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October 17, 2025

California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Docket Number 22-DECARB-03; In the Matter of the Equitable Building Decarbonization Tribal Direct Install Program Draft Guidelines

Tribal Energy Alternatives (“TEA”) respectfully submits these comments in response to the Draft Guidelines issued by the California Energy Commission (“CEC”) for the Equitable Building Decarbonization (“EBD”) Tribal Direct Install Program.

TEA is a mission-driven, direct service provider that builds Tribal-powered solutions to advance Tribal sovereignty through renewable energy. As the Tribal affiliate of GRID Alternatives, TEA has partnered with over 80 Tribal Nations across the country to develop and install solar photovoltaic (PV) systems, create robust workforce development programs, and deploy over 8 megawatts of solar energy for Tribal communities. In the past year alone, we have proudly installed 389 kilowatts (kW) of solar across Indian Country. Together, GRID Alternatives and TEA maintain long-standing partnerships with Tribes throughout California, offering direct solar installation services, workforce development training, grant-making opportunities, and policy advocacy and education. Our recent and notable 2025 work includes supporting the Viejas Band of Kumeyaay Indians on a large-scale microgrid project with solar and energy storage. Additionally, TEA supported the Berry Creek Rancheria of Maidu Indians of California in securing a \$1.5 million award through the Tribal Investment Phase of the California Regional Investment Initiative (RII), administered by the California Jobs First Council.

TEA generally supports the program guidelines drafted by the CEC. We have six key recommendations to strengthen the EBD Tribal Direct Install Program:

1. Select the Program Implementer early in the solicitation process so they can coordinate complementary outreach with the CEC prior to the program launch, ideally **no later than 120 days before the solicitation is released to California Tribes**. There is concern that if the Implementer is selected too late, they may not have sufficient time to effectively execute the program. This would allow the Implementer to conduct necessary outreach with California Tribes in place of or alongside the CEC. The CEC is not the best vehicle to conduct outreach with Tribes due to historic lack of trust between state energy offices and Tribal governments.
2. **Increase the allowable Administrative Costs allocation for the Program Implementer to a maximum of 20% of the total program funds.** Another possible structure for this would be to allow the full \$30 million to flow through a single Tribal Program Administrator, with up to 20% reserved for administrative costs. A third option would be to allow the Implementer to apply a federally approved Negotiated Indirect Cost Rate Agreement (NICRA) to their program award. This approach would protect nonprofits or Tribes from having legitimate administrative burdens shifted onto them,



and it would recognize the real costs of managing outreach, reporting, and program administration for a complex energy program such as this one. For example, if a Tribal organization or nonprofit implementer has a NICRA of 25%, they should be allowed to budget that same rate on their award. The default administrative limit of 10% will ultimately underfund program management, making it more difficult for smaller or Tribal-led implementers to execute the program effectively.

3. **Adopt a broad and liberal definition of administrative versus program (non-administrative) activities** to ensure fair treatment of necessary implementation expenses. The current draft guidelines do not clearly distinguish between administrative and non-administrative costs, which creates uncertainty for planning and compliance. Administrative costs could include program management, reporting, data tracking, and compliance activities. We strongly suggest that non-administrative costs include direct project expenditure such as program outreach. Given the large size of the geographic area and the number of eligible Tribes, supporting the use of funds for outreach would allow Implementers to connect and coordinate with more Tribes to maximize the number that are able to participate
4. **Redistribute the unallocated funds to other Tribes after the first six months.** The CEC should structure the Tribal Direct Install Program to have **at least two funding rounds, with the option of a third round** depending on overall fund utilization. The current draft guidelines do not specify how unused funds will be managed after the allocation period. Without multiple funding rounds, there is a risk of lower program participation.
5. **Clarify language related to prevailing wage requirements, particularly for Tribes that recognize Tribal sovereignty and have existing Tribal labor standards.** The guidance should provide additional information to help applicants understand the laws and prevailing wage requirements cited in the draft guidance, noting that Tribes may operate with greater flexibility. Specifically, the guidance should explain when building retrofits conducted using the Equitable Building Decarbonization Direct Install Program funds, including the Tribal Direct Install Program, may trigger public works laws (Labor Code Section 1720, et seq.) requiring prevailing wages. The guidance should also clarify the meaning of the phrase “where possible and when applicable” in the Public Resources Code Section 25665.3(f), “Projects funded pursuant to the direct install program shall be performed by workers paid prevailing wage where possible and when applicable.” Many Tribes have their own Tribal Employment Rights Ordinances (TEROs) or other labor codes that ensure worker protections are equivalent to the intent of California’s prevailing wage law. The CEC should allow Tribes to meet labor compliance by adhering to their own TERO or Tribal wage laws, rather than requiring strict compliance with California prevailing wage requirements, particularly for projects located entirely on Tribal lands. Without such flexibility, prevailing wage requirements can raise project costs and limit the number of installations possible. An alternative approach would be to exempt projects on Tribal lands from prevailing wage requirements when the Tribe has adopted comparable fair-wage standards. In short, the guidance should allow more flexibility and recognize that Tribal labor standards are equivalent to state and federal standards, ensuring Tribal participation is not unduly restricted.
6. **Include an additional section for direct consent and Tribal data governance ensuring that all data collected on Tribal lands is the property of the Tribe.** All data gathered within Tribal jurisdictions or pertaining to Tribal households shall remain as the property of the respective Tribe.



The Commission and program administrator shall act as data stewards only for purposes explicitly approved by the Tribe. The guidance should emphasize that aggregated and anonymized data is the standard for reporting, including information such as household income. Tribes must provide full, informed consent for any data collection, ensuring that Tribal participation is voluntary, and information is protected.

Because the Tribal Direct Install Program must serve all California Tribes statewide with a single Program Administrator, it will face unique challenges in contractor access and in providing technical support to participating Tribes in remote areas. Unlike the broader Equitable Building Decarbonization Program, which designates separate administrators for different regions of California, the Tribal Implementer will be responsible for covering the entire state.

This structure places a substantial administrative and logistical burden on the Implementer and increases the need for adequate funding, flexibility, and early coordination. Without these supports, especially sufficient administrative resources, clear timelines, and respect for Tribal sovereignty in labor and data governance, the program risks delays, inequitable distribution of benefits, and reduced participation by Tribes in remote locations. We encourage the CEC to take action to ensure this program is appropriately resourced and structured to meet the diverse needs of Tribes across the state.

We commend the CEC for its public process and including feedback from direct service providers like TEA, and we appreciate the opportunity to offer comments aimed at enhancing the program's impact on Tribal Nations.

Respectfully submitted,

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