

PART 175—ELECTRIC POWER UTILITIES

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Subpart A—General Provisions

- § 175.100 What are some of the terms I should know for this Part?

Agreement means the executed written form between you and the utility providing your service, except for service provided under a Special Agreement.

BIA means the Bureau of Indian Affairs within the United States Department of the Interior or the BIA's authorized representative.

Bill means our written statement notifying you of the charges and/or fees you owe the United States for the administration, operation, maintenance, rehabilitation, and/or construction of the electric power utility servicing you.

CFR means Code of Federal Regulations.

Customer means any person or entity to whom we provide service.

Customer service is the assistance or service provided to customers, other than the actual delivery of electric power or energy. This may include: line extension, system upgrade, meter testing, connections or disconnection, special meter reading, or other assistance or service as provided in the Operations Manual.

Day(s) means calendar day(s).

Delinquent means an account that hasn't been paid and settled by the due date.

Due date means the date by which you must pay your bill. The due date is printed on your bill.

Electric energy (see Electric power).

Electric power means the energy we deliver to your electric service to meet your electrical needs.

Electric power rate means the charges we establish for delivery of energy to our customers, which includes administration costs and operation and maintenance costs, in addition to the cost of purchased power.

Electric power utility means all structures, equipment, components, and human resources necessary for the delivery of electric service.

Electric service means the delivery of electric energy by our utility to our customers.

Energy means electric power.

Fee (see Service fee).

I, me, my, you, and your means all interested parties, especially persons or entities to which we provide service and receive use of our electric power service.

Must means an imperative or mandatory act or requirement.

Operations Manual means the written policies, practices, procedures and requirements of the utility providing your service. The Operations Manual supplements this Part, and includes our responsibilities to our customers, and our customers' responsibilities to the utility.

Past due bill means a bill that has not been paid by the due date.

Power (see Energy).

Public notice is the notice provided by publishing information consistent with the utility's Operations Manual.

Purchased power means the power we must purchase from power marketing providers for resale to our customers to meet changing power demands. Each of our utilities establishes its own power purchasing agreement based on its power demands and firm power availability.

Rate (see Electric power rate).

Reserve Funds means funds held in reserve for maintenance, repairs or unexpected expenses

Revenue means the monies we collect from our customers through service fees and electric power rates.

Service (see Electric service).

Service fee means our charge for providing or performing a specific administrative or customer service.

Special Agreement means a written agreement between you and us for special conditions or circumstances including unmetered services.

Taxpayer identification number means either your Social Security Number or your Employer Identification Number.

Utility(ies) see (Electric power utility).

Utility office(s) means our facility used for conducting business with our customers and the general public.

We, us, and our means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this Part.

§ 175.105 What is the purpose of this Part?

The purpose of this Part is to establish the regulations for administering BIA electric power utilities.

§ 175.110 Does this Part apply to me?

This Part applies to you if we provide you service or if you request service from us.

§ 175.115 How does BIA administer its electric power utilities?

We promote efficient administration, operation, maintenance, and construction of our utilities by following and enforcing:

- (a) applicable statutes, regulations, Executive Orders, Indian Affairs manuals, Operations Manuals;
- (b) applicable written policies, procedures, directives, safety codes; and
- (c) utility industry standards.

§ 175.120 What are Operations Manuals?

- (a) We maintain an Operations Manual for each of our utilities.

- (b) The Operations Manual sets forth the requirements for the administration, management, policies, and responsibilities of that utility and its customers.
- (c) We update our Operations Manuals to reflect changing requirements to administer, operate, or maintain our electric utility.
- (d) When we determine it necessary to revise an Operations Manual, we will:
 - (1) provide public notice of the proposed revision;
 - (2) state the effective date of the proposed revision;
 - (3) state how and when to submit your comments on our proposed revision; and
 - (4) provide 30 days from the date of the notice to submit your comments.
 - (5) consider your comments and provide notice of our final decision.

§ 175.125 How do I request service?

- (a) If you need electrical service in an area where we serve, you must contact our utility in that service area.
- (b) To receive service, you must enter into an Agreement with that utility after it has determined that you have met its requirements.

§ 175.130 What information must I provide when I request service?

At a minimum, you must provide us the following information:

- (a) your full legal name or the legal name of the entity needing service;
- (b) your taxpayer identification number;
- (c) your billing address;
- (d) your service address; and
- (e) any additional information required by the utility.

§ 175.135 Why is BIA collecting this information?

We are collecting this information so we can:

- (a) provide you with service,
- (b) bill you for the service we provide, and
- (c) account for monies you pay us, including any deposits as outlined in the Operations Manual.

§ 175.140 What is BIA's authority to collect your tax payer identification number?

- (a) We are required to collect your taxpayer identification number under the authority of, and as prescribed in, the Debt Collection Improvement Act of 1996, Public Law 104–134 (110 Stat. 1321–364).

§ 175.145 Can I appeal a BIA decision?

- (a) You may appeal a decision in accordance with the procedures set out in 25 CFR Part 2, unless otherwise prohibited by law.
- (b) If you appeal your bill, you must pay your bill in accordance with this Part to continue to receive service from us.
- (c) If the appeal involves the discontinuation of service, the utility is not required to resume the service during the appeal process unless the customer meets the utility's requirements.
- (d) If the appeal involves the amount of a bill and:
 - (1) The customer has paid the bill, the bill will be considered paid under protest until the final decision has been rendered on the appeal; or
 - (2) The customer has not paid the bill and the final decision rendered in the appeal requires payment of the bill, the bill shall be handled as a delinquent account and the amount of the bill may be subject to interest, penalties, and administrative costs pursuant to 31 U.S.C. 3717 and/or 31 CFR 901.9.
- (e) If the appeal involves an electric power rate, the rate shall be applied and remain in effect subject to the final decision on the appeal.

Subpart B—Service Fees, Electric Power Rates and Revenues

§ 175.200 Why does BIA collect revenue from you and the other customers it serves, and how is that revenue used?

- (a) The revenue we collect from you and the other customers is authorized by 25 USC 385c (60 Stat. 895, as amended by 65 Stat. 254).
- (b) The revenue we collect may be used to:
 - (1) pay for operation and maintenance of the utility;
 - (2) maintain Reserve Funds to:
 - a. make repairs and replacements to the utility,
 - b. defray emergency expenses, and
 - c. ensure the continuous operation of the power system; and pay other allowable expenses and obligations to the extent required or permitted by law.

§ 175.205 How often and why are BIA rates and fees reviewed?

We review our rates and fees at least annually to:

- (a) determine if our financial requirements are being met to ensure the reliable operation of the utility serving you, and
- (b) determine if revenues are sufficient to meet the statutory requirements.

§ 175.210 What is BIA's procedure for adjusting service fees?

If, based on our annual review, we determine our service fees need to be adjusted:

- (a) you will be notified at least 60 days prior to the effective date of the adjustment; and
- (b) we will publish a schedule of the adjusted service fees in a local newspaper(s) and post them in the local utility office serving you.

§ 175.215 What is BIA's procedure for adjusting electric power rates?

Except for purchased power costs, if we determine electric power rates need to be adjusted, we will:

- (a) hold public meetings and notify you of their time, date, and location by newspaper notice and a notice posted in the utility office serving you;
- (b) provide you notice at least 15 days prior to the meeting;
- (c) provide you a description of the proposed rate adjustment;
- (d) provide you information on how, where, and when to submit comments on our proposed rate adjustment;
- (e) make a final determination on the proposed rate adjustment after all comments have been received, reviewed, and evaluated; and
- (f) publish the proposed rate adjustment in the Federal Register if we determine the rate adjustment is necessary.

§ 175.220 How long do rate and fee adjustments stay in effect?

These adjustments remain in effect until we conduct a review and determine adjustments are necessary.

§ 175.225 What is the Federal Register and where can I get it?

- (a) The Federal Register is the official daily publication for Rules, Proposed Rules, and Notices of official actions by Federal agencies and organizations, as well as Executive Orders and other Presidential Documents and is produced by the Government Printing Office (GPO).
- (b) You can get Federal Register publications by:
 - (1) going to the World Wide Web at <http://www.gpo.gov>;
 - (2) writing to the GPO, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or
 - (3) calling the GPO at (202) 512-1530.

§ 175.230 Why are changes to purchased power costs not included in the procedure for adjusting electric power rates?

Unforeseen increases in the cost of purchased power are:

- (a) not under our control,
- (b) determined by current market rates, and
- (c) subject to market fluctuations, that can occur at an undetermined time and frequency.

§ 175.235 How does BIA include changes in purchased power costs to our electric power rates?

When our cost of purchased power changes:

- (a) we determine the effect of the change,
- (b) we adjust the purchased power component of your bill accordingly,
- (c) we add the purchased power adjustment to the existing electric power rate and put it into effect immediately,
- (d) the purchased power adjustment remains in effect until we determine future adjustments are necessary,
- (e) we must publish in the local newspaper and post at our office a notice of the purchase power adjustment and the basis for the adjustment, and
- (f) our decision to make a purchased power adjustment must be final.

Subpart C—Billing, Payments, and Collections

§ 175.300 How does BIA calculate my electric power bill?

- (a) We calculate your electric power bill based on the:
 - (1) current rate schedule for your type service, and
 - (2) applicable service fees for your type service.
- (b) If you have a metered service we must:
 - (1) read your meter monthly,
 - (2) calculate your bill based on your metered energy consumption, and
 - (3) issue your bill monthly, unless otherwise provided in a Special Agreement.
- (c) If we are unable to calculate your metered energy consumption, we must make a reasonable estimate based on one of the following reasons:
 - (1) your meter has failed,

- (2) your meter has been tampered with, or
 - (3) our utility personnel are unable to read your meter.
- (d) If you have an unmetered service, we calculate your bill in accordance with your Special Agreement.

§ 175.305 When is my bill due?

The due date is provided on your bill.

§ 175.310 How do I pay my bill?

You may pay your bill:

- (a) in person at our utility office,
- (b) mail your payment to the address stated on your bill, or
- (c) as further provided by the electric utility that serves you.

§ 175.315 What will happen if I do not pay my bill?

- (a) If you do not pay your bill prior to the close of business on the due date, your bill will be past due.
- (b) If your bill is past due we may:
 - (1) disconnect your service, and
 - (2) not reconnect your service until your bill, including any applicable fees, is paid in full.
- (c) Specific regulations regarding nonpayment can be found in 25 CFR 143.5.

§ 175.320 What will happen if my service is disconnected and my account remains delinquent?

- (a) If your service has been disconnected and you still have an outstanding balance, we will assess you interest, penalties, and administrative costs in accordance with 31 CFR 901.9.
- (b) We must forward your delinquent balance to the United States Treasury if it is not paid within 180 days after the original due date in accordance with 31 CFR 901.1.

Subpart D—System Extensions and Upgrades

§ 175.400 Will the utility extend or upgrade its electric system to serve new or increased loads?

The utility may extend or upgrade its electric system to serve new or increased loads. Contact your electric power utility providing service in your area for further information on new or increased loads.

Subpart E—Rights-of-Way

§ 175.500 How does BIA manage rights-of-way?

Contact your electric power utility providing service in your area for further information on rights of way.

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