

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

**Case Number (if already assigned)** clk-2009-00012

**Case Name (if known)**

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571 Long Acre Road  
Palmyra, VA 22963  
July 10, 2009

Howard P. Anderson, Hearing Examiner  
Tyler Building  
1300 E. Main St.  
P.O. Box 1197  
Richmond, Virginia 23218

Re: CLK-2009-00012

Dear Mr. Anderson:

I am pro se litigant and apparently somewhat over my head. I have been trying to get a fair hearing on the merits of the case but am being challenged in every way imaginable on various and sundry technicalities.

Virginia law is very clear that the merits are more important than the form.

I am facing three lawyers, one from each of the Respondents, and now I am given the opinion of a fourth, Senior Counsel for the Commission.

There are tons of law that do not apply. When the Respondents referred to the code from the Virginia Nonstock Corporation Act and the Virginia Stock Corporation Act, I assumed the Commission would notice that the Authority in question was formed under the Virginia Water and Waste Authorities Act and neither of the other two.

Unfortunately the Senior Counsel must have had some conversations with the Respondents that conveyed the "intentions" of the Respondents because there is no reference to any "intentions" in any of the documents submitted to the Commission.

This apparent breach of protocol emphasizes the need for a public hearing where witnesses can be put under oath. Certainly Discovery should be allowed as there are clearly communication that have not been provided and yet relied on.

Apparently, the Senior Counsel of the Commission relied on the Memorandum in Support of Motion to Dismiss prepared by the Counsel of the newly formed James River Water Authority. That document is the only one who brought up the Virginia Nonstock Corporation Act, saying it was "instructive", and the Virginia Stock Corporation Act, saying it was "analogous".

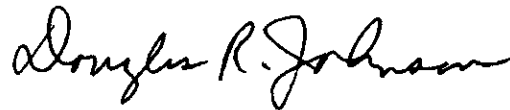
I find it "interesting" that the "relied on" document was produced by an entity that did not exist when all of the "uncontested" events occurred. In fact, many of the "uncontested facts" in that memorandum are clearly "contested".

As an example, the time that a challenge could have been made was strictly between 6:00 PM in the evening of Monday, April 20, 2009, and noon of the next day, 18 contiguous hour. Prior to the evening of April 20, 2009, the matter would not have been "ripe" as the motion passed on April 15, 2009 was contingent on the action to be taken on April 20, 2009. This is in sharp contrast to the representation made as an "uncontested fact" upon which the Senior Counsel relied.

I understand the pro se litigants are not entitled to any more consideration in regards to the rules than a licenced attorney. But then again, they cannot be denied the leeway that has been, and is regularly, granted to said attorneys.

There have been a lot of documents submitted formally and the question and answer format of a hearing is needed to put them all in perspective.

Very truly yours,

A handwritten signature in cursive script that reads "Douglas R. Johnson". The signature is written in black ink and is positioned to the right of the typed name below it.

Douglas R. Johnson

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this letter was mailed the 10th day of July, 2009, to:

DEFENDANT FLUVANNA COUNTY BOARD OF SUPERVISORS at:

Frederick W. Payne, Esquire  
Fluvanna County Attorney  
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and

DEFENDANT LOUISA COUNTY BOARD OF SUPERVISORS at:

Gregory Hoffmann, Esquire  
County Attorney for Louisa County  
PO Box 160  
1 Woolfolk Avenue  
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and

DEFENDANT JAMES RIVER WATER AUTHORITY at:

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