



**Bret Lane**  
Vice President  
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**VIA ELECTRONIC MAIL TO [IEED@bia.edu](mailto:IEED@bia.edu)**

September 1, 2006

OFFICE OF INDIAN ENERGY AND ECONOMIC DEVELOPMENT  
1849 C St., NW., Mail Stop 2749-MIB  
Washington, D.C. 20240

**Re: Energy Policy Act of 2005  
Section 1813 Study of Energy Rights-of-Way on Tribal Lands**

Dear Office of Indian Energy and Economic Development:

San Diego Gas & Electric Company and Southern California Gas Company provide gas and electric service to 23 million customers within Southern and Central California. Our utility companies are committed to providing reliable energy service at reasonable rates.

We submitted information for the 1813 Study to express how the inability to obtain and renew rights-of-way across tribal lands negatively impacts the energy consumers in our service territory. Our customers will bear the higher fees paid by interstate pipeline suppliers for rights-of-way crossing tribal lands. Tribes are increasing their land holdings at strategic project locations enabling them to block construction of new energy facilities serving our customers. Higher fees paid to renew expiring rights-of-way for major intrastate facilities also will fall upon our customers (assuming renewals can be negotiated).

We are disappointed that our concerns were ignored by the Draft Report.

The comments submitted by EEI and INGAA indicate that numerous other energy providers are encountering similar problems. The industry comments indicate that we are only seeing the tip of the iceberg at this time. Many more rights-of-way will be expiring in the near future.

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Tribal comments acknowledge that failed negotiations have left many facilities in trespass, subject to eviction, thereby also recognizing there is a problem.

Nothing is accomplished by attempting to downplay the situation. A problem exists.

A sensible solution exists as well. The solution is to implement a procedure to resolve right-of-way disputes, one that provides fair compensation for the use of tribal land, and gives due consideration to tribal sovereignty. Such a process will support the construction of the energy infrastructure needed to ensure reliable service for the general welfare in an environmentally responsible and cost-effective manner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bret Lane".

Bret Lane  
Vice President  
Environmental Safety and Facilities