

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Robinson Township, Washington :  
County, Pennsylvania, Brian Coppola, :  
Individually and in his Official :  
Capacity as Supervisor of Robinson :  
Township, Township of Nockamixon, :  
Bucks County, Pennsylvania, :  
Township of South Fayette, :  
Allegheny County, Pennsylvania, :  
Peters Township, Washington :  
County, Pennsylvania, David M. Ball, :  
Individually and in his Official :  
Capacity as Councilman of Peters :  
Township, Township of Cecil, :  
Washington County, Pennsylvania, :  
Mount Pleasant Township, :  
Washington County, Pennsylvania, :  
Borough of Yardley, Bucks County, :  
Pennsylvania, Delaware Riverkeeper :  
Network, Maya Van Rossum, :  
the Delaware Riverkeeper, :  
Mehernosh Khan, M.D., :  
Petitioners :

v. :

Commonwealth of Pennsylvania, :  
Pennsylvania Public Utility :  
Commission, Robert F. Powelson, :  
in his Official Capacity as Chairman :  
of the Public Utility Commission, :  
Office of the Attorney General of :  
Pennsylvania, Linda L. Kelly, in :  
her Official Capacity as Attorney :  
General of the Commonwealth of :  
Pennsylvania, Pennsylvania :  
Department of Environmental :  
Protection and Michael L. Krancer, :  
in his Official Capacity as Secretary :  
of the Department of Environmental :  
Protection, :

Respondents :

No. 284 M.D. 2012

## MEMORANDUM ORDER

The Supreme Court has reversed our decision in the above captioned matter in part and remanded those matters to us to address them in accordance with instructions contained in their opinion. To comply with that "mandate", the parties have agreed to the following:

(1) No later than April 1, 2014, the parties, in support of respective motion for summary relief or preliminary objections:

- Petitioners shall file a their brief in support of their contention that 58 P.S. §3218.1 of the Act which provides that the distinction that public water well owners but not private water suppliers are to receive notice of a spill resulting from drilling operations is unconstitutional because it is a special law or violates equal protection; and
- Respondents shall file a brief addressing the extent, if any, that 58 P.S. §§3302, 3305-3309 which deals with the jurisdiction of the Public Utility Commission are severable from enjoined provisions found to be unconstitutional.

(2) By April 21, 2014, Petitioners and Respondents each shall file a brief in response to the other parties' brief.

(3) The parties shall append to their respective briefs due April 1, 2014, those portions of briefs previously filed dealing with:

- Count V of the Petition for Review contending that 58 P.S. §3241(a), which provides that a corporation transporting, selling, or store natural or manufactured gas in this Commonwealth is empowered to take property of others for

its operations, is unconstitutional because it permits a taking for private purpose; and

- Counts XI and Count XII of the Petition for Review contending that 58 P.S. §3222.1(b) (10) (11), which prohibits disclosure by health professionals of chemicals used in the drilling operations they receive from the drilling companies to others impedes their ability to diagnose and treat patients, is unconstitutional because it is a special law and/or violates equal protection and violates the single subject rule.

(4) The Chief Clerk is directed to list this matter before the count *en banc* on Wednesday, May 14, 2014, in Philadelphia.

So ordered this 13<sup>th</sup> day of March 2014.

  
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DAN PELLEGRINI, President Judge

Certified from the Record

MAR 13 2014

and Order Exit