

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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.

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CLERK OF THE COMMISSION

HEARING EXAMINER'S RULING

June 30, 2009

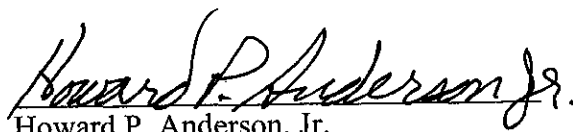
On April 27, 2009, Douglas Robert Johnson ("Petitioner"), pro se, filed a Petition and Affidavit in the Office of the Clerk against the Respondents and the State Corporation Commission ("Commission"). The Petition alleged that the Fluvanna County Board of Supervisors ("Fluvanna Board"), at a meeting 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 of Respondents Fluvanna County and Louisa County Board of Supervisors ("Louisa Board") (collectively, "Boards") to form a joint water authority; that the Fluvanna Board 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 seeks a declaration that the certificate of incorporation of James River Water Authority is void *ab initio*, an injunction against Fluvanna County's forming a water authority until a referendum is held, and other relief.

The Commission issued a Scheduling Order on May 8, 2009, wherein it, among other things, docketed the Petition, assigned the matter to a Hearing Examiner, directed the Respondents to file an answer or other responsive pleading, and directed the Office of the Clerk of the Commission to respond to the Petition and address, in particular, the specific requests for relief therein.

On June 1, 2009, responsive pleadings and Motions to Dismiss were filed by Respondents. By ruling dated June 2, 2009, the Petitioner was given an opportunity to respond to the Motions to Dismiss. The Petitioner filed his Objection to the Motions to Dismiss and a Memorandum of Law in Opposition to Motion to Dismiss on June 9, 2009. On June 15, 2009, Petitioner filed a supplement to his Memorandum of Law.

On June 29, 2009, the Petitioner filed a Motion for Summary Judgment. I find the Respondents should be given an opportunity to respond to the motion. Accordingly,

IT IS DIRECTED THAT Respondents shall file any responses to the Motion for Summary Judgment, on or before July 13, 2009.



Howard P. Anderson, Jr.
Hearing Examiner

Document Control Center is requested to mail a copy of the above Ruling to: Douglas Robert Johnson, 571 Long Acre Road, Palmyra, VA 22963; Robert L. Hodges, Esquire, McGuireWoods, One James Center, 901 East Cary St., Richmond, VA 23219-4030; Gregory Hoffman, Esquire, County Attorney for Louisa County, P.O. Box 160, Louisa, VA 23093; and Frederick W. Payne, Esquire, Fluvanna County Attorney, 414 East Jefferson St., Charlottesville, VA 22902.