

Bureau of Indian Affairs, Interior

§ 175.100

been compensated, shall be deposited to the credit of the proper tribe.

§ 173.23 Organized tribes.

Concessions and leases on tribal lands withdrawn or reserved for the purposes specified in the act of April 4, 1938 (52 Stat. 193) and dealt with in this part, of any Indian tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476) for which the tribe has not been compensated shall be made by the organized tribe pursuant to its constitution or charter: *Provided*, No lease or concession so made shall be inconsistent with the primary purpose for which the lands were reserved or withdrawn.

PART 175—ELECTRIC POWER UTILITIES

Subpart A—General Provisions

Sec.

- 175.100 What terms should I know for this part?
- 175.105 What is the purpose of this part?
- 175.110 Does this part apply to me?
- 175.115 How does BIA administer its electric power utilities?
- 175.120 What are Operations Manuals?
- 175.125 How do I request and receive service?
- 175.130 What information must I provide when I request service?
- 175.135 Why is BIA collecting this information?
- 175.140 What is BIA's authority to collect my taxpayer identification number?
- 175.145 Can I appeal a BIA decision?

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?
- 175.205 When are BIA rates and fees reviewed?
- 175.210 What is BIA's procedure for adjusting service fees?
- 175.215 What is BIA's procedure for adjusting electric power rates?
- 175.220 How long do rate and fee adjustments stay in effect?
- 175.225 What is the Federal Register, and where can I get it?
- 175.230 Why are changes to purchased power costs not included in the procedure for adjusting electric power rates?
- 175.235 How does BIA include changes in purchased power costs to our electric power rates?

Subpart C—Billing, Payments, and Collections

- 175.300 How does BIA calculate my electric power bill?
- 175.305 When is my bill due?
- 175.310 How do I pay my bill?
- 175.315 What will happen if I do not pay my bill?
- 175.320 What will happen if my service is disconnected and my account remains delinquent?

Subpart D—System Extensions and Upgrades, Rights-of-Way, and Paperwork Reduction Act

- 175.400 Will the utility extend or upgrade its electric system to serve new or increased loads?
- 175.500 How does BIA manage rights-of-way?
- 175.600 How does the Paperwork Reduction Act affect this part?

AUTHORITY: 5 U.S.C. 301; 25 U.S.C. 13; 25 U.S.C. 385c; 43 Stat. 475-76; 45 Stat. 210-13; 49 Stat. 1039-40; 49 Stat. 1822-23; 54 Stat. 422; 62 Stat. 269-73; 65 Stat. 254; 99 Stat. 319-20.

SOURCE: 83 FR 61119, Nov. 28, 2018, unless otherwise noted.

Subpart A—General Provisions

§ 175.100 What 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, except for the actual delivery of electric power or energy. Customer service may include: Line extension, system upgrade, meter testing, connections or disconnection, special meter reading,

§ 175.105

25 CFR Ch. I (4-1-25 Edition)

or other assistance or service as provided in the Operations Manual.

Day(s) means calendar day(s).

Delinquent means an account that has not 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 meet customers' 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 power 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. Each utility's Operations Manual is available at the utility.

Bureau of Indian Affairs, Interior

§ 175.200

(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 Manual for each utility to reflect changing requirements to administer, operate, or maintain that 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;
- (4) Provide 30 days from the date of the notice to submit your comments; and
- (5) Consider your comments and provide notice of our final decision.

§ 175.125 How do I request and receive service?

(a) If you need electrical service in an area where we provide service, 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 the utility with the following information when you request service:

- (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 my tax payer identification number?

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 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.

(c) If you appeal your bill, you must pay your bill in accordance with this part to continue to receive service from us.

(1) If the appeal involves the amount of your bill, the bill will be considered paid under protest until the final decision has been rendered on appeal.

(2) If you appeal your bill but do not pay the bill in full, you may not continue to receive service from us. If the final decision rendered in the appeal requires payment of the bill, the bill will 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 31 CFR 901.9.

(3) If the appeal involves an electric power rate, the rate will 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 U.S.C. 385c (60 Stat. 895, as amended by 65 Stat. 254).

§ 175.205

(b) The revenue we collect may be used to:

- (1) Pay for operation and maintenance of the utility;
- (2) Maintain Reserve Funds to:
 - (i) Make repairs and replacements to the utility;
 - (ii) Defray emergency expenses;
 - (iii) Ensure the continuous operation of the power system; and
 - (iv) Pay other allowable expenses and obligations to the extent required or permitted by law.

§ 175.205 When 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) We will notify you at least 30 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 respective 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

25 CFR Ch. I (4-1-25 Edition)

comments have been received, reviewed, and evaluated; and

- (f) Publish the proposed rate adjustment and the final rate 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?

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). You can get FEDERAL REGISTER publications by:

- (a) Visiting www.federalregister.gov or www.gpo.gov/fdsys;
- (b) Writing to the GPO at Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or
- (c) Calling the GPO at (202) 512-1800.

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

Changes to purchased power costs are not included in the procedure for adjusting electric power rates because 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 in 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 by any of the following methods:

(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 non-payment can be found in 25 CFR 143.5(c).

§ 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, Rights-of-Way, and Paperwork Reduction Act

§ 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.

§ 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.

§ 175.600 How does the Paperwork Reduction Act affect this part?

The collection of information contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 1076-0021. Response is required to obtain a benefit. A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless the form or regulation requesting the information displays a currently valid OMB Control Number.

Send comments regarding this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer—Indian Affairs, 1849 C Street NW, Washington, DC 20240.

PART 179—LIFE ESTATES AND FUTURE INTERESTS

Subpart A—General

Sec.

- 179.1 What is the purpose of this part?
 179.2 What definitions do I need to know?
 179.3 What law applies to life estates?
 179.4 When does a life estate terminate?
 179.5 What documents will the BIA use to record termination of a life estate?

Subpart B—Life Estates Not Created Under AIPRA

- 179.101 How does the Secretary distribute principal and income to the holder of a life estate?
 179.102 How does the Secretary calculate the value of a remainder and a life estate?

Subpart C—Life Estates Created Under AIPRA

- 179.201 How does the Secretary distribute principal and income to the holder of a life estate without regard to waste?
 179.202 Can the holder of a life tenancy without regard to waste deplete the resources?

AUTHORITY: 86 Stat. 530; 86 Stat. 744; 94 Stat. 537; 96 Stat. 2515; 25 U.S.C. 2, 9, 372, 373, 487, 607, and 2201 *et seq.*

SOURCE: 73 FR 67286, Nov. 13, 2008, unless otherwise noted.

Subpart A—General

§ 179.1 What is the purpose of this part?

This part contains the authorities, policies, and procedures governing the administration of life estates and future interests in trust and restricted property by the Secretary of Interior. This part does not apply to any use rights assigned to tribal members by tribes in the exercise of their jurisdiction over tribal lands.

(a) Subpart A contains general provisions.

(b) Subpart B describes life estates not created under the American Indian

Probate Reform Act of 2004 (AIPRA), as described in § 179.3(b).

(c) Subpart C describes life estates created under AIPRA, as described in § 179.3(a).

§ 179.2 What definitions do I need to know?

Agency means the Bureau of Indian Affairs (BIA) agency office, or any other designated office in BIA, having jurisdiction over trust or restricted property. This term also means any office of a tribe that has entered into a contract or compact to fulfill applicable BIA functions.

AIPRA means the American Indian Probate Reform Act of 2004, Pub. L. 108–374, as codified at 25 U.S.C. 2201 *et seq.*

BIA means the Bureau of Indian Affairs within the Department of Interior.

Contract bonus means cash consideration paid or agreed to be paid as incentive for execution of a contract.

Income means the rents and profits of real property and the interest on invested principal.

Life estate means an interest in property held for only the duration of a designated person's life. A life estate may be created by a conveyance document or by operation of law.

Life estate without regard to waste means that the holder of the life estate interest in land is entitled to the receipt of all income, including bonuses and royalties, from such land to the exclusion of the remaindermen.

Principal means the corpus and capital of an estate, including any payment received for the sale or diminishment of the corpus, as opposed to the income.

Rents and profits means the income or profit arising from the ownership or possession of property.

Restricted property means real property, the title to which is held by an Indian but which cannot be alienated or encumbered without the Secretary's consent. For the purpose of probate proceedings, restricted property is treated as if it were trust property.

Except as the law may provide otherwise, the term “restricted property” as used in this part does not include the restricted lands of the Five Civilized