

**Virginia State Corporation Commission  
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571 Long Acre Road  
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May 5, 2009

Joel H. Peck  
Clerk of the Commission  
State Corporation Commission  
Tyler Building  
1300 E. Main St.  
P.O. Box 1197  
Richmond, Virginia 23218

State Corporation Commission Case No.: CLK-2009-00012  
Fluvanna County Circuit Court Case No.: 09CL61  
Fluvanna County Circuit Court Case No.: 09CL81

Dear Mr. Peck:

I filed SCC case CLK-2009-00012 in good faith that the issuance of the Certificate of Incorporation for the James River Water Authority was accomplished without a hearing and adjudication of the facts presented.

All of the parties were notified prior to said issuance of the material fact that challenges were previously made as to the legality of the action of the Fluvanna Board of Supervisors with the two above referenced Fluvanna County Circuit Court cases.

That fact being left out of the filing for said Certificate can be considered an act of concealment of material fact.

Had this fact been included in the finding of the SCC, then certainly the finding would need to be appealed directly to the Supreme Court.

But the concealing of a material fact might be considered an act of fraud on the SCC triggering the SCC keeping jurisdiction at the SCC. Certainly the concealment of a material fact could not possibly be considered any type of error on behalf of the SCC which would require an appeal.

I do not feel comfortable in withdrawing my petition with the SCC without a jurisdictional decision from the SCC.

Nor do I feel comfortable filing now virtually the same petition with the Supreme Court while this case is still pending with the SCC.

So I therefore make this request based upon § 8.01-677.1.,

"Appeals filed in inappropriate appellate court":

"Notwithstanding any other provisions of this Code, no appeal which was otherwise properly and timely filed shall be dismissed for want of jurisdiction solely because it was filed in either the Supreme Court or the Court of Appeals and the appellate court in which it was filed thereafter rules that it should have been filed in the other court. In such event, the appellate court so ruling shall transfer the appeal to the appellate court having appropriate jurisdiction for further proceedings in accordance with the rules of the latter court. The parties shall be allowed a reasonable time to file such additional or amended pleadings as may be appropriate to proceed with the appeal in the appellate court to which the appeal is transferred."

Kindly either accept jurisdiction for this SCC Petition or forward it to the Supreme Court.

Time is of the essence as a hearing is set in the Fluvanna County Circuit Court for May 15, 2009 where a Motion will be made to dismiss based on the issuance of the SCC Certificate which is being challenged with this SCC action.

Very truly yours,



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