



## CAPTION

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.

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, Kathleen Kane, in her Official Capacity as Attorney General of the Commonwealth of Pennsylvania, Pennsylvania Department of Environmental Protection and E. Christopher Abruzzo, in his Official Capacity as Secretary of the Department of Environmental Protection

Appeal of: Senator Joseph Scarnati, III and Representative Samuel H. Smith, participants

## CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Closed		
Journal Number:			
Case Category:	Administrative Agency	Case Type(s):	Attorney General Environmental Protection, Department of Public Utility Commission

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
37 MAP 2012 Same Record Below Robinson Twp, et al v. PUC, AG & DEP; Appeal of AG	Related
40 MAP 2012 Same Record Below Robinson Twp v. PUC, AG, DEP; Appeal of PUC & DEP	Related
63 MAP 2012 Same Record Below Robinson Twp v. PUC, AG, DEP; Appeal of PUC & DEP	Related
64 MAP 2012 Same Record Below Robinson Twp, et al v. PUC, AG & DEP; Appeal of AG	Related
72 MAP 2012 Same Record Below Robinson Twp, Cross Apts v. PUC, AG, DEP	Related
73 MAP 2012 Same Record Below Robinson Twp, Cross Apts v. PUC, AG & DEP	Related

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 46 MAP 2012

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## RELATED CASES

Docket No / Reason	Type
104 MAP 2014 Same Record Below Robinson Twp, et al v. PUC (Aplt.), AG & DEP	Related
105 MAP 2014 Same Record Below Robinson Twp, et al, Apls. v. PUC, AG & DEP	Related

## COUNSEL INFORMATION

Attorney: Chwastyk, Devin John  
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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Phone No: (717) 783-1478  
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 Pro Se: No  
 IFP Status:




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**COUNSEL INFORMATION**


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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Arminas, John J.  
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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Fahnestock, Jennifer Lynn  
  
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 Representing: Robinson Twp; Twp of Nockamixon; Twp of S. Fayette; Peters Twp; Twp of Cecil; Mt Pleasant  
 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Representing: Commonwealth of PA, Attorney General's Office, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

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## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 46 MAP 2012

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May 24, 2017

## COUNSEL INFORMATION

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 Twp; et al, Appellee  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the order of Commonwealth Court at No. 284 MD 2012 dated 4-20-2012  
 denying application to intervene.  
 Appeal Filed Below: 5/21/2012 12:00:00AM  
 Probable Jurisdiction Noted: June 6, 2012 Docketed Date: May 25, 2012  
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:  
 Allocatur/Miscellaneous Grant Order:

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/21/2012	Notice of Appeal	73.50	05/25/2012	2012-SUP-M-000680	73.50

## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:  
 Date of Order: Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:  
 Judge(s):  
 Intermediate Appellate Court Action:  
 Referring Court:

## AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania  
 County: Division: Commonwealth Court of Pennsylvania  
 Date of Agency/Trial Court Order: April 20, 2012  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): 284 MD 2012  
 Lower Ct Judge(s): Quigley, Keith B.  
 Senior Judge

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
@ 37 MAP 2012	June 06, 2012	

**Record Remittal: February 26, 2014**



## BRIEFING SCHEDULE

**Appellant**

**Senator Joseph Scarnati, III & Representative Samuel H. Smith**  
Brief

Due: July 16, 2012                      Filed: July 16, 2012

**Reply Brief****Reproduced Record**

Due: July 16, 2012                      Filed: July 16, 2012

**Appellee**

**Commonwealth of PA, Attorney General's Office**  
Brief

Due: August 15, 2012                      Filed:

**PA PUC & PA Dept. of Environmental Protection**  
Brief

Due: August 15, 2012                      Filed:

**Robinson Twp; Twp of Nockamixon; Twp of S. Fayette; Peters Twp; Twp of Cecil; Mt Pleasant Twp; et al**  
Brief

Due: August 15, 2012                      Filed: August 14, 2012

## REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

Disposition:

Reargument Order:

Record Remittal:                      February 26, 2014

Date:

## DISPOSITION INFORMATION

Related Journal No:                      Judgment Date:                      January 21, 2014

Category:                      Decided                      Disposition Author:                      Per Curiam

Disposition:                      Affirmed                      Disposition Date:                      January 21, 2014

Dispositional Filing:                      **Order**                      Author:                      Per Curiam

Filed Date:                      January 21, 2014

Justice:                      Castille, Ronald D.                      Vote:                      Joins

Justice:                      Saylor, Thomas G.                      Vote:                      Joins

Justice:                      Eakin, J. Michael                      Vote:                      Joins

Justice:                      Baer, Max                      Vote:                      Joins

Justice:                      Todd, Debra                      Vote:                      Joins

Justice:                      McCaffery, Seamus P.                      Vote:                      Joins

Justice:                      Stevens, Correale F.                      Vote:                      Did Not Participate in  
Consid/Decision of Case

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>May 21, 2012</b>	<b>Notice of Appeal</b>	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 21, 2012	Jurisdictional Statement	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
May 31, 2012	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Commonwealth of PA, Attorney General's Office
June 4, 2012	Answer to Notice of Appeal & Jurisdictional Statement	Appellee	Robinson Twp; Twp of Nockamixon; Twp of S. Fayette; Peters Twp; Twp of Cecil; Mt Pleasant Twp; et al
June 4, 2012	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	PA PUC & PA Dept. of Environmental Protection
June 6, 2012	Probable Jurisdiction Noted		Dreibelbis, Amy
Comments: "AND NOW, this 6th day of June, 2012, probable jurisdiction is noted."			
June 6, 2012	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
July 6, 2012	Untimely Designation of Contents of Reproduced Record received	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
July 11, 2012	Entry of Appearance Senator Joseph Scarnati, III & Representative Samuel H. Smith	Appellant	Fourlas, Debra P.
July 11, 2012	Application for Leave to File Designation of Contents of Reproduced Record Nunc Pro Tunc	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
July 13, 2012	Motion for Retention of Record in Lower Court	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
July 16, 2012	Appellant's Brief	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
July 16, 2012	Reproduced Record Filed	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith





## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 19, 2012	<b>No Answer Letter to Application for Leave to File Designation of RR Nunc Pro Tunc</b>	Amicus Curiae	PA Indep Oil & Gas; Marcellus Shale Coalition; Markwest Liberty; Penneco Oil; Chesapeake Appalachia
July 20, 2012	<b>Untimely No Answer Letter to Application for Leave to File Designation of Contents of RR Received</b>	Appellee	PA PUC & PA Dept. of Environmental Protection
July 20, 2012	<b>Order Granting Application for Leave to File Designation of Contents of RR Nunc Pro Tunc</b>		Dreibelbis, Amy
Comments: AND NOW, this 20th day of July, 2012, Appellant's Application for Leave to File Designation of Contents of Reproduced Record Nunc Pro Tunc, is granted and the Designation of Contents of Reproduced Record received on July 6, 2012 is accepted for filing.			
July 20, 2012	<b>Order Exited</b>		Office of the Prothonotary
July 20, 2012	<b>Designation of Contents of Reproduced Record</b>	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
July 25, 2012	<b>Notice to Withdraw Motion for Retention of Record</b>	Appellant	Senator Joseph Scarnati, III & Representative Samuel H. Smith
August 14, 2012	<b>Appellee's Brief</b>	Appellee	Robinson Twp; Twp of Nockamixon; Twp of S. Fayette; Peters Twp; Twp of Cecil; Mt Pleasant Twp; et al



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 21, 2014	Affirmed		Per Curiam

## Comments:

Following review of the briefs submitted, the Order of the Commonwealth Court is hereby AFFIRMED. See *Fumo v. City of Philadelphia*, 972 A.2d 487 (Pa. 2009). In *Fumo*, the Court addressed what amounts to a sufficient legal interest for legislators to obtain party status, specifically standing in that matter. The Court held that members of the General Assembly have sufficient interest to participate in a legal action in their official capacity and based upon their special status "where there [i]s a discernible and palpable infringement on their authority as legislators." A legislator's legal interest has been recognized "to protect [the] legislator's right to vote on legislation" and "in actions alleging a diminution or deprivation of the legislator's . . . power or authority." But, a legislator has no legal interest "in actions seeking redress for a general grievance about the correctness of governmental conduct." *Id.* at 501. In this matter, the legislators offer that their purpose for intervening is to defend the constitutionality of Act 13, and to offer evidence and argument with respect to the intent of the General Assembly in enacting Act 13 and to the procedure by which Act 13 was adopted. As articulated, the legislators' interest implicates neither a defense of the power or authority of their offices nor a defense of the potency of their right to vote. Rather, the legislators simply seek to offer their perspective on the correctness of governmental conduct, i.e., that the General Assembly did not violate the substantive and procedural strictures of the Pennsylvania Constitution in enacting Act 13. As in *Fumo*, the interest articulated is not sufficient to support the party standing of legislators in a legal action challenging the constitutionality of a legislative enactment.

Mr. Justice Stevens did not participate in the consideration or decision of this matter.

January 21, 2014	Judgment Entered		Office of the Prothonotary
February 26, 2014	Remitted		Office of the Prothonotary

## Comments:

Remitted to Commonwealth Court

February 27, 2014	Acknowledgement of Record Remittal		Commonwealth Court of Pennsylvania
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## CROSS COURT ACTIONS

Docket Number:	100 MAP 2012
Docket Number:	104 MAP 2014
Docket Number:	284 MD 2012
Docket Number:	37 MAP 2012
Docket Number:	40 MAP 2012
Docket Number:	63 MAP 2012
Docket Number:	64 MAP 2012
Docket Number:	89 MM 2015