

**Virginia State Corporation Commission
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Case Number (if already assigned) CLK-2009-00012

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concerning merits of case

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571 Long Acre Road
Palmyra, VA 22963
July 29, 2009

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

Re: Johnson v. Fluvanna County Board of Supervisors et al.
Case No.: CLK-2009-00012

Dear Mr. Peck:

I am in receipt of Mr. Broaddus' letter to you of July 27, 2009 in which he states his intention to leave unanswered certain issues concerning the actual merits of the case.

The key issue is whether or not the articles of incorporation "conformed to law". In this case, the law in question states that if 10 percent valid signatures are presented at the hearing, there shall be a referendum before the articles can "conform to law".

Mr. Hodges, of the same firm as Mr. Broaddus, on behalf of the James River Water Authority, made a filing on June 1, 2009 which included the minutes of both the March 18, 2009 and April 15, 2009 Fluvanna Board of Supervisors meetings.

Pages 4 and 5 of the March 18, 2009 meeting Minutes states that the board would defer action on the creation of the Authority "subject to a review of the citizens petition that was submitted to the Board of Supervisors this evening [March 18th 2009] and to defer until April 15th 2009."

Page 6 of the April 15, 2009 meeting Minutes refers to the County Administrator reporting on the review of the "petitions presented at the March 18th 2009 Board of Supervisors meeting."

Mr. Hodges failed to include the written report presented to the Board by the County Administrator. I only got a copy of it through a Freedom of Information Act Request from Fluvanna County. I provided that report to the Commission with my filing of June 12, 2009 (recorded as June 15 due to filing after 5:00 PM on Friday afternoon).

That written Report shows that 1,822 signature were "Valid" and 313 signatures were "Invalid". The Report is over 90 pages long as every signature is listed. Only the pertinent pages were forwarded to the Commission but all are available if desired.

There has been no documents presented, whether sworn certifications, sworn affidavits, or written reports of any kind that state any reason why the Fluvanna Board of Supervisors did not call for a referendum when they were presented with 1,822 "Valid" signatures, far exceeding the 10 percent requirement (10 percent is an amount less than 1,700).

Upon review of all of the Respondents' Affirmative Defenses, none deal with the actual question raised in Petitioner's original Petition filed April 24, 2009 item 9 which states:

"Respondent Fluvanna County Board of Supervisors voted 4 to 2 at its April 15, 2009 evening meeting to reject the petition even though acknowledging the number of valid signatures exceed the statutory requirement."

Based strictly on the evidence referred to in this simple letter that is already part of the official record, the Articles of Incorporation "did not conform to law" and thus the Petition must be granted.

Very truly yours,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was mailed the 29th day of July, 2009, to:

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