

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION) DOCKET UE-161204
)
Complainant,) CERTIFICATION AFFIDAVIT OF
) DAVID SHAW, SUPERINTENDENT,
v.) UNITED STATES BUREAU OF
) INDIAN AFFAIRS
PACIFIC POWER & LIGHT)
COMPANY,)
)
Respondent.)

State of Washington)
County of Yakima)

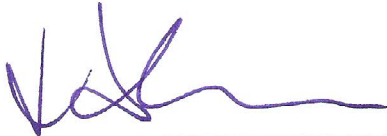
BEFORE ME, the undersigned Notary, on this 7th day of June, 2017, personally appeared David L. Shaw, Superintendent, United States Bureau of Indian Affairs (BIA), known to me to be a credible person and of lawful age, and who, being by me first duly sworn, on his oath, deposes and says:

1. I am currently the Superintendent of the Yakama Agency for the United States Bureau of Indian Affairs (BIA) at Toppenish, Washington on the Yakama Nation's reservation. I have been Superintendent since approximately April 1, 2014.
2. My office is located 401 Fort Road, Toppenish, Washington. My mailing address and telephone number are:

David Shaw, Superintendent
United States Bureau of Indian Affairs
P. O. Box 632
Toppenish, Washington 98948-0632
(509) 865-2255

3. On or about July 9, 2015, I mailed a signed version of the attached letter in exactly the same form to PacifiCorp at the address on the letter. Unfortunately, my office did not keep a copy of my signed version.

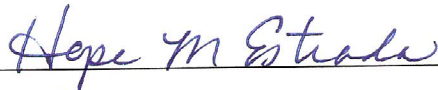
4. To the best of my knowledge, the attached letter is exactly the same as the signed one in all its details except for the lack of a signature.



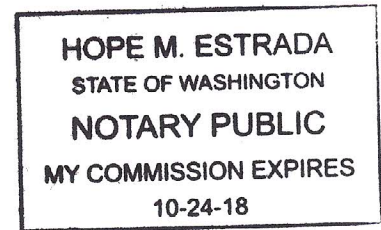
David L. Shaw, Superintendent
United States Bureau of Indian Affairs
P. O. Box 632
Toppenish, Washington 98948-0632
(509) 865-2255

Docket No. UE-161204
Motion for Official Notice
of Yakama Power
EXHIBIT A
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Subscribed and sworn to before me, this 7th day of June, 2017.



Hope M. Estrada (please print name)
NOTARY PUBLIC



My commission expires: 10/24/18, 20 .



United States Department of the Interior
Bureau of Indian Affairs
Yakama Agency
P.O. Box 632
Toppenish, WA 98948

In Reply Refer To:

Scott Bolton, President
Pacific Power
825 NE Multnomah Blvd.
Portland, OR 97232

Re: Service Lines on Indian trust lands – Yakama Indian Reservation – Notice

Dear Sir:

As you may know, the United States holds title for Indian lands in trust for individual tribal members and tribes. Due to the unique nature of Indian lands, as defined by Congress and the U.S. Supreme Court, such lands are not subject to prescriptive easements or state regulatory jurisdiction.

Furthermore, title 25 of the Code of Federal Regulations, Part 169, prescribe the procedures, terms and conditions under which rights-of-way over and across Indian lands may be granted. In particular, Section 169.22 addresses service lines, including electrical service lines. As a result, wherever PacifiCorp lacks an executed agreement filed with the BIA as required by Section 169.22, PacifiCorp holds, at best, a revocable license for the use of such Indian lands and, at worst, may be in trespass on such lands.

If the owners of such Indian lands notify the BIA of their desire to no longer receive electrical or other services from PacifiCorp, the BIA will provide 30 day notice to PacifiCorp to remove such service lines at PacifiCorp's expense.

Also, please be aware that any tariffs set by the state utility commission are unlikely to have any legal effect on such Indian lands due to limits on state jurisdiction over such lands. As a result, certain PacifiCorp assets may be considered fixtures, e.g. vaults, whose removal or destruction may be illegal under Federal laws unless authorized in advance by the BIA.

If you have any questions or concerns, my office may be contact at (509) 865-2255 or by fax at (509) 865-3636.

Sincerely,

Superintendent

Cc: Portland Field Solicitor