

1 Name and address of complainant:

2  
3 Terry McNeil  
4 16750 Warren Street  
5 LaConner, WA 98257  
6

7  
8 BEFORE THE  
9 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
10

11 **In response to whether the WUTC has jurisdiction to hear our**  
12 **formal Complaint.**  
13  
14  
15

16 The WUTC definitely has jurisdiction over our complaints:  
17

- 18 1. According to RCW 80.01.040, General powers and duties of the commission  
19 The utilities and transportation commission shall:  
20 .....(3) Regulate in the public interest, as provided by the public  
21 service laws, the rates, services, facilities, and practices of all  
22 persons engaging within this state in the business of supplying any  
23 utility service or commodity to the public for compensation, and  
24 related activities; including, but not limited to, electrical  
25 companies, gas companies, irrigation companies, telecommunications  
26 companies, and water companies.  
27 (4) Make such rules and regulations as may be necessary to carry out  
28 its other powers and duties.  
29

30 *(The Commission has already acted on this complaint issue several*  
31 *times, the latest being 9/12/01. It is a little late to claim they*  
32 *have no jurisdiction.)*  
33

- 34 2. According to RCW 80.01.60 and RCW 80.01.70 the commission has broad  
35 powers to designate persons for emergency adjudications, and conduct  
36 joint investigations, hearings, and orders in regard to issues  
37 described in #1 above.  
38  
39

- 40 3. RCW 80.01.075 gives the commission the Authority to initiate, and/or  
41 participate in federal administrative agency proceedings. *(If necessary*  
42 *to protect ratepayers from an illegal tribal tax, it is the mission of*  
43 *the commission to do so according to this RCW.)*  
44 The commission shall have the authority as petitioner, intervenor or  
45 otherwise to initiate and/or participate in proceedings before federal  
46 administrative agencies in which there is at issue the authority, rates  
47 or practices for transportation or utility services affecting the  
48 interests of the state of Washington, its businesses and general  
49 public, and to do all things necessary in its opinion to present to  
50 such federal administrative agencies all facts bearing upon such

1 issues, and to similarly initiate and/or participate in any judicial  
2 proceedings relating thereto.

- 3  
4  
5 4. Furthermore, it is the duty of the Attorney General to represent the  
6 ratepayers, which is not being done. (*Public Counsel has decided not*  
7 *to participate in this complaint and has filed notice of same on*  
8 *September 19, 2001 to the complainants.*)  
9 RCW 80.01.100 Duties of attorney general.

10 It shall be the duty of the attorney general to represent and appear  
11 for the people of the state of Washington and the commission in all  
12 actions and proceedings involving any question under this title or  
13 Title 81 RCW, or under or in reference to any act or order of the  
14 commission; and it shall be the duty of the attorney general generally  
15 to see that all laws affecting any of the persons or corporations  
16 herein enumerated are complied with, and that all laws, the enforcement  
17 of which devolves upon the commission, are enforced, and to that end he  
18 is authorized to institute, prosecute and defend all necessary actions  
19 and proceedings.

- 20  
21 5. Commissioners are required to take and subscribe the constitutional  
22 oath of office, according to RCW 80.01.020. Upholding the Constitution  
23 of the State of Washington and the United States of America should be  
24 of paramount importance. *Taxation without representation or consent by*  
25 *a quasi-government that provides no benefits or services to non-*  
26 *members, but taxes non-members anyway is a breach of both*  
27 *constitutions. See below:*

28  
29 **Washington State Constitution, ARTICLE I**

30 **DECLARATION OF RIGHTS**

31  
32 **SECTION 1 POLITICAL POWER.**

33 All political power is inherent in the people, and governments derive their  
34 just powers from the consent of the governed, and are established to protect  
35 and maintain individual rights. (*Tribal taxation of non-members constitutes*  
36 *non-consent by non-members to be governed.*)

37 **SECTION 2 SUPREME LAW OF THE LAND.**

38 The Constitution of the United States is the supreme law of the land.  
39 (*Guarantees a republican form of government with elected officials and other*  
40 *personal liberty guarantees.*)

41 **SECTION 3 PERSONAL RIGHTS.**

42 No person shall be deprived of life, liberty, or property, without due  
43 process of law. (*Due process of law (the highest court in the land) says*  
44 *Tribes cannot tax non-members, except in two situations, neither of which is*  
45 *present in this issue.*)

46 **SECTION 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED.**

47 No law shall be passed granting to any citizen, class of citizens, or  
48 corporation other than municipal, privileges or immunities, which upon the  
49 same terms shall not equally belong to all citizens, or corporations. (*All*  
50 *citizens are not being taxed by a Tribe, only the ones who happen to own*  
*their land in a certain place within this state.*)

1 **SECTION 19 FREEDOM OF ELECTIONS.**

2 All Elections shall be free and equal, and no power, civil or military, shall  
3 at any time interfere to prevent the free exercise of the right of suffrage.

4 *(Right of suffrage is being taken away from those who are taxed by tribes in*  
5 *which they have no vote.)*

6 **SECTION 28 HEREDITARY PRIVILEGES ABOLISHED.**

7 No hereditary emoluments, privileges, or powers shall be granted or conferred  
8 in this state. *(Tribal heredity can not be used to create special privileges*  
9 *or powers to tax or control Washington State citizens. I.e.: non-tribal*  
10 *members.)*

11 **ARTICLE VII**

12 **REVENUE AND TAXATION**

13 **SECTION 1 TAXATION.**

14 The power of taxation shall never be suspended, surrendered or contracted  
15 away. All taxes shall be uniform upon the same class of property within the  
16 territorial limits of the authority levying the tax and shall be levied and  
17 collected for public purposes only. *(Allowing Tribal taxation of non-members*  
18 *is tantamount to surrendering or contracting the power to tax and the tribal*  
19 *collection is for other than public purposes. I.e.: Tribal use.)*

20  
21 In conclusion, the Washington Utilities and Transportation Commission (WUTC)  
22 definitely has jurisdiction over our complaints. The RCW's are clear in this  
23 regard, and even allow the WUTC to take action with federal agencies to  
24 protect the ratepayer. The Washington State Attorney General has a legal  
25 obligation to represent the ratepayers in this action. And the WUTC  
26 Commissioners have a mandate to uphold the Constitution.

27  
28 WHEREFORE, complainants request that our formal complaint be heard before the  
29 WUTC and these taxes be removed from the tariffs as requested, which is  
30 within your jurisdiction.

31  
32 I reserve the right to submit additional information regarding this question  
33 of jurisdiction if I am able to retain counsel.

34  
35  
36 Dated this 18<sup>th</sup> day of October, 2001

37  
38  
39  
40 By \_\_\_\_\_

41  
42 Terry McNeil  
43 16750 Warren Street  
44 LaConner, WA 98257  
45  
46  
47  
48  
49  
50