



CURB UPDATE



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OUR MISSION IS TO EDUCATE AND INFORM ...

VOLUME 3 ISSUE 2

NEXT C.U.R.B. Meeting – Thursday Feb 16th – Westlake Library @ 6:30PM

I Signed APCO's Permit and Gave Away My Property Rights ... Right?

Not so fast. If you were coerced into signing the permit under false pretenses, you may have been defrauded. The Permit states:

"THAT, WHEREAS, Grantor has the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license ("License") and its land rights to review and authorize certain activities within the Smith Mountain Project, ..."

APCO's assertion that it has authority under its FERC license is untrue, and this alone could render the Permit unenforceable as it fraudulently induced a property owner to sign, under pretext of federal authority. The recent decision of the U.S. Fourth Circuit Court of Appeals in Pressl v APCO reaffirmed that the FERC license does not grant APCO regulatory authority. Moreover, such a grant of federal regulatory authority to a private entity would be unconstitutional and unlawful. While it is true that APCO has responsibilities to its licensor, the FERC has no authority under the Federal Power Act to regulate private property. The FERC's regulatory authority only reaches to APCO and not beyond.

As to APCO's claim it has the land rights, APCO has yet to prove in a state court of appropriate jurisdiction that the flowage easement grants them rights to regulate all landowner (Grantor) uses of the easement. In fact, the easement limits APCO's rights to flooding and removing debris and structures that interfere with the operation and maintenance of the dam and power station. The easement does not limit landowner's use of the easement, it does not restrict docks and it does not require property owners to sign an APCO permit or revocable license. The easement states:

"1. Grantors shall have the right to possess and use said premises in any manner not inconsistent with the estate, rights and privileges herein granted to Appalachian ..."

In the end, APCO must prove in state court that a dock prevents the company from flooding and operating the dam and power station--an impossible hurdle, because for every year since 1966, APCO has continuously operated the dam and power station and paid FERC fees to do so.

After Pressls prevail in state court, Permit Exhibit B Condition 24. should render all Permits unenforceable:

*"24. Where applicable, the terms of the **FLOWAGE RIGHT AND EASEMENT DEED SMITH MOUNTAIN COMBINATION HYDRO ELECTRIC PROJECT UPPER AND LOWER RESERVOIRS** (the "Easement") that apply to the Permitted Facility are incorporated herein by reference. The terms and provisions of the Easement shall control wherever the same may be in conflict with this Permit."*

ELIMINATE IGNORANCE – Before you agree to sign any APCO property stealing revocable permits, at least read the permit and your flowage easement. Seek the professional advice of a competent attorney. We know several. For a more in-depth understanding, we recommend viewing the following CURB videos:

[Read Your Flowage Easement](#) [Read APCO's Dock Permit](#) [History of Regulation](#)
[What Did APCO Permit](#) [APCO Manipulated the Judicial System](#)

THE GREAT CON -- For over 15 years, Appalachian Power Company and the Federal Energy Regulatory Commission, claiming federal law, methodically scammed the Smith Mountain Lake community to sign-away property rights for permission to build a dock. In December 2016, this fraud was exposed by six federal appellate justices who declared that since FERC only regulates APCO, a landowner cannot violate federal law by constructing a dock. The final battle to recover our property, invalidate fraudulently obtained APCO Permits and replace the Shoreline Management Plan with lawful regulation is underway in Franklin County Circuit Court. Every property owner, should rally to defend their constitutionally guaranteed right to own and enjoy their property. It's simply illegal to take property without paying.

**C.U.R.B. CONTRIBUTIONS CAN BE MAILED TO:
81 LIGHTHOUSE LN MONETA, VA 24121-1991**



RECOVER OUR PROPERTY RIGHTS FROM APPALACHIAN TO CONSUMER CONTROL

Is APCO in Violation of Its License and State Law
Smith Mountain Lake, VA

CURB YouTube CHANNEL



LITIGATION STATUS

IMPORTANT LINKS

[Stakeholder Stories](#)

[APCO Authority](#)

[Property Owner Survey](#)

[Realtor Survey](#)

[CURB Handouts](#)

[Relevant Case Law](#)

[Sign Our Petition](#)

[Articles of Incorporation](#)

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[Timeline](#)