

CUT UNNECESSARY REGULATORY BURDEN, INC.

RECOVER OUR PROPERTY RIGHTS FROM UNWARRANTED CORPORATE CONTROL

SML Residents, Business Owners, and Concerned Citizens

Help us help you defend your property rights!

Our shoreline property rights are being taken without compensation. In 1960 landowners granted Appalachian Power (APCO) an easement to flood and landowner Grantors were guaranteed the right to use the flowage easement for any purpose that did not limit APCO's ability to flood and generate electricity. These rights were deeded and travel with the land title, forever. Landowners, developers, and APCO all recognized these rights. EVERYONE benefited. For 43 years, shoreline property owners maintained and improved their lake access, stabilized their shoreline, built beaches, boat ramps and docks.

Now comes 2003 and APCO imposes NEW Shoreline Management Plan (SMP) RULES. APCO claims FERC granted them NEW authority and we must obtain a revocable license from them to build or upgrade a dock, landscape our property or install riprap. The truth is APCO's SMP cannot change our property rights. Congress and FERC directed its licensees to obtain all necessary State property rights to implement their license obligations.

Bedford Circuit Court Judge Updike was explicit in a 2008 ruling, later upheld by the Virginia Supreme Court: *"But the [Virginia] Supreme Court said [in 2001] ... if Appalachian only has a flowage easement, all they have is an easement, which is a right to flow the water up to 800-foot. And they have a right to use that for flowage purposes but they don't have a right to tell anybody that they can or cannot do something."*

According to FERC Chairman LaFleur, *"The licensee has no authority to regulate construction on privately owned lands, unless the property owner has given the company those rights."* Once we sign one of APCO's permits, we've agreed to give APCO those rights.

APCO's mistruths and actions have cost existing and new owners thousands of dollars and blocked the sale of many properties for alleged violations of their Shoreline Management Plan. We need your financial support to continue to fund the legal expenses required to defeat APCO's illegal regulations and their taking of our property. Defeating APCO today will save all shoreline owners thousands in planned future APCO permit fees and annual fees for docks and riprap. We will all be freed from unreasonable APCO inspections, their forever changing regulations and their illegitimate penalties.

Visit www.curb-ferc-aep.com or contact **C.U.R.B.** @ 540-721-4390 or at contact-us@curb-ferc-aep.com to learn more about your property rights. Please make a considerable donation to preserve your rights. Send your check to **C.U.R.B.** 81 Lighthouse LN, Moneta 24121 or donate on line at www.curb-ferc-aep.com.

If AEP Wins, We ALL Lose!!! Please Donate Today!!! It is In Your Best Interest!!

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Appalachian Power (APCO) declared that its federal license and Shoreline Management Plan gives them absolute control over all of our activities within the project. The truth is FERC did not grant APCO any regulatory authority over private property. APCO's enforcement powers are limited to their state property rights.

Yet APCO demands we sign their "Permit" to build, repair or maintain docks, remove vegetation and stabilize shoreline. Their "Permit" was authored by APCO and was not approved by the FERC. Their "Permit," takes our deeded rights for recreational access and replaces our rights with a revocable license. By signing APCO's "Permit" we agree to follow all SMP and license conditions, and we agree that APCO can remove our dock at any time and for any reason, including if APCO determines our dock is no longer in the "public interest."

APCO intimidates and coerces property owners into signing their Permit. If we refuse, APCO threatens us with expensive legal action, even if we obtain all necessary and legally required permits from our County government. [*Our County cannot legally require an approved APCO permit as a pre-condition to receive a County building permit.*] Too often, days before a real estate closing APCO will refuse to transfer a dock "Permit" for some violation of its ever changing rules. The deal either falls apart, or the seller is saddled with expensive modifications and mitigation, and/or the Realtor gives up a part of their commission to make the deal work.

It is About Our Property and Our Recreational Rights

FERC ordered APCO to resolve property disputes in State court. Yet APCO filed its latest action in federal court. APCO's legal strategy is deliberate and calculated to evade State Court because it knows the Virginia Supreme Court has ruled APCO's flowage easement only grants them the right to flood and the shoreline property owner retained all rights to use the easement, so long as those uses do not impair APCO's right to flood and generate electricity.

APCO does not hold the property rights to impose SMP regulations upon shoreline owners. If APCO is allowed to continue these actions, property values on Smith Mountain Lake and the surrounding area, as well as businesses, employment, and the overall economic future of our community will continue to be depressed. To preserve and restore the value of the investments we ALL have made in the Smith Mountain Lake community, we need to join forces and contribute to the fund to stop APCO from dictating how we use and sell our property. APCO must be required to honor the original flowage easement contracts with all shoreline property owners.

APCO misrepresented its property rights to us and to FERC. APCO represented it has federal authority, when it has none. When we prevail in Court, APCO's existing Permits should be invalidated because they coerced property owners to sign under false pretenses. Our shoreline rights will be restored and so will our property values.

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