

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BERNICE BRANNAN, et al,)
) DOCKET NO. UT-010988
 Complainants,)
) DECLARATION OF TERRY MCNEIL
 V.) IN OPPOSITION TO QWEST'S
) MOTION FOR SUMMARY JUDGMENT
 QWEST CORPORATION,)
)
 Respondent.)

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)
 BERNICE BRANNAN, et al,)
) DOCKET NO. UG-010989
 Complainants,)
)
 V.)
)
 SANITARY SERVICES, CO., INC.,)
)
 Respondent.)

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)
 BERNICE BRANNAN, et al,)
) DOCKET NO. UE-010990
 Complainants,)
)
 V.)
)
 PUGET SOUND ENERGY, INC.,)
)
 Respondent.)

DECLARATION OF TERRY MCNEIL
IN OPPOSITION TO QWEST'S First
MOTION FOR SUMMARY JUDGMENT - 1

Henke & Richter
2215 First Avenue West, Ste. 215
Seattle, WA 98119
(206) 282-2911

TERRY MCNEIL, et al,)
)
 Complainants,) DOCKET NO. UE-010995
)
 V.)
)
 PUGET SOUND ENERGY, INC.,)
)
 Respondent.)

-----)
)
 TERRY MCNEIL, et al,)
)
 Complainants,) DOCKET NO. UT-010996
)
 V.)
)
 VERZION NORTHWEST, INC.,)
)
 Respondent.)

-----)
)
 WASHINGTON UTILITIES AND,)
 TRANSPORTATION COMMISSION,) DOCKET NO. TG-011084
)
 Complainants,)
)
 V.)
)
 WASTE MANAGEMENT OF)
 WASHINGTON, INC. d/b/a/ G-237,)
)
 Respondent.)

I, Terry McNeil, am a resident of the Swinomish Indian
 Reservation. I make this declaration in opposition to the

DECLARATION OF TERRY MCNEIL
 IN OPPOSITION TO QUESTIONS
 MOTION FOR SUMMARY JUDGMENT - 2

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Motion for Summary Judgment of Qwest in this proceeding and in opposition to the claim of lack of Commission jurisdiction made by Waste Management herein. For argument in opposition to that motion and that claim, I adopt the Memorandum in Opposition to Qwest's Motion for Summary Judgment submitted by Brannan.

DECLARATION OF TERRY MCNEIL
IN OPPOSITION TO QWEST'S
MOTION FOR SUMMARY JUDGMENT - 3

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My wife and I are not members of the Swinomish Tribal Community (hereafter, "the Tribe") and not Indians. We reside on land we own in fee and have done so for 26 (twenty six) years. I am the president of the Snee Oosh Land Company, an organization of non-Indian fee land owners who conduct the business, and promote and protect the interests of the stockholders of this land owners' corporation. I make the following statements, including the generalizations regarding relations between the Tribe and non-Indian fee land owners on the reservation, from personal observation and knowledge as a long time resident of the reservation and active member of the organization mentioned.

My residence is along a public road maintained by Skagit County. The residences of other non-Indian land owners are likewise along public roads maintained by the county or state or served by private easements leading to public road. The main roads within the Swinomish Reservation are: Highway 20 which was built and is maintained by the State of Washington; Reservation Road, Snee Oosh Road and Indian Road, which were built and are maintained by Skagit County. We and other fee land owners receive utility service from the respondent utilities, including Waste Management, Inc., along those public roads. We and other non-Indian land owners depend

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solely on the state and county for governmental services, including police, public schools, and fire protection. We receive no regular governmental services from the Tribe.

With the exception of incidental contracts or commerce, the Tribe has no relation with us and other non-Indian land owners on the reservation. While we have no animosity toward Indians and the Swinomish Tribal Community has not taken the kind of actions adverse to our property interests which are described by Mrs. Brannan in her declaration concerning non-Indian fee land on the Lummi Reservation, we and other non-Indians have no community of interest with the members of the Swinomish Tribal Community collectively as a Tribe or otherwise than as neighbors and citizens of our state and nation.

I declare the above statements are true, under penalty of perjury under the laws of the State of Washington.

Dated this 13th day of November, 2001.

(signed)

—
Terry McNeil, Declarant

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the forgoing DECLARATION OF TERRY MCNEIL IN OPPOSITION TO QUEST'S MOTION FOR SUMMARY JUDGEMENT was served by first class mail, postage prepaid, on:

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W UTC Administrative Law Judge
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IN OPPOSITION TO QWEST'S
MOTION FOR SUMMARY JUDGMENT - 6

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I swear under penalty of perjury of the laws of the State of Washington
that the foregoing is true and correct.

Dated this 13th day of November, 2001 at LaConner, Skagit County,
Washington

_____(signed)_____

Terry McNeil

Henke & Richter

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DECLARATION OF TERRY MCNEIL
IN OPPOSITION TO QWEST'S
MOTION FOR SUMMARY JUDGMENT - 7