

23-6282

7.

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

NOV 16 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Clay Chastain
(Your Name)

— PETITIONER

vs.

Bedford Regional Water Authority

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Virginia

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Clay Chastain

(Your Name)

419 Lee St.

(Address)

Bedford, VIRGINIA ... 24523

(City, State, Zip Code)

540-666-1738

(Phone Number)

QUESTION(S) PRESENTED

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1. Can a utility authority ununiformly and selectively charge its customers different fees to maintain the system all the customers use?
2. Does such an invalid & ununiform Revenue Generating Policy violate the "Equal Protection Clause" of the 14th Amendment?
3. Can a utility Authority charge selected customers an excessive, unaffordable and unreasonable connection fee?
4. Can a utility Authority be established that is accountable to none other than itself?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

1. Bedford, Virginia Circuit Court.
2. Appeals Court of Virginia
3. Virginia Supreme Court

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a.

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was (denied - 10/2/2023)
A copy of that decision appears at Appendix D C.

[] A timely petition for rehearing was thereafter denied on the following date: 10/2/2023, and a copy of the order denying rehearing appears at Appendix D.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

② "Equal Protection clause" of the 14th Amendment.

Under the "Equal Protection Clause" of the 14th Amendment to the U.S. Constitution, "No state shall... deny to any person within its jurisdiction the equal protection of the laws. The Equal Protection clause 'keeps governments/decision makers (BROW) from treating differently persons who are in all relevant aspects alike'".
 * *Estes Funeral Home vs. Atkins*, 266 Va. 297, 306 (2003)

③ A document filed pro se is to be liberally construed...
 • *Erikson v Pardus*, 551 U.S. 89, 94 (2007) (Quoting *Wardlaw v. Hahn*, 505 U.S. 1, 10 (1992))

④ Pro se pleadings should be interpreted to raise the strongest arguments they suggest. • *Tristman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)

STATEMENT OF THE CASE

Chastain alleged that Defendants' (BRWA) excessive capital/Recovery Fee policy (for new service) is unequally applied in that it is only imposed upon those residents building (or buying) a new home. It is not imposed upon any customer buying an existing home. Chastain argues these fees were arbitrary and levied in a discriminatory manner, in violation of the 14th Amendment's "Equal Protection Clause".

BRWA's policy is "unreasonable" because BRWA does not charge any of its 16,000 customers to maintain the water and sewer system they all use, wear out and benefit from everyday; instead it imposes all that cost on the people hooking up to the system for the first time. Chastain argues the BRWA's policy is being unequally applied and

The fee was not equitable. Thus, the BRWA's policy imposes arbitrary fees in a discriminatory manner. Such policy violation is sufficient to raise an equal protection claim.

Statement of the case (Continued) 1561

This issue was properly raised in the circuit court.

The circuit court even recognized that Chastain was arguing that the policy was unequally applied, stating, "I think the reasonable argument can be made" that BRWA's capital/recovery fee policy "becomes an invalid revenue generating device because it is unreasonable and being unequally applied."

Chastain specifically requests that a new policy, that collects capital/recovery fees from all customers be enacted in place of the old policy, and thus that the old (present) policy be invalidated because it is unconstitutional.

REASONS FOR GRANTING THE PETITION

1. The petition was filed within the 90 days from the final U.S. Supreme Court Ruling (10/2/2023).
 2. The lower courts decision was erroneous because it did not consider that BRWA's policy violates the "EQUAL Protection Clause".
 3. The United States Supreme Court should strike down BRWA's policy as unconstitutional because it violates the "Equal Protection Clause" of the 14th Amendment to the Constitution.
- It is imperative the Supreme Court decide the question involved because the Utilities discriminatory policy puts an undue burden not only on ^{financial} Christians but others who are imposed upon unfairly by such an unconstitutional policy.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clay Chastain

Date: 11/16/2023