

**SAVE YOUR
PROPERTY RIGHTS
SUPPORT C.U.R.B.
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CURB UPDATE

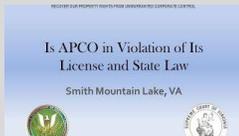


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MARCH 30, 2015

OUR MISSION IS TO EDUCATE AND INFORM ...

VOLUME 1, NUMBER 2



**CURB YOUTUBE
CHANNEL**



LITIGATION STATUS

IMPORTANT LINKS

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Legal Update – Motion Commotion ...

Since October 2014 ten motions/rebuttals have been presented to the Court. The two most recent Defense motions are summarized here or viewed using the LITIGATION link to the left.

26 March Motion to Reconsider -- Defense requested and stated:

- The Court overlooked pertinent case law in its February Order to determine it had subject matter jurisdiction over property right disputes between FERC licensees and third-party non-licensees.
- The Order did nothing more than quote a portion of the code and then noted that APCO brought a suit, and concluded the Court had jurisdiction to hear this case.
- None of the cases cited in the Order support the Courts determination.
- The Order failed to independently examine APCO's standing in this case.
- Should the Court elect not to reconsider and revise its Order, this motion requests the Court certify a direct appeal to the U.S.Fourth Circuit. A direct appeal would expedite resolution and save all parties legal costs.

27 March Motion to Deny APCO's Motion to Dismiss -- Defense stated:

- APCO's reading of the flowage easement is distorted and dishonest.
- Citing Va. Supreme Court (Brown v. Haley, 1987) which ruled the construction of "docks, bathhouses, and other facilities related to water sports and recreation" are consistent with the easement.

Before Shoreline Management

Remember the 60's

- When Appalachian wasn't AEP ...
- When FERC didn't exist ...
- When property rights were respected ...
- When local governments regulated ...
- When our investments were growing ...

CURB's five narrated PowerPoint™ presentations will help increase your understanding ...

1. **History of Regulation**
2. **Read Your Flowage Easement**
3. **Read APCO's Dock Permit**
4. **License Violation**
5. **Duplicate Regulation**

Use CURB YouTube Channel to View

Extortion: obtaining of property from others, with their consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. (18 U.S.C. § 1951)



Your Questions Answered ...

What can I do to prevent giving up my property rights when I apply for an APCO Permit?

ANS. The choice to sign APCO's Permit is a personal one. Unfortunately, once you sign APCO's Permit and it is recorded, your property rights are encumbered. If you can, wait until our legal actions complete.

For those that must proceed, consider adding the following before your signature:

(Our) signature(s) on this Permit relied upon Appalachian's representations that it holds all necessary state property rights and that its license granted APCO federal authority to require this Permit. Should it later be determined that Appalachian's representations were unlawful or inaccurate, this Permit shall be rendered null and void.

Should APCO refuse to include the above statement, their refusal is *prima facie* evidence of intent to take your property rights without compensation.