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CURB UPDATE

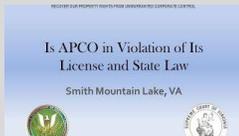


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JULY 24, 2015

OUR MISSION IS TO EDUCATE AND INFORM ...

VOLUME 1, NUMBER 8



**CURB YOUTUBE
CHANNEL**



LITIGATION STATUS

IMPORTANT LINKS

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CAN YOU BELIEVE THIS -- In APCO's recent response to a series of facts Nissen presented/requested:

Nissen: The language of the Flowage Easement contains a description of the purpose of the Flowage Easement.

APCO: **Appalachian objects to this request on the grounds that it is argumentative. It implies that the purpose of the Flowage Easement is limited to the particular language stated in the Flowage Easement.**

CURB Comment -- What are you thinking? DUH!

STATUS OF LAWSUIT FILED IN FRANKLIN COUNTY CIRCUIT COURT -- Rather than answer Pressls' complaint that APCO did not hold the necessary property rights to regulate use of their land, APCO instead filed a Notice to Remove Pressls' complaint to U.S. District Court on June 23rd. Pressls' case is now assigned to the Lynchburg, VA court. Pressls' filed a Motion to Remand their case back to Franklin County Circuit Court on 10 July.

CURB Comment -- APCO is desperate and will go to any length to avoid litigating property rights disputes in state court. However, federal law was changed in 2012 and it requires the federal court to sever all state-law claims from the case and remand them to state court. The law does not grant any discretion to the federal court on the issue of remand of state-law claims. So we should see this case back in state court soon.

Consider making a donation to support Pressl's in their fight for all of our property rights.

APCO'S LATEST LEGAL MANEUVER -- Following the removal of Pressl's case to federal court, APCO filed a Motion to Dismiss the case in federal court on 2 July. Note that to have the case removed APCO had to misrepresent there were significant federal issues (there are none) in Pressl's complaint, over which federal court has original jurisdiction. Now get this ... in APCO's motion to dismiss they argue federal court has no jurisdiction to hear Pressl's case, because Pressl's declaration of his property rights is an attack upon APCO federal license, and only FERC has authority to hear license compliance issues.

CURB Comment -- WOW, QUITE THE MANEUVER! Is there any doubt that APCO desperately wants to avoid the "elephant-in-the-room" question that it holds the necessary property rights?

WATCH OUR LATEST VIDEO -- [HOW APCO MANIPULATES THE JUDICIAL SYSTEM](#)

DON'T FORGET -- **CURB's Upcoming Meeting at the Westlake Library on 30 July** -- During this meeting CURB will continue to update all on the status of on-going litigation, CURB's complaint to FERC, and answer questions and concerns.

CURB's FORMAL COMPLAINT TO FERC -- On 10 July FERC dismissed our complaint by stating APCO's project drawings are complaint. They literally answered our complaint with a footnote:

¹Your filing also alleges that the Commission is in violation of its statutory standards and regulatory requirements for failure to monitor and enforce Appalachian Power's license requirements. Given our conclusion that the licensee is not out of compliance with its license, we will not address these assertions.

CURB'S NEXT STEPS -- We will respond and seek a re-hearing before 10 August. If our re-hearing is denied (which we expect) we move on the DC Appellate Court where we will receive justice. We'll continue to keep you updated.

FOR THOSE 40 PLUS SUPPORTERS (WE KNOW OF) THAT FILED A COMPLAINT WITH FERC -- FERC has ignored everyone, Our Government working hard to steal our property.

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GUESS WHAT -- Given FERC's dismissal, it's no stretch to see that FERC is conspiring with its licensees to steal private property. A federal independent agency, sworn to support and defend the Constitution of the United States is deliberately acting contrary to its oath, mission, procedures and policies to violate the 5th and 14th amendments, by taking property without compensation.

A DEFINITION AND REFERENCE TO REMEMBER -- The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. (18 U.S. Code § 1951 - Interference with commerce by threats or violence)

CURB COMMENT -- Two out of four ain't bad.

CURB SCHEDULED MEETINGS -- We have reserved the meeting room at the **Westlake Library in Franklin County** for the following dates and times:

July 30th -- Thursday Evening from 6:00PM to 7:30PM

August 20th -- Thursday Evening from 6:00PM to 7:30PM

During these meetings we will provide updates on our legal activities and address questions and concerns. A lot is happening and it will be to your benefit to attend. If there is something specific you want to address, just send your request or questions to contact-us@curb-ferc-aep.com.

Please consider making a donation to support the ongoing legal effort and education programs. CURB is a registered 501c(4) not-for-profit Virginia Corporation. Your donations to support CURB efforts are not discoverable and remain anonymous. Use the donate button on the first page of this Update.

Thanks for your continued support ... For Our Property Rights

Bill Brush