

**Virginia State Corporation Commission
eFiling CASE Document Cover Sheet**

Case Number (if already assigned)	CLK-2009-00012
Case Name (if known)	Douglas Robert Johnson v. Fluvanna County Board of Supervisors, Louisa County Board of Supervisors and James River Water Authority
Document Type	ANRP
Document Description Summary	Responsive Please of the County of Louisa to include Answer to Petition with Affirmative Defenses, and the Response of Louisa County Board of Supervisors to Affidavit of Douglas Johnson requesting Commission should, in due course, dismiss the Petition and related Affidavit and grant such other and further relief as the ends of justice may require.
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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
At Richmond

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.

RESPONSIVE PLEADING OF THE COUNTY OF LOUISA

COMES NOW your respondent Louisa County Board of Supervisors (“Louisa”), by counsel, pursuant to the Commission’s Scheduling Order of May 8, 2009, and for its responsive pleading to the Petition and Affidavit filed in this matter states the following:

ANSWER TO PETITION

1. Louisa admits the allegations of ¶ 1.
2. In response to the allegations of ¶ 2, Louisa admits that Fluvanna County is one of the founding counties of the James River Water Authority (the “Authority”). All other allegations of ¶ 2 are denied.
3. In response to the allegations of ¶ 3, Louisa admits that Louisa County is one of the founding counties of the Authority. All other allegations of ¶ 3 are denied.
4. In response to the allegations of ¶ 4, Louisa admits that the Authority is a newly-formed entity that is the subject of the Petition. All other allegations of ¶ 4 are denied.
5. In response to the allegations of ¶ 5, Petitioner is merely stating in conclusory terms the relief sought in the Petition. To the extent any response is required, Louisa denies the allegations of ¶ 5.
6. The allegations of ¶ 6 contain legal conclusions to which no response is required.

7. Louisa denies the allegations of ¶ 7.

8. Louisa denies the allegations of ¶ 8.

9. In response to the allegations of ¶ 9, Louisa admits that the Fluvanna County Board of Supervisors voted, at its April 15, 2009 meeting, to reject the referenced Petition. All other allegations of ¶ 9 are denied.

10. The allegations of ¶ 10 are incomprehensible and therefore Louisa is unable to admit or deny the allegations. To the extent ¶ 10 requires a response, Louisa denies the allegations.

11. Louisa admits that application was made to the State Corporation Commission for a Certificate of Incorporation of the James River Water Authority, and that a Certificate of Incorporation was issued. Louisa denies the remaining allegations of ¶ 11.

12. All allegations to the Petition not specifically admitted are denied.

Affirmative Defenses

13. The Petitioner lacks standing to challenge the action of the Commission.

14. The Petition fails to state a claim on which the relief requested can be granted.

15. The action of the Commission in issuing the Certificate of Incorporation to the Authority is conclusive to establish the Authority as a matter of law.

16. The Petition is an impermissible collateral attack on the action of the Board of Supervisors of Fluvanna County which cannot properly be raised before the Commission.

17. The Commission is without jurisdiction to grant the relief sought by Petitioner.

WHEREFORE, your respondent, Louisa County Board of Supervisors, prays that the Commission, to the extent it has jurisdiction in this matter, will deny the Petition and grant such other and further relief as the ends of justice may require.

**RESPONSE OF LOUISA COUNTY BOARD OF SUPERVISORS
TO AFFIDAVIT OF DOUGLAS JOHNSON**

1. Louisa admits the allegations of ¶ 1.

2. Louisa admits the allegations of ¶ 2.

3. In response to the allegations of ¶ 3, Louisa states that ¶ 3 sets forth the subjective motivations of the Petitioner and Louisa is without sufficient knowledge to admit or deny such matters.

4. In response to the allegations of ¶ 4, Louisa admits that Petitioner sent a fax, which is attached to his affidavit as Exhibit B to the Clerk of the SCC on April 17, 2009. Louisa does not make any admission with respect to the legal effect of such action.

5. In response to the allegations of ¶ 5, Louisa states that the April 17, 2009 fax speaks for itself and denies any characterization inconsistent with its terms. Insofar as ¶ 5 contains assertions concerning Exhibit C to the Petition, Louisa answers that Exhibit C speaks for itself and denies any characterization inconsistent with its terms.

6. In response to the allegations of ¶ 6, Louisa admits there is an action pending in Fluvanna County Circuit Court as Case No. 090081, and that a copy of that Complaint was attached to the Affidavit as Exhibit D. Louisa is without sufficient knowledge to admit or deny the citizens' state of mind or subjective motivations for filing such action.

7. In response to the allegations of ¶ 7, Louisa admits that a proceeding identified as Case No. 09CL81 was filed in the Circuit Court for the County of Fluvanna. Louisa answers that Exhibit E speaks for itself and denies any characterization inconsistent with its terms.

8. In response to the allegations of ¶ 8, Louisa admits that the complaint and motion in Case No. 09CL81 were filed with the Circuit Court of Fluvanna County and faxed to the

county attorneys respectively on April 20, 2009. Louisa admits that April 20, 2009 was the day before the issuance of a Certificate of Incorporation by the Commission.

9. In response to the allegations of ¶ 9, Louisa admits that the Fluvanna County Board of Supervisors filed a motion to dismiss in Case No. 09CL81 on April 23, 2009 at 11:20 a.m. A true and correct copy is attached to the affidavit as Exhibit F. All other allegations of ¶ 9 are denied.

10. In response to the allegations of ¶ 10, Louisa admits that Petitioner filed his objection to the motion to dismiss on April 23, 2009 and that a copy of that motion is attached to his affidavit as Exhibit G.

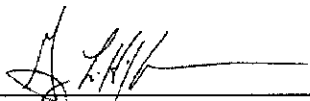
11. All allegations not specifically admitted are denied.

WHEREFORE, respondent the Louisa County Board of Supervisors answers that Petitioner states no claim to any relief whatsoever and that the Commission should, in due course, dismiss the Petition and related Affidavit and grant such other and further relief as the ends of justice may require.

Respectfully Submitted,

LOUISA COUNTY BOARD OF SUPERVISORS

By Counsel:



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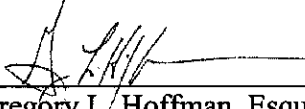
CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2009, I caused a true and correct copy of the foregoing pleading to be sent via first class U.S. mail, postage prepaid to the following:

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