

STATE OF COLORADO

OFFICE OF CONSUMER COUNSEL

Department of Regulatory Agencies

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James G. Greenwood
Director



Bill Owens
Governor
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Executive Director

March 6, 2006

Mr. Darryl Francois
Attention: Section 1813 ROW Study
Office of Indian Energy and Economic Development
1849 C St., NW
Mail Stop 2749-MIB
Washington, DC 20240

Re: Comments about the Congressionally Mandated Study of Energy Rights-Of-Way on
Tribal Lands

Dear Mr. Francois:

The Colorado Office of Consumer Counsel ("OCC") represents the interests of residential, small business and agricultural consumers before the Public Utilities Commission, certain federal agencies (such as the Federal Communications Commission and the Federal Energy Regulatory Commission), and the courts on appeal. The OCC is Colorado's consumer advocate in electric, natural gas and telecommunications utility rate and rule making matters. The OCC helps consumers by lowering or eliminating utility rate increases and by ensuring that utility rates, regulations and policies are more equitable for residential, small business and agricultural consumers.

The OCC is responding herein to the Department of Interior's proposed work plan regarding the Study of Energy Rights-of-Way ("ROW") on Tribal Lands that was mandated by Congress in Section 1813 of the Energy Policy Act of 2005.

Within the State of Colorado, local distribution companies gain access to regional and national supplies of energy through the network of interstate natural gas pipelines and electric transmission facilities. It is with this backdrop that the OCC offers its views on this important issue.

The OCC recognizes that providing energy to consumers at just and reasonable rates is paramount to the economic well being of the State of Colorado in specific and the nation in general. Having said that, OCC's philosophy would be to compensate the various tribes for the use of the ROW under fair and reasonable terms while at the same time providing reliable energy services to consumers at affordable rates. This presupposes that the cost of transmitting the

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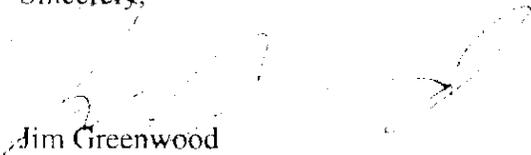
energy to the end user across Indian lands, whether the energy is electric or gas service, is included.

Prudently incurred ROW compensation (cost) is generally passed through to consumers of energy, via a surcharge mechanism, on a dollar-for-dollar basis. Therefore, it is the opinion of the OCC that the study results that provide for the establishment of a standard covering ROW terms that are fair for Native American tribes and consumers alike is of utmost importance and should be accomplished as soon as possible. Further, appropriate standards and procedures for determining fair compensation for grants and renewals of energy ROW's on reservation land, as contemplated by the aforementioned study, is a goal that would benefit all parties.

The OCC supports the notion of specific rules, studies, processes, etc., that will result in a method by which negotiation of new and existing ROW compensation can be accomplished in a fair and balanced manner for all parties concerned.

The OCC appreciates this opportunity to comment. If you have any questions concerning any of the above, please do not hesitate to contact our office.

Sincerely,



Jim Greenwood