

ROSEBUD SIOUX TRIBE POSITION PAPER ON THE PROPOSED FIRM ELECTRIC SERVICE 2010 RATE ADJUSTMENT

The Rosebud Sioux Tribe is providing this position paper to the Department of Energy's (DOE) Western Area Power Administration's (WAPA) "Proposed Firm Electric Service 2010 Rate Adjustment" public comment forum. This August 19, 2009 in Sioux Falls, South Dakota.

The Rosebud Sioux Tribe located within Todd County and being known to be one of the 10 poorest counties in the nation, with an unemployment rate above 80% opposes and cannot support this DOE/WAPA proposed firm electric service 2010 rate adjustment.

This DOE/WAPA proposed firm electric service 2010 rate adjustment will directly affect the Rosebud Sioux Tribal members that have signed up to the RST Tribal Bill Crediting Program. This by lowering their electrical credit to the Tribal member's electrical bills which will in turn increase Tribal members electrical bills each month.

This DOE/WAPA proposed firm electric service 2010 rate adjustment will also increase the cost of electrical power to Rushmore Electric Cooperative. This would increase the electrical rate cost for power to Lacreek Electric Association and Cherry Todd Electric Cooperative. This in turn would increase the electrical rate cost to the Rosebud Sioux Tribal member's electric bills each month.

Respectively Submitted,

Ed Clairmont

Ed Clairmont, President
RST Utilities Commission

**ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2009-257**

- WHEREAS,** The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof; and
- WHEREAS,** The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and
- WHEREAS,** The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (k), and (m), and
- WHEREAS,** the power to regulate utilities is an inherent and essential part of the authority of any reservation tribal government, and this power is an essential aspect of the retained sovereignty of the Rosebud Sioux Tribe; and
- WHEREAS,** pursuant to the Constitution and By-laws of the Rosebud Sioux Tribe, the Rosebud Sioux Tribal Council has enacted Rosebud Sioux Tribe Law and Order Code Title 20 in accordance with the inherent sovereign powers expressly delegated to the Tribal Council in Rosebud Sioux Tribe Constitution and By-laws Article IV, Subsections (a), (c), (f), (g), (h), (i), (k), (m), (n) (t) and (u); and
- WHEREAS,** Title 20 Section 20-3-202 creates and established the Tribal Utility Commission, a Rosebud Sioux Tribal governmental agency and subordinate subdivision of the Tribe; and
- WHEREAS,** The President of the RST Utilities Commission has recommended the Rosebud Sioux Tribe adopt a position paper on the Department of Energy's (DOE) Western Area Power Administration's (WAPA) "Proposed Firm Electric Service Rate Adjustment" for presentation to the public comment forum; and
- WHEREAS,** The Rosebud Sioux Tribe is located within Todd County and is one of the ten poorest counties in the United States, with an unemployment rate above 80 % opposes and cannot support the DOE/WAPA proposed firm electric service 2010 rate adjustment; and
- WHEREAS,** The DOE/WAPA proposed firm electric service 2010 rate adjustment will directly affect the Rosebud Sioux Tribal members that have signed up for the RST Tribal Bill Crediting Program, lowering their credit to the each respective Tribal Member's electric bills and increasing their electric bills each month; now

**ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2009-257**

THEREFORE, IT IS RESOLVED, that the Rosebud Sioux Tribe adopts the recommendation of the Rosebud Sioux Tribe Utilities Commission and opposed the "Proposed Firm Electric Service Rate Adjustment;" and

BE IT ALSO RESOLVED, that the President of the Rosebud Sioux Tribe Utilities Commission is authorized and directed to present the Rosebud Sioux Tribe Position Paper on the Proposed Firm Electric Service 2010 Rate Adjustment at the public comment forum on August 19, 2009, in Sioux Falls, South Dakota.

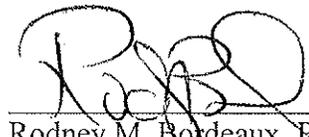
CERTIFICATION

This is to certify that the above Resolution No. 2009-257 was duly passed by the Rosebud Sioux Tribal Council in session August 18, 2009, by a vote of eleven (11) in favor, none (0) opposed and one (1) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Gerri Night Pipe, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe