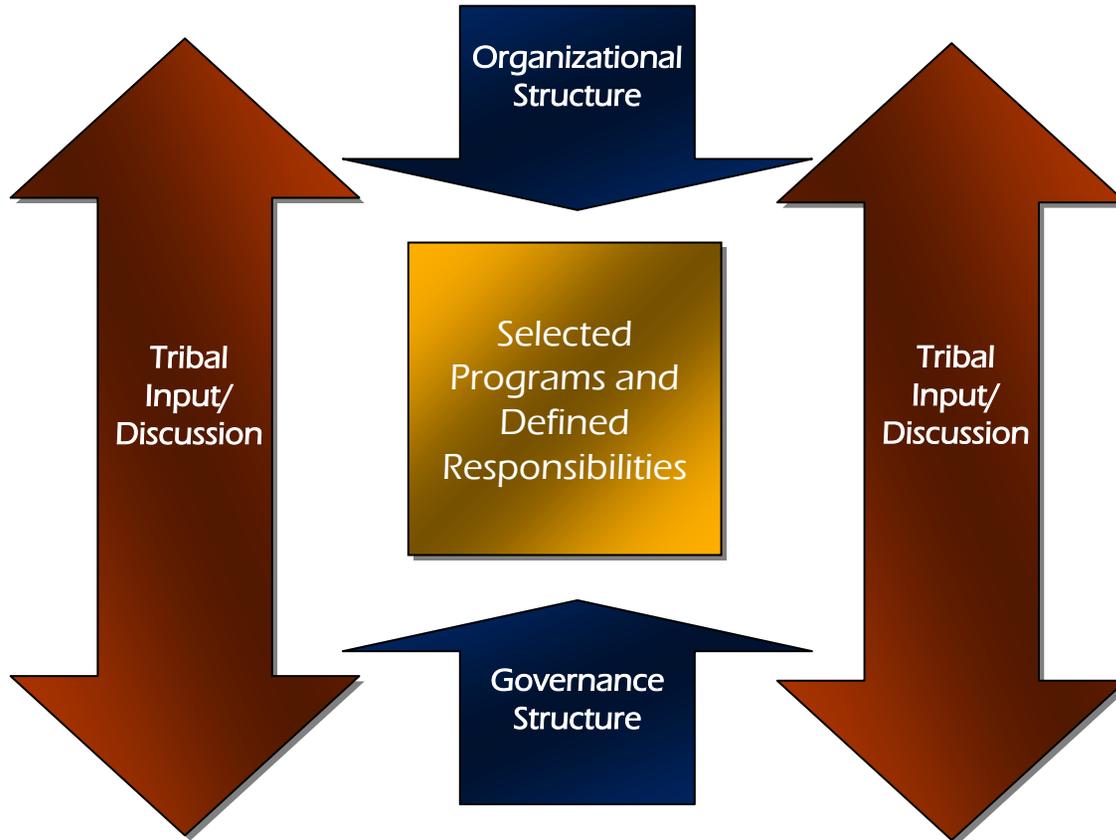
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# Energy Options Analysis Steps

## Options Analysis

- Energy Management Options
- Utility Service Options
- Generation Options
- Transmission/ROW Options

## Governance/Structure Analysis



## Implementation Planning

- Funding Analysis
- Skills Requirements
- Infrastructure Analysis
- Legal Issues
- Other

# Summary Book Contents

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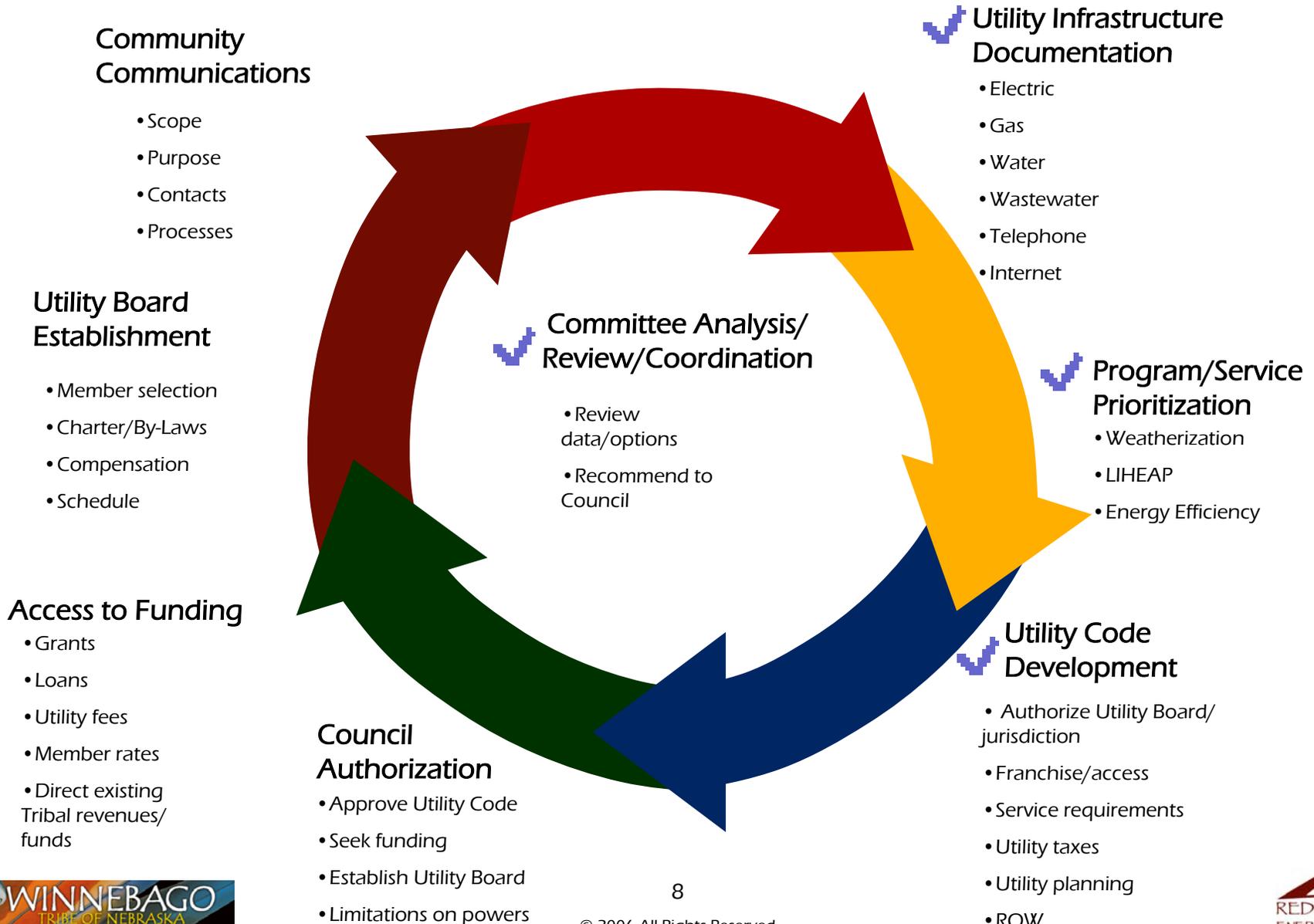
- Project Final Report (to be completed)
- Project Deliverables
- Utility Code
- Utility Providers Summary
- Other

# Utility Code Draft - Discussion

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- Code essentially authorizes the Winnebago Utility Board to:
  - ❖ Clarify tribal civil jurisdiction to regulate current and future utility services and facilities by creating a Commission structure; and
  - ❖ When appropriate, to perform utility services or acquire, own, or build utility facilities (generation; transmission; distribution) at a future date
- Questions/Additional Information Gathering Still in Process
  - ❖ Enforcement
  - ❖ Taxation

# Utility Board Implementation Plan



# Further Follow Up

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- State Utility Tax
- WAPA allocation options

# Discussion Outline

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# Project Background

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- Original application in February 2005
- Award announced in January 2006
- DOE indicated project would be eligible for first-year funding only
- Chairman Blackhawk letter to DOE
- DOE revised commitment to include full funding, as available
- DOE negotiations completed
- Current year funding of \$124,000
- Remainder to be funded in 2007 DOE budget

# Project Overview

---

- Grant awarded - \$198,881
- Timing – 18 months originally estimated; anticipate completion in 12-15 months
- Recommended phases
  - ❖ Capacity Building – (Energy Manager salary + fringe)
  - ❖ Project Identification
    - ◆ Load Assessment
    - ◆ Resource Monitoring
    - ◆ Power Markets & Delivery
    - ◆ Community & Stakeholder Outreach
  - ❖ Technology Selection and System Design
  - ❖ Environmental Evaluation
  - ❖ Project Economics
  - ❖ Tribal Benefit Assessment
  - ❖ Project Implementation Plan

# Renewable Energy Feasibility Study Project Objectives

## The Winnebago Strategic Energy Vision

The Winnebago Tribe seeks to employ energy management as a partial means to accomplish its goals for *(i)* improved health, welfare, self-sufficiency, and creation of enhanced quality of life for the Winnebago People; and *(ii)* economic and community development goals.

## Project Objectives

- Develop a project planning and oversight framework;
- Analyze Tribal loads and resources, power markets and delivery options;
- Analyze technology, system and environmental impacts;
- Design the project plans: stakeholder outreach, financial plans, permitting and agreements, O&M, and sustainable implementation plan; and
- Evaluate the project benefits and impacts

# Discussion Outline

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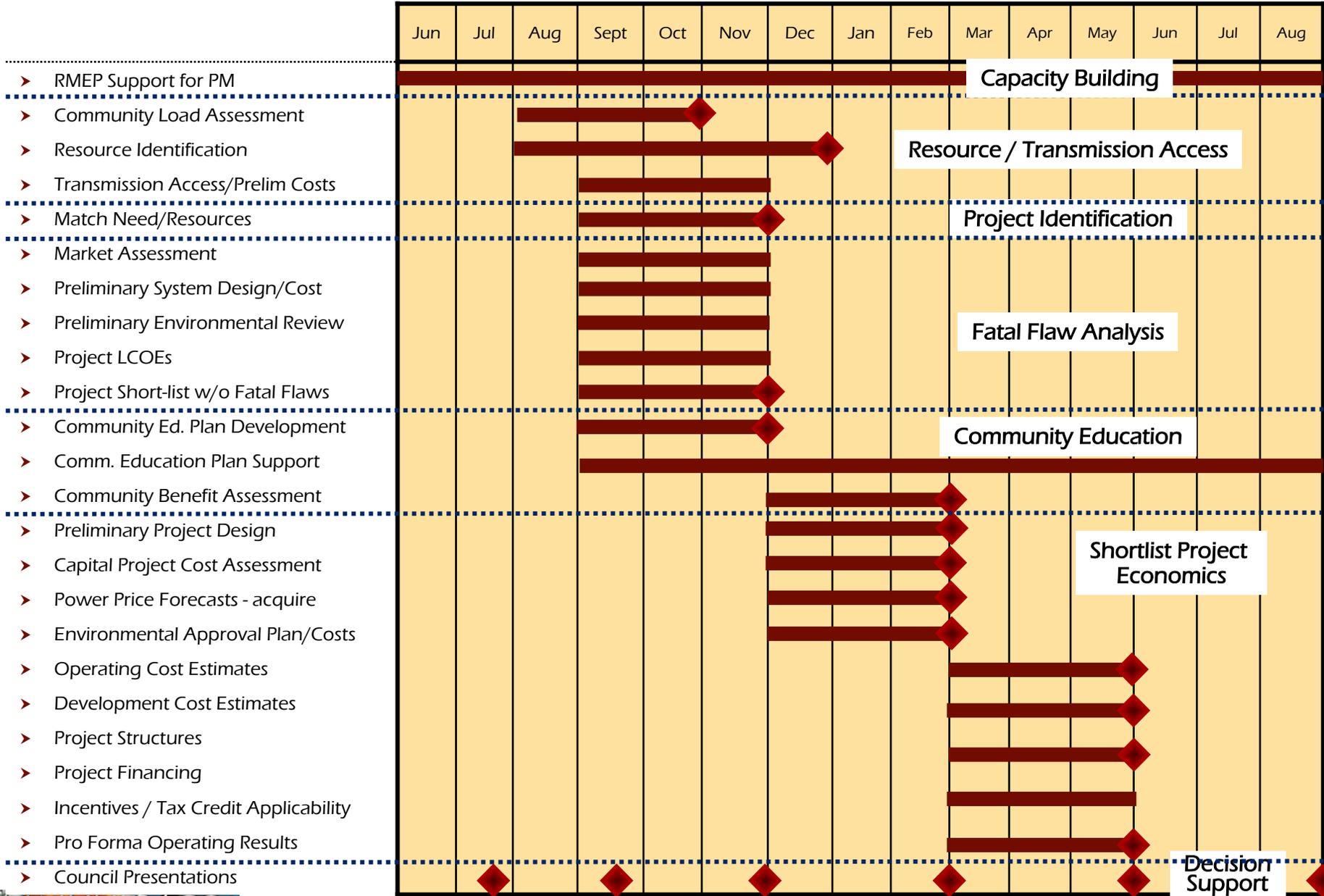
# Renewable Energy Feasibility Study Project Budget

Tasks	Effort	Costs
Capacity Building	80	\$ 11,642
Resource\Transmission Access	186	\$ 25,746
Project Identification	80	\$ 11,634
Fatal Flaw Analysis	104	\$ 14,156
Community Education\Involvement	76	\$ 11,071
Shortlist Program Economics	196	\$ 28,041
Project Decision Support	80	\$ 11,642
Project Management	74	\$ 9,929
Travel (Contractual)		\$ 17,618
	<b>876</b>	<b>\$ 141,479</b>
<b>Direct Expenses</b>		
Direct Expenses Personnel	2080	\$ 44,720
Direct Expense Fringe		\$ 9,682
Direct Expense Travel (Direct)		\$ 3,000
<b>Total Direct Expenses</b>		<b>\$ 57,402</b>
<b>Total Project Cost</b>		<b>\$ 198,881</b>

# Discussion Outline

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# Renewable Energy Feasibility Project Schedule



# Discussion Outline

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# Renewable Energy Feasibility Study Next Steps

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- Council input on project emphasis
- Load assessment
  - ❖ Collect Winnebago data/account numbers
  - ❖ Draft request to utility providers
  - ❖ Compile and analyze data
- Resource monitoring
  - ❖ Identify/quantify resource data
    - ◆ Wind
    - ◆ Solar
    - ◆ Biomass
    - ◆ Geothermal
    - ◆ Biofuels

## Renewable Energy Feasibility Study Future Considerations

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- BIA Mineral Assessment Program (MAPS) grant application submitted in December 2005
  - ❖ Grant would have been awarded (according to BIA), but for DOE funding
- Opportunity to use the next grant to implement feasible projects identified
  - ❖ Applications due late fall
  - ❖ Adequate progress to apply for project development funding

# Discussion Outline

- 1 Energy Options Analysis Objectives/Schedule
- 2 Energy Options Analysis Status
- 3 Renewable Energy Feasibility Study Project Objectives
- 4 Renewable Energy Feasibility Study Project Budget
- 5 Renewable Energy Feasibility Study Project Schedule
- 6 Renewable Energy Feasibility Study Next Steps
- 7 Wind Basics**
- 8 Nebraska Power Supply

# Wind Development Process and Essentials

- Site Selection
  - ❖ Preliminary Environmental Review
  - ❖ Preliminary Archeological Review
  - ❖ Preliminary Transmission Capacity Study
  - ❖ Wind Modeling
- Meteorological (Met) Tower Siting
  - ❖ *At least 1 year data from 'bankable' wind engineers*
  - ❖ **More time the better – 2+ years ideal**
- Interconnection Application to Utility/Transmission Entity (Queues)
- Leasing Documentation
  - ❖ Lease Options and/or Lease Contract
- Permitting – EA/EIS; Archeological; Avian/Radar Clearances
- Engineering
  - ❖ Interconnection to Significant Transmission
- Economic Modeling
- **Power Purchase Agreement/Financing**
- Construction Contracting – Bankable construction for turbine warranty
- Operations & Maintenance – Bankable O&M for turbine warranty

# Wind Development Timeline

- Met tower siting
  - ❖ 1-4 months
  - ❖ Modeling and correlations best
  - ❖ Environmental; Arc clearances by Tribe and/or BIA takes time
  - ❖ Installations are weather dependent/seasonal variances important
- Met tower data collection
  - ❖ 1-3 years
- Pre-Engineering
  - ❖ 4-8 months
- Transmission
  - ❖ Application to get into queue
- Power Purchase Agreement
  - ❖ 9 months – 2 years
- Financing
  - ❖ See above, usually contingent on PPA(s)
- Final Engineering & Construction
  - ❖ 9 months *MINIMUM*, dependent on turbine availability

# Discussion Outline

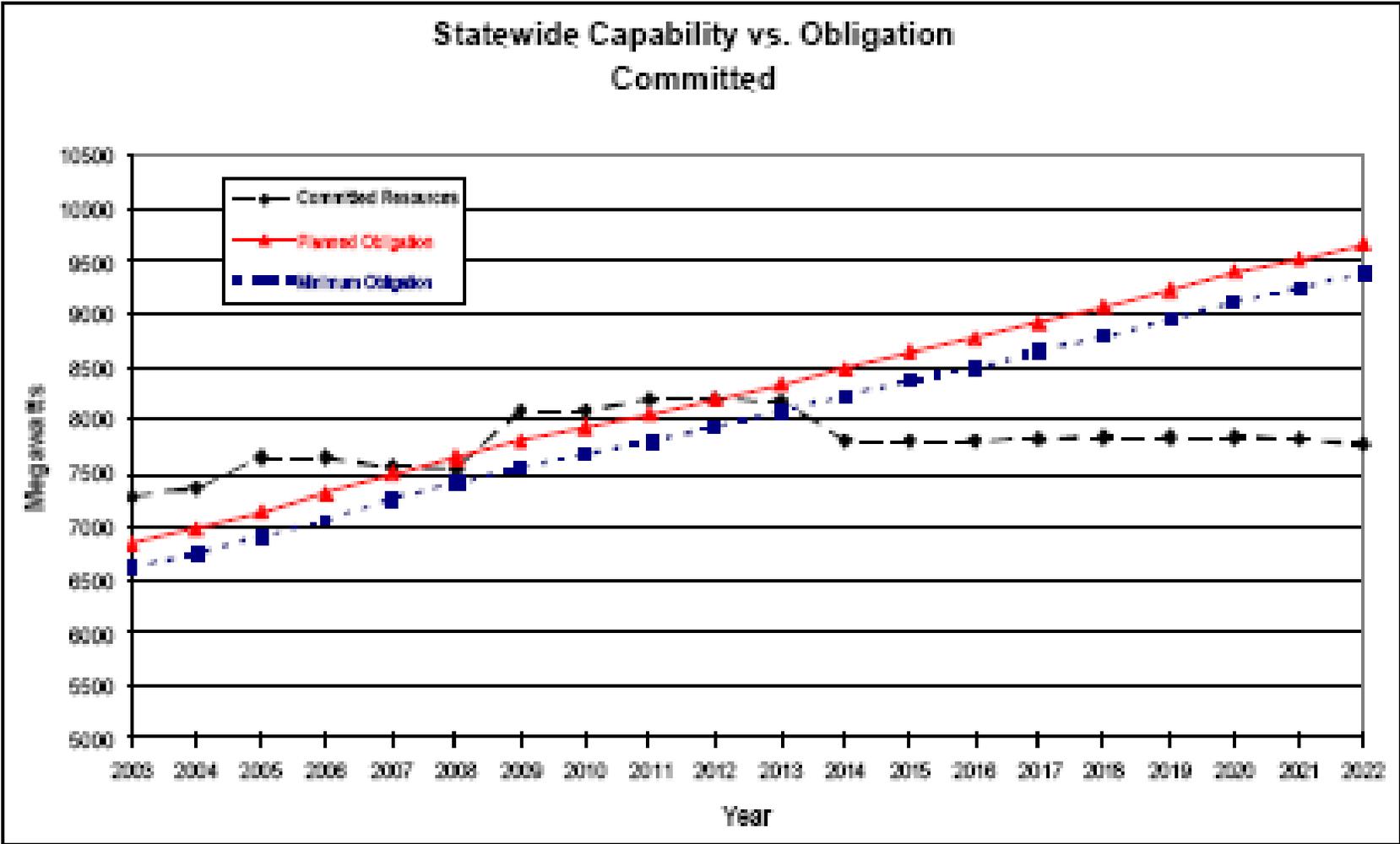
- 1 Energy Options Analysis Objectives/Schedule
- 2 Energy Options Analysis Status
- 3 Renewable Energy Feasibility Study Project Objectives
- 4 Renewable Energy Feasibility Study Project Budget
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# Nebraska Power Supply Study Summary

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- Supply resource adequacy
- Fuel source mix
- Age of generating units
- Transmission needs

# Supply Resource Adequacy



Source: Nebraska Power Association: Statewide Coordinated Long Range Power Supply Plan, July 2003



# Fuel Source Mix

## Fuel Source Mix Comparison 2002 & 2010

### Capacity Mix( % )

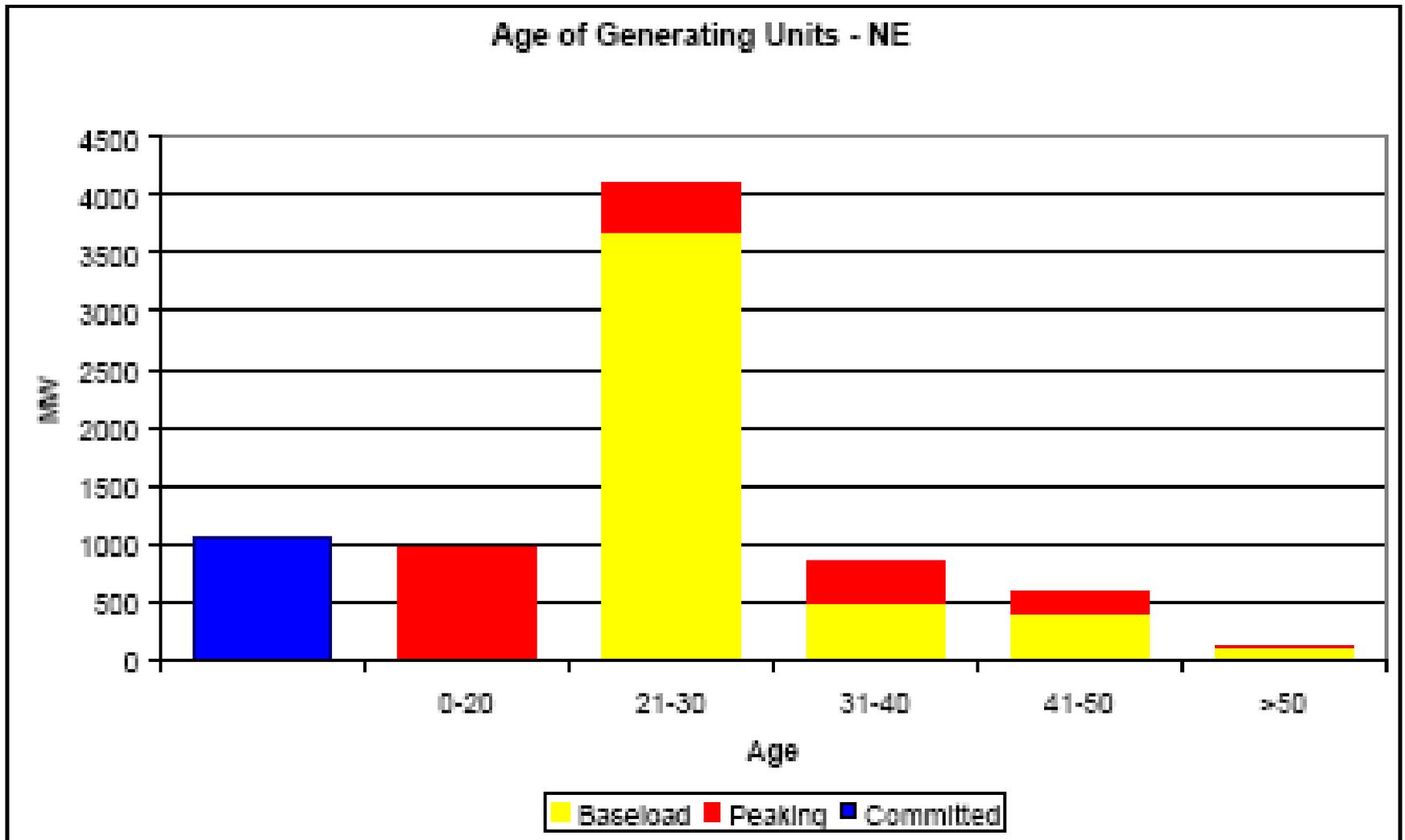
	2002	2010	Change
Oil/Gas	20.8%	26.4%	5.6%
Coal	49.1%	48.6%	-0.5%
Nuclear	12.4%	10.2%	-2.2%
WAPA	12.0%	9.7%	-2.3%
Hydro	2.3%	1.9%	-0.4%
Other Renewable	0.0%	0.2%	0.1%
Purchases	3.6%	3.0%	-0.6%
	100.0%	100.0%	0.0%

### Energy Mix( % )

	2002	2010	Change
Oil/Gas	2.6%	3.8%	1.2%
Coal	58.7%	63.9%	5.2%
Nuclear	21.8%	19.5%	-2.3%
WAPA	5.6%	4.8%	-0.8%
Hydro	1.2%	1.7%	0.5%
Other Renewable	0.1%	0.7%	0.6%
Purchases	9.0%	5.5%	-4.4%
	100.0%	100.0%	0.0%

Source: Nebraska Power Association: Statewide Coordinated Long Range Power Supply Plan, July 2003

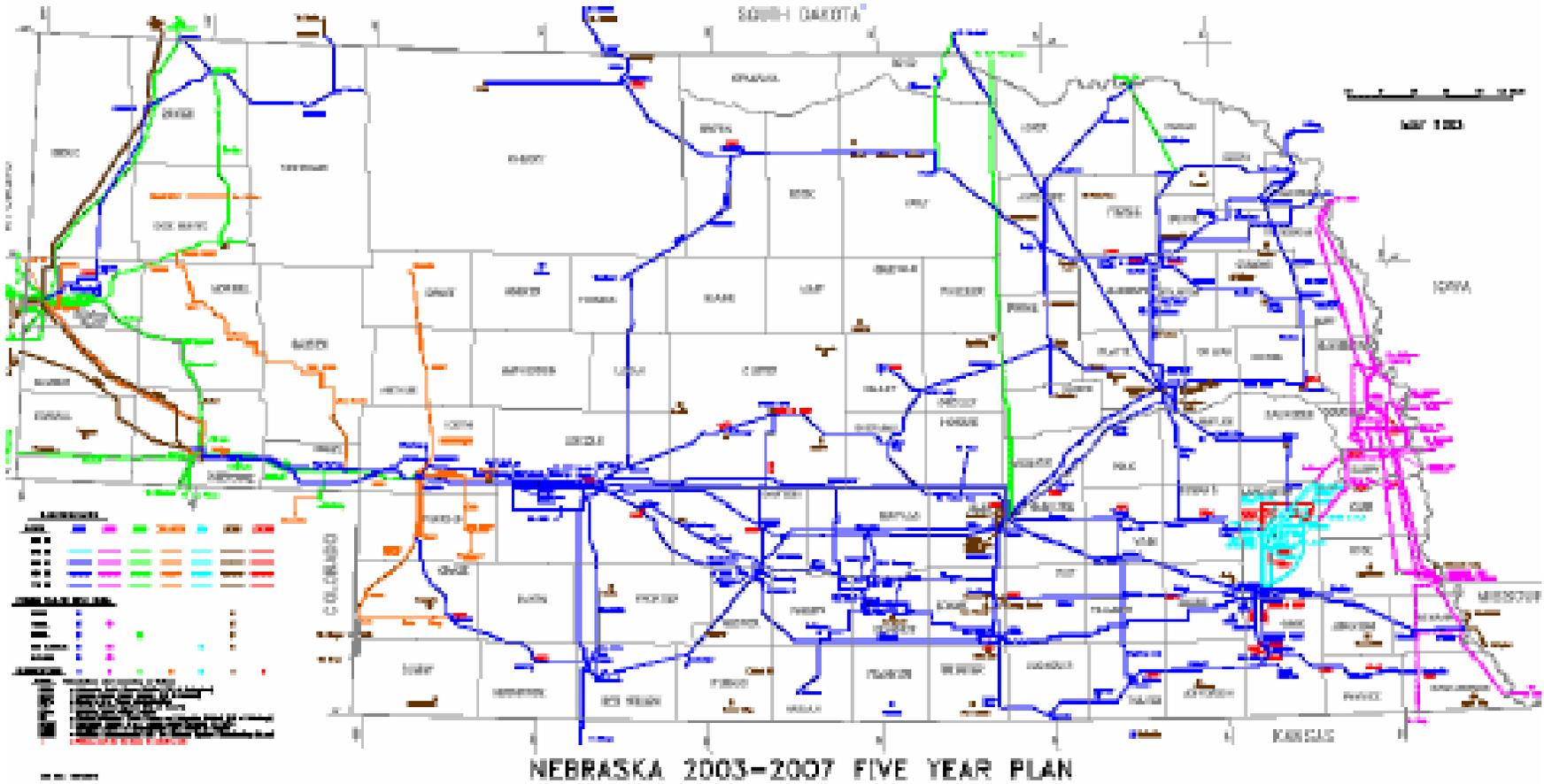
# Age of Generating Units



Source: Nebraska Power Association: Statewide Coordinated Long Range Power Supply Plan, July 2003

# Transmission Needs

## Nebraska 2003-2007 Five Year Plan



Source: Nebraska Power Association: Statewide Coordinated Long Range Power Supply Plan, July 2003



# Further Information

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