

## In response to whether the WUTC has jurisdiction to hear our formal Complaint.

1. Name and address of complainant

Bernice Brannan, et al.  
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2. The codes and regulations of the WUTC give you jurisdiction to hear our Formal Complaint.

As early as September 12<sup>th</sup> of this year 2001 the WUTC added a tribal tax to the tariffs, therefore the WUTC most definitely has the jurisdiction to remove/rescind these tribal taxes from the tariffs from these Utility Companies as we have requested.

The commission has a fiduciary responsibility to the ratepayers that they have failed to uphold as of to date. The utility commission allowed these tribal taxes to be included in the tariffs because of their reasoning it was not prudent for the utilities companies to pursue [in court] and the amount was fair. Fair to whom? Surely not to the non-member ratepayers. WUTC has showed no concern for the costs that has been passed through to these ratepayers or our Constitutional Rights.

These same utility companies that you have approved to have the tax included in the tariffs threaten us to shut off these services which are essential to our safety, health and welfare for non-payment of these taxes and turn us into the credit agencies for non-payment.

WUTC did not take into consideration at anytime, if the tribe had proved it was legal and if the Lummi Tribe had jurisdiction to tax non-members. We should not be forced to pay this tax by having our essential services discontinued, or by way of intimidation from either the tribe or these utility companies.

WHEREFORE, Complainants request that our Formal Complaint be heard before the WUTC and not dismissed and these taxes be removed/rescinded from the tariffs as requested which is within your jurisdiction. Accordingly, the WUTC has a fiduciary/ legal responsibility to the non-member ratepayers and that WUTC at this time abide by the legal decision in Atkinson Trading Co. v. Shirley/Big Horn v. Adams.

DATED: \_\_\_\_\_

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