



Town of Mooresville

NORTH CAROLINA

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Media Statement
Mayor Bill Thunburg

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On December 14, 2007, Duke Energy filed a lawsuit in federal court against the Town of Mooresville. I am bewildered by Duke Energy's actions. First, they tell us they want to work with us to resolve the situation and then the next morning, they hand the Town a Duke Energy "stop work order" threatening criminal prosecution for trespass if we proceed to work on property owned in fee simple by the Town of Mooresville. Then, Duke is quoted in the *Charlotte Observer* as wanting to work together to resolve the situation and the next day they file suit against us in federal court. Duke does this without formally responding to the letter the Town Board sent to Duke at Duke's request.

This lawsuit is an affront to the citizens of Mooresville and the rights of the citizens to their Town's property and their water source - a source shared by many in the region. The Town of Mooresville takes very seriously the responsibility to protect our citizens' property rights and water source. Mooresville's one and only water intake is the drinking water source for almost 27,000 citizens of North Carolina.

Town of Mooresville officials have been talking with Duke for some time and the message from Duke has been it wants to work with the Town of Mooresville to reach an agreement. Mooresville has worked long and hard to cooperate with Duke without surrendering Mooresville's property rights and water rights that are essential to the health, safety, and welfare of so many North Carolinians. Mooresville has implemented water conservation measures consistent with Duke Energy's Low Inflow Protocol - even before many members of Duke Energy's "Water Management Group" did. Mooresville has offered to make a donation to Duke Energy's "Water Management Group" that is equal to the fees Mooresville would pay if it joined as a member. To become an official member, Duke requires us to sign away the property rights of the citizens of Mooresville as a condition of membership. In light of our responsibility to the health, safety, and welfare of our citizens, that is something that we cannot and will not do. Most importantly, Duke Energy knows that Mooresville has dropped its original plan to build a new intake and will instead rely on the same intake structure we have used since 1962.

The series of unilateral concessions by Mooresville is not enough for Duke Energy. It is obvious to Mooresville that Duke never wanted to reach an agreement.

By filing this lawsuit, Duke is actually attacking the deed that Duke conveyed to the Town in 1962 as part of a land swap so that Duke could flood Lake Norman. In 1962, the Town gave Duke Energy the Town's Byers Creek pump station property. In exchange, Duke gave the Town the existing pump station property - and promised that Duke would not do anything that might interfere with the Town's operation of the pumping station. Duke promised to defend that deed from attack. Duke got what it wanted in 1962 by making important promises to Mooresville. Now Duke apparently does not like the promises it made and does not mind breaking those promises.

Duke is a huge for-profit corporation and apparently believes it can bully citizens into surrendering their property rights and water rights. Duke wants North Carolina local governments to believe that Duke owns the water resources of the Catawba River. It does not. How many North Carolina local governments have already surrendered important water and property rights to Duke Energy because they could not commit the resources to stand up to this Goliath? We believe Mooresville, like David, will prevail because we have right on our side.

The Town of Mooresville welcomes the opportunity to go to court to defend the Town of Mooresville's water and property rights that are essential to the health, safety, and welfare of so many North Carolinians.