

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, MAY 8, 2009

DOUGLAS ROBERT JOHNSON,  
Petitioner,

v.

CASE NO. CLK-2009-00012

FLUVANNA COUNTY BOARD OF SUPERVISORS,  
LOUISA COUNTY BOARD OF SUPERVISORS,  
and  
JAMES RIVER WATER AUTHORITY,  
Respondents.

SCHEDULING ORDER

On April 27, 2009, Douglas Robert Johnson, pro se, filed a Petition and Affidavit in the Office of the Clerk (the "Clerk") against the Respondents and the State Corporation Commission ("Commission"). The Petition alleged, in substance, that the Fluvanna County Board of Supervisors, at a meeting held on or about April 15, 2009, was presented with a petition with over 1,700 valid signatures seeking a public referendum in Fluvanna County, Virginia, on a proposal by Respondents Fluvanna County Board of Supervisors and Louisa County Board of Supervisors ("Boards") to form a joint water authority; that the Fluvanna County Board of Supervisors rejected said petition; that the Boards thereafter filed articles of incorporation for the proposed joint water authority with the Commission; and that the Commission, on April 22, 2009, issued a certificate of incorporation of the joint water authority named James River Water Authority. The Petition sought a declaration that the certificate of incorporation of James River Water Authority is void ab initio, an injunction against the Fluvanna County Board of Supervisors forming a water authority until a referendum is held, and other relief.

Upon consideration of the Petition and Affidavit and the allegations contained therein,  
IT IS ORDERED THAT:

(1) In accordance with Rule 5 VAC 5-20-120 A of the Commission's Rules of Practice and Procedure, this matter is assigned to a Hearing Examiner who shall conduct all further proceedings in this case on behalf of the Commission and file a final report. In the discharge of his/her duties in this case, the Hearing Examiner shall have the power set forth in Rule 5 VAC 5-20-120 and be otherwise governed by its terms.

(2) This case shall proceed under the style set forth above and the named Respondents are made parties to this case. Inasmuch as the Petition asserts no illegality on the part of the Commission, the Commission is dropped as a party respondent.

(3) The Petitioner shall serve a copy of this Order and the Petition and Affidavit upon each of the Respondents either through the Office of the Clerk or as otherwise provided by law and file proof of such service among the papers in this case.

(4) The Respondents shall file with the Clerk of the Commission an original and fifteen (15) copies of an Answer to the Petition, or other appropriate pleading, within twenty-one (21) days after service upon each of them of a copy of this Order and the Petition and Affidavit. The responsive pleading shall expressly admit or deny the allegations contained in the Petition and Affidavit and set forth any affirmative defenses to the allegations that the Respondents intend to assert. The Respondents shall expressly state in such responsive pleading whether or not the Respondents desire and intend to be heard before the Commission at a hearing scheduled in this case. The responsive pleading shall be delivered to the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall contain a

caption setting forth the style of this case and its number. A copy of the responsive pleading shall be delivered to the Petitioner.

(5) A Respondent may be found in default if it fails to either timely file a responsive pleading as set forth above or other appropriate pleading, or if it files such pleading and fails to make an appearance at a hearing. If found in default, the Respondent shall be deemed to have waived all objections to the admissibility of evidence and may have entered against it a judgment by default.

(6) On or before June 30, 2009, the Office of the Clerk of the Commission shall respond to the Petition and Affidavit and address, in particular, the specific requests for relief therein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Douglas Robert Johnson, 571 Long Acre Road, Palmyra, Virginia 22963; and to the Commission's Office of General Counsel.