

**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 357 MD 2022****Page 1 of 17****April 18, 2024****CAPTION**

Calpine Corporation,  
 Tenaska Westmoreland  
 Management, LLC and  
 Fairless Energy, L.L.C.,  
 Petitioners

v.

Pennsylvania Department of  
 Environmental Protection  
 and Pennsylvania  
 Environmental Quality Board,  
 Respondents

**CASE INFORMATION**

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: January 8, 2024 Completed

Journal Number: 10-02-2023

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

**CONSOLIDATED CASES****RELATED CASES**

| Docket No / Reason              | Type    |
|---------------------------------|---------|
| 41 MD 2022<br>Similar Issue(s)  | Related |
| 247 MD 2022<br>Similar Issue(s) | Related |

**COUNSEL INFORMATION****Petitioner Tenaska Westmoreland Management, LLC**

Pro Se: No

IFP Status:

Attorney: Bockis, Andrew Tyler  
 Address: Saul Ewing Arnstein & Lehr LLP  
 2 N 2ND St Fl 7  
 Harrisburg, PA 17101-1619

Phone No: (717) 257-7520 Fax No:

Attorney: Dixon, John Rolland  
 Law Firm: Saul Ewing Arnstein & Lehr LLP  
 Address: Saul Ewing Arnstein & Lehr  
 2 N Second St 7th Fl  
 Harrisburg, PA 17101

Phone No: (717) 257-7561 Fax No:

## Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 2 of 17

April 18, 2024



## COUNSEL INFORMATION

Petitioner Tenaska Westmoreland Management, LLC

Pro Se: No

IFP Status:

Attorney: Simon, Shane Patrick  
Law Firm: Saul Ewing Arnstein & Lehr LLP  
Address: 1500 Market St 38th Fl  
Philadelphia, PA 19102  
Phone No: (215) 972-7160

Fax No:

Attorney: Lantz, Delene Rachel  
Address: Penn National Insurance Tower  
2 North Second Street 7th Floor  
Harrisburg, PA 17101  
Phone No: (717) 257-7569

Fax No:

Attorney: Feinauer, Blaine Robert  
Address: Saul Ewing Arnstein & Lehr LLP  
1200 Liberty Ridge Dr Ste 200  
Wayne, PA 19087  
Phone No: (610) 251-5776

Fax No:

## Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 3 of 17

April 18, 2024



## COUNSEL INFORMATION

Petitioner Fairless Energy, L.L.C.

Pro Se: No

IFP Status:

Attorney: Bockis, Andrew Tyler  
Address: Saul Ewing Arnstein & Lehr LLP  
2 N 2ND St Fl 7  
Harrisburg, PA 17101-1619  
Phone No: (717) 257-7520

Fax No:

Attorney: Dixon, John Rolland  
Law Firm: Saul Ewing Arnstein & Lehr LLP  
Address: Saul Ewing Arnstein & Lehr  
2 N Second St 7th Fl  
Harrisburg, PA 17101  
Phone No: (717) 257-7561

Fax No:

Attorney: Simon, Shane Patrick  
Law Firm: Saul Ewing Arnstein & Lehr LLP  
Address: 1500 Market St 38th Fl  
Philadelphia, PA 19102  
Phone No: (215) 972-7160

Fax No:

Attorney: Lantz, Delene Rachel  
Address: Penn National Insurance Tower  
2 North Second Street 7th Floor  
Harrisburg, PA 17101  
Phone No: (717) 257-7569

Fax No:

Attorney: Feinauer, Blaine Robert  
Address: Saul Ewing Arnstein & Lehr LLP  
1200 Liberty Ridge Dr Ste 200  
Wayne, PA 19087  
Phone No: (610) 251-5776

Fax No:

## Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 4 of 17

April 18, 2024



## COUNSEL INFORMATION

Petitioner Calpine Corporation

Pro Se: No

IFP Status:

|           |  |         |
|-----------|--|---------|
| Attorney: | Bockis, Andrew Tyler   |         |
| Address:  | Saul Ewing Arnstein & Lehr LLP<br>2 N 2ND St Fl 7<br>Harrisburg, PA 17101-1619 |         |
| Phone No: | (717) 257-7520   | Fax No: |

|           |  |         |
|-----------|--|---------|
| Attorney: | Dixon, John Rolland  |         |
| Law Firm: | Saul Ewing Arnstein & Lehr LLP   |         |
| Address:  | Saul Ewing Arnstein & Lehr<br>2 N Second St 7th Fl<br>Harrisburg, PA 17101 |         |
| Phone No: | (717) 257-7561   | Fax No: |

|           |  |         |
|-----------|--|---------|
| Attorney: | Simon, Shane Patrick                             |         |
| Law Firm: | Saul Ewing Arnstein & Lehr LLP                   |         |
| Address:  | 1500 Market St 38th Fl<br>Philadelphia, PA 19102 |         |
| Phone No: | (215) 972-7160                                   | Fax No: |

|           |  |         |
|-----------|--|---------|
| Attorney: | Lantz, Delene Rachel   |         |
| Address:  | Penn National Insurance Tower<br>2 North Second Street 7th Floor<br>Harrisburg, PA 17101 |         |
| Phone No: | (717) 257-7569   | Fax No: |

|           |  |         |
|-----------|--|---------|
| Attorney: | Feinauer, Blaine Robert  |         |
| Address:  | Saul Ewing Arnstein & Lehr LLP<br>1200 Liberty Ridge Dr Ste 200<br>Wayne, PA 19087 |         |
| Phone No: | (610) 251-5776   | Fax No: |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 5 of 17

April 18, 2024



## COUNSEL INFORMATION

## Amicus Curiae

## Sierra Club

Pro Se:

No

IFP Status:

Attorney: O'Neill, Jessica Rose  
 Law Firm: Citizens for Pennsylvania's Future  
 Address: 1429 Walnut St Ste 400  
 Philadelphia, PA 19102  
 Phone No: (843) 906-6402 Fax No:

Attorney: Kilbert, Angela Mae  
 Law Firm: PennFuture  
 Address: 200 First Avenue  
 Suite 101  
 Pittsburgh, PA 15222  
 Phone No: (412) 760-8495 Fax No:

Attorney: Bast, Emma Hope  
 Law Firm: PennFuture  
 Address: 1429 Walnut St Ste 400  
 Philadelphia, PA 19102  
 Phone No: (267) 838-9154 Fax No:

## Amicus Curiae

## Clean Air Council

Pro Se:

No

IFP Status:

Attorney: Minott, Joseph Otis  
 Law Firm: Clean Air Council  
 Address: 135 S 19TH St Ste 300  
 Philadelphia, PA 19103-4920  
 Phone No: (215) 567-4004 Fax No:

Attorney: Bomstein, Alexander George  
 Law Firm: Clean Air Council  
 Address: 135 S 19TH St Ste 300  
 Philadelphia, PA 19103  
 Phone No: (215) 567-4004 Fax No:

Attorney: Cohen, Paul Jay, II  
 Law Firm: Clean Air Council  
 Address: 135 S 19TH St  
 Philadelphia, PA 19103  
 Phone No: (215) 567-4004 Fax No:

**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 357 MD 2022****Page 6 of 17****April 18, 2024****COUNSEL INFORMATION****Amicus Curiae      Citizens for Pennsylvania's Future**

Pro Se:                      No

IFP Status:

Attorney:                      O'Neill, Jessica Rose  
 Law Firm:                      Citizens for Pennsylvania's Future  
 Address:                        1429 Walnut St Ste 400  
                                         Philadelphia, PA 19102  
 Phone No:                      (843) 906-6402                      Fax No:

Attorney:                      Kilbert, Angela Mae  
 Law Firm:                      PennFuture  
 Address:                        200 First Avenue  
                                         Suite 101  
                                         Pittsburgh, PA 15222  
 Phone No:                      (412) 760-8495                      Fax No:

Attorney:                      Bast, Emma Hope  
 Law Firm:                      PennFuture  
 Address:                        1429 Walnut St Ste 400  
                                         Philadelphia, PA 19102  
 Phone No:                      (267) 838-9154                      Fax No:

**Possible Intervenor      Constellation Energy Generation LLC**

Pro Se:                      No

IFP Status:

Attorney:                      Van Orden, James F.  
 Law Firm:                      Cozen O'Connor  
 Address:                        1650 Market Street, Suite 2800  
                                         Philadelphia, PA 19103  
 Phone No:                      (215) 665-4625                      Fax No:

Attorney:                      Hummel, Amorie Ivette  
 Law Firm:                      Cozen O'Connor  
 Address:                        1 Liberty Pl  
                                         1650 Market St Ste 2800  
                                         Philadelphia, PA 19103  
 Phone No:                      (215) 665-4643                      Fax No:

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 7 of 17

April 18, 2024



## COUNSEL INFORMATION

**Possible Intervenor**                      **Constellation Energy Corporation**  
 Pro Se:                                      No  
 IFP Status:  
     Attorney:                      Van Orden, James F.  
     Law Firm:                      Cozen O'Connor  
     Address:                      1650 Market Street, Suite 2800  
    Philadelphia, PA 19103  
     Phone No:                      (215) 665-4625                      Fax No:

    Attorney:                      Hummel, Amorie Ivette  
     Law Firm:                      Cozen O'Connor  
     Address:                      1 Liberty Pl  
    1650 Market St Ste 2800  
    Philadelphia, PA 19103  
     Phone No:                      (215) 665-4643                      Fax No:

**Respondent**                      **Pennsylvania Environmental Quality Board**  
 Pro Se:                                      No  
 IFP Status:  
     Attorney:                      Gallagher, Thomas Joseph, IV  
     Law Firm:                      Ballard Spahr, LLP  
     Address:                      Ballard Spahr Llp  
    1735 Market St  
    Philadelphia, PA 19103-7599  
     Phone No:                      (215) 864-8383                      Fax No:

    Attorney:                      White, Matthew Adam  
     Law Firm:                      Ballard Spahr, LLP  
     Address:                      Ballard Spahr Llp  
    1735 Market St Fl 51  
    Philadelphia, PA 19103-7599  
     Phone No:                      (215) 864-8849                      Fax No:

    Attorney:                      Hazlett, Thomas W.  
     Law Firm:                      Ballard Spahr LLP  
     Address:                      1735 Market St Fl 51  
    Philadelphia, PA 19103  
     Phone No:                      (215) 665-8500                      Fax No:

    Attorney:                      Kearney, Brian Nolan  
     Law Firm:                      Ballard Spahr LLP  
     Address:                      1735 Market St 51st Fl  
    Philadelphia, PA 19103-7599  
     Phone No:                      (215) 864-8265                      Fax No:

**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 357 MD 2022****Page 8 of 17****April 18, 2024****COUNSEL INFORMATION****Respondent Pennsylvania Department of Environmental Protection**

Pro Se: No

IFP Status:

Attorney: Gallagher, Thomas Joseph, IV

Law Firm: Ballard Spahr, LLP

Address: Ballard Spahr Llp  
1735 Market St  
Philadelphia, PA 19103-7599

Phone No: (215) 864-8383 Fax No:

Attorney: White, Matthew Adam

Law Firm: Ballard Spahr, LLP

Address: Ballard Spahr Llp  
1735 Market St Fl 51  
Philadelphia, PA 19103-7599

Phone No: (215) 864-8849 Fax No:

Attorney: Hazlett, Thomas W.

Law Firm: Ballard Spahr LLP

Address: 1735 Market St Fl 51  
Philadelphia, PA 19103

Phone No: (215) 665-8500 Fax No:

Attorney: Kearney, Brian Nolan

Law Firm: Ballard Spahr LLP

Address: 1735 Market St 51st Fl  
Philadelphia, PA 19103-7599

Phone No: (215) 864-8265 Fax No:

**FEE INFORMATION**

| Fee Dt     | Fee Name                        | Fee Amt | Receipt Dt | Receipt No        | Receipt Amt |
|------------|---------------------------------|---------|------------|-------------------|-------------|
| 07/12/2022 | Miscellaneous Docket Filing Fee | 70.25   | 07/12/2022 | 2022-CMW-H-001330 | 70.25       |
| 02/02/2023 | Copy Work (Per Page)            | 27.50   | 02/02/2023 | 2023-CMW-H-000200 | 27.50       |

**AGENCY/TRIAL COURT INFORMATION**

Order Appealed From:

Notice of Appeal Filed:

Order Type:

Documents Received: July 12, 2022

Court Below:

County:

Division:

Judge:

OTN:

Docket Number:

Judicial District:

**ORIGINAL RECORD CONTENT**

| Original Record Item | Filed Date | Content Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

**Date of Remand of Record:****BRIEFING SCHEDULE****Amicus Curiae****Respondent**



**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 357 MD 2022****Page 9 of 17****April 18, 2024****BRIEFING SCHEDULE****Amicus Curiae**

**Citizens for Pennsylvania's Future  
Brief**

Due: Filed: December 9, 2022

**Clean Air Council  
Brief**

**Sierra Club  
Brief**

Due: Filed: December 9, 2022

**Petitioner**

**Calpine Corporation  
Brief**

Due: January 6, 2023 Filed: January 6, 2023

**Fairless Energy, L.L.C.  
Brief**

Due: January 6, 2023 Filed: January 6, 2023

**Tenaska Westmoreland Management, LLC  
Brief**

Due: January 6, 2023 Filed: January 6, 2023

**Respondent**

**Pennsylvania Department of Environmental Protection  
Brief**

Due: December 9, 2022 Filed: December 9, 2022

**Reply Brief**

Due: Filed: January 20, 2023

**Pennsylvania Environmental Quality Board  
Brief**

Due: December 9, 2022 Filed: December 9, 2022

**Reply Brief**

Due: Filed: January 20, 2023

**DOCKET ENTRY**

| Filed Date           | Docket Entry / Filer   | Representing   | Participant Type                       | Exit Date  |
|----------------------|--|--|--|------------|
| <b>July 12, 2022</b> | Petition for Review Filed<br>Calpine Corporation<br>Tenaska Westmoreland<br>Management, LLC<br>Fairless Energy, L.L.C.   |  | Petitioner<br>Petitioner<br>Petitioner |            |
| <b>July 12, 2022</b> | Affidavit Filed<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Document Name: Return of Service.                                   | Calpine Corporation<br>Tenaska Westmoreland Managemer<br>Fairless Energy, L.L.C. | Petitioner<br>Petitioner<br>Petitioner |            |
| <b>July 13, 2022</b> | Notice Exited<br>Commonwealth Court Filing<br>Office   |  |  | 07/13/2022 |
| <b>July 22, 2022</b> | Application for Relief<br>Dixon, John Rolland<br>Dixon, John Rolland<br>Dixon, John Rolland<br>Document Name: Petitioner's Application for a Status Conference | Calpine Corporation<br>Tenaska Westmoreland Managemer<br>Fairless Energy, L.L.C. | Petitioner<br>Petitioner<br>Petitioner |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 10 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date      | Docket Entry / Filer  | Representing                       | Participant Type | Exit Date  |
|-----------------|---|------------------------------------|------------------|------------|
| July 25, 2022   | Praeipce  |                                    |                  |            |
|                 | Dixon, John Rolland   | Calpine Corporation                | Petitioner       |            |
|                 | Dixon, John Rolland   | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                 | Dixon, John Rolland   | Fairless Energy, L.L.C.            | Petitioner       |            |
|                 | Bockis, Andrew Tyler  | Calpine Corporation                | Petitioner       |            |
|                 | Feinauer, Blaine Robert   | Calpine Corporation                | Petitioner       |            |
|                 | Simon, Shane Patrick  | Calpine Corporation                | Petitioner       |            |
|                 | Bockis, Andrew Tyler  | Fairless Energy, L.L.C.            | Petitioner       |            |
|                 | Bockis, Andrew Tyler  | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                 | Feinauer, Blaine Robert   | Fairless Energy, L.L.C.            | Petitioner       |            |
|                 | Feinauer, Blaine Robert   | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                 | Simon, Shane Patrick  | Fairless Energy, L.L.C.            | Petitioner       |            |
|                 | Simon, Shane Patrick  | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                 | Document Name: Praeipce to Correct Pet.'s Name (Tenaska Westmoreland Management LLC).   |                                    |                  |            |
| August 2, 2022  | Order Granting Application for Relief<br>Per Curiam   |                                    |                  | 08/02/2022 |
|                 | Document Name: Status Conference Scheduled for 8-16-22 @ 2:00pm   |                                    |                  |            |
|                 | Comment: NOW, August 2, 2022, upon review of the Application for a Status Conference filed by Petitioners in the matter at 357 M.D. 2022, the Application is GRANTED.<br>A status conference in the above matters is scheduled for Tuesday, August 16, 2022, at 2:00 p.m., in Courtroom 3002, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pa. Petitioners in the matter at 357 M.D. 2022 shall secure the services of a court stenographer.<br>To reduce the risk of transmission of the COVID-19 virus, all persons participating in the status conference shall adhere to all Pennsylvania Judicial Center and Commonwealth Court COVID-19 precautions and protocols while in the Pennsylvania Judicial Center that may include, but not be limited to, the wearing of facemasks and social distancing. |                                    |                  |            |
| August 11, 2022 | Entry of Appearance   |                                    |                  |            |
|                 | Gallagher, Thomas Joseph, IV  | Pennsylvania Department of Environ | Respondent       |            |
|                 | Gallagher, Thomas Joseph, IV  | Pennsylvania Environmental Quality | Respondent       |            |
|                 | Hazlett, Thomas W.  | Pennsylvania Department of Environ | Respondent       |            |
|                 | Kearney, Brian Nolan  | Pennsylvania Department of Environ | Respondent       |            |
|                 | White, Matthew Adam   | Pennsylvania Department of Environ | Respondent       |            |
|                 | Hazlett, Thomas W.  | Pennsylvania Environmental Quality | Respondent       |            |
|                 | Kearney, Brian Nolan  | Pennsylvania Environmental Quality | Respondent       |            |
|                 | White, Matthew Adam   | Pennsylvania Environmental Quality | Respondent       |            |
|                 | Document Name: Thomas Gallagher - Respondent - PA Enviromental Quality Board.   |                                    |                  |            |
| August 11, 2022 | Preliminary Objections  |                                    |                  |            |
|                 | Gallagher, Thomas Joseph, IV  | Pennsylvania Department of Environ | Respondent       |            |
|                 | Gallagher, Thomas Joseph, IV  | Pennsylvania Environmental Quality | Respondent       |            |
|                 | Document Name: P.O.'s of Respondent PA Dept. of Envir. Prot. & PA Envir. Quality Board to PFR.  |                                    |                  |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 11 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date             | Docket Entry / Filer   | Representing                        | Participant Type    | Exit Date  |
|------------------------|--|-------------------------------------|---------------------|------------|
| <b>August 11, 2022</b> | Application for Intervention (Pa.R.A.P. 1531b)   |                                     |                     |            |
|                        | Van Orden, James F.  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Van Orden, James F.  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Bayer, Jared Dimock  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Bayer, Jared Dimock  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Hummel, Amorie Ivette  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Hummel, Amorie Ivette  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Document Name: Constellation Energy  |                                     |                     |            |
| <b>August 11, 2022</b> | Entry of Appearance  |                                     |                     |            |
|                        | Van Orden, James F.  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Van Orden, James F.  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Document Name: Atty. Van Orden for Possible Intervenor Constellation Energy  |                                     |                     |            |
| <b>August 11, 2022</b> | Entry of Appearance  |                                     |                     |            |
|                        | Hummel, Amorie Ivette  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Hummel, Amorie Ivette  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Document Name: Atty. Hummel for Possible Intervenor Constellation Energy   |                                     |                     |            |
| <b>August 11, 2022</b> | Entry of Appearance  |                                     |                     |            |
|                        | Bayer, Jared Dimock  | Constellation Energy Corporation    | Possible Intervenor |            |
|                        | Bayer, Jared Dimock  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                        | Document Name: Atty. Bayer for Possible Intervenor Constellation Energy  |                                     |                     |            |
| <b>August 18, 2022</b> | Order Filed  |                                     |                     | 08/18/2022 |
|                        | Per Curiam   |                                     |                     |            |
|                        | Document Name: Regarding Oral Argument and Issuing Briefing Deadlines  |                                     |                     |            |
|                        | Comment: NOW, August 18, 2022, after a status conference held August 16, 2022, the Preliminary Objections of Respondent Pennsylvania Department of Environmental Protection and the Pennsylvania Environmental Quality Board shall be listed for oral argument during the Court's February 2023 Argument Session in Pittsburgh, Pennsylvania.  |                                     |                     |            |
|                        | Accordingly, Respondents shall file and serve their brief (4 copies) in support of their Preliminary Objections no later than December 9, 2022. Petitioners Calpine Corporation, Tenaska Westmoreland Management, LLC and Fairless Energy, L.L.C. shall file and serve their brief (4 copies) in opposition to Respondents' Preliminary Objections no later than January 6, 2023. Any reply brief (4 copies) shall be filed and served no later than January 20, 2023. |                                     |                     |            |
|                        | No extension of the briefing schedule will be granted absent extraordinary circumstances.  |                                     |                     |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 12 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date                | Docket Entry / Filer  | Representing                        | Participant Type    | Exit Date  |
|---------------------------|---|-------------------------------------|---------------------|------------|
| <b>August 25, 2022</b>    | Answer to Application to Intervene (Pa.R.C.P. 2328)   |                                     |                     |            |
|                           | Bockis, Andrew Tyler  | Calpine Corporation                 | Petitioner          |            |
|                           | Bockis, Andrew Tyler  | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Bockis, Andrew Tyler  | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Dixon, John Rolland   | Calpine Corporation                 | Petitioner          |            |
|                           | Feinauer, Blaine Robert   | Calpine Corporation                 | Petitioner          |            |
|                           | Simon, Shane Patrick  | Calpine Corporation                 | Petitioner          |            |
|                           | Dixon, John Rolland   | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Dixon, John Rolland   | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Feinauer, Blaine Robert   | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Feinauer, Blaine Robert   | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Simon, Shane Patrick  | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Simon, Shane Patrick  | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Document Name: Petitioners' Answer in Opposition to Application for Leave to Intervene of Const. Energy Corp.   |                                     |                     |            |
| <b>August 29, 2022</b>    | Hearing Scheduled   |                                     |                     | 08/29/2022 |
|                           | Per Curiam  |                                     |                     |            |
|                           | Document Name: on Constellation's Application for Intervention for October 26, 2022   |                                     |                     |            |
|                           | Comment: NOW, August 29, 2022, a hearing on the Application for Leave to Intervene filed on behalf of Constellation Energy Corporation and Constellation Energy Generation, LLC, and Petitioner's Answer in Opposition thereto, is scheduled for Wednesday, October 26, 2022, at 9:00 a.m., Courtroom 3002, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pa. One day has been reserved for the hearing. No later than Wednesday, October 19, 2022, the parties shall file and serve their respective witness and exhibit lists. Proposed Intervenors shall procure the services of a court stenographer. To reduce the risk of transmission of the COVID-19 virus, all persons participating in or observing the hearing shall adhere to all Pennsylvania Judicial Center and Commonwealth Court COVID-19 precautions and protocols while in the Pennsylvania Judicial Center that may include, but not be limited to, the wearing of facemasks and social distancing. |                                     |                     |            |
| <b>September 12, 2022</b> | Answer to Preliminary Objections  |                                     |                     |            |
|                           | Bockis, Andrew Tyler  | Calpine Corporation                 | Petitioner          |            |
|                           | Bockis, Andrew Tyler  | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Bockis, Andrew Tyler  | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Dixon, John Rolland   | Calpine Corporation                 | Petitioner          |            |
|                           | Dixon, John Rolland   | Fairless Energy, L.L.C.             | Petitioner          |            |
|                           | Dixon, John Rolland   | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                           | Document Name: Pet. Answer to Resp. P.O.'s.   |                                     |                     |            |
| <b>October 5, 2022</b>    | Application for Continuance   |                                     |                     |            |
|                           | Van Orden, James F.   | Constellation Energy Corporation    | Possible Intervenor |            |
|                           | Van Orden, James F.   | Constellation Energy Generation LLC | Possible Intervenor |            |
|                           | Bayer, Jared Dimock   | Constellation Energy Corporation    | Possible Intervenor |            |
|                           | Bayer, Jared Dimock   | Constellation Energy Generation LLC | Possible Intervenor |            |
|                           | Hummel, Amorie Ivette   | Constellation Energy Corporation    | Possible Intervenor |            |
|                           | Hummel, Amorie Ivette   | Constellation Energy Generation LLC | Possible Intervenor |            |
|                           | Document Name: Application for Continuance of hearing scheduled on 10-26-22.  |                                     |                     |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 13 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date  | Docket Entry / Filer              | Representing                        | Participant Type    | Exit Date  |
|---|-----------------------------------|-------------------------------------|---------------------|------------|
| October 13, 2022  | Hearing Rescheduled<br>Per Curiam |                                     |                     | 10/13/2022 |
| Document Name: Order Granting Application for Continuance/ Hearing Now Scheduled for Nov. 2, 2022, 9:00am   |                                   |                                     |                     |            |
| Comment: AND NOW, this 13th day of October, 2022, upon review of the October 5, 2022 Letter filed by Proposed Intervenor Constellation Energy Corporation and Constellation Energy Generation, LLC for a continuance of the hearing on Proposed Intervenor's Application for Leave to Intervene, which Petitioners do not oppose, <sup>1</sup> it is hereby ORDERED that hearing on Proposed Intervenor's Application, scheduled for Wednesday, October 26, 2022 is RESCHEDULED to Wednesday, November 2, 2022, at 9:00 a.m. in Courtroom 3002, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA. No later than Wednesday, October 19, 2022, the parties shall file and serve their respective witness and exhibit lists.<br>Proposed Intervenor shall procure the services of a court stenographer.<br>To reduce the risk of transmission of the COVID-19 virus, all persons participating in or observing the hearing shall adhere to all Pennsylvania Judicial Center and Commonwealth Court COVID-19 precautions and protocols while in the Pennsylvania Judicial Center that may include, but not be limited to, the wearing of facemasks and social distancing. |                                   |                                     |                     |            |
| 1 Counsel is reminded that Pa. R.A.P. 123 requires the filing of an application for relief for court action.  |                                   |                                     |                     |            |
| October 19, 2022  | Filed - Other                     |                                     |                     |            |
|   | Van Orden, James F.               | Constellation Energy Corporation    | Possible Intervenor |            |
|   | Van Orden, James F.               | Constellation Energy Generation LLC | Possible Intervenor |            |
|   | Bayer, Jared Dimock               | Constellation Energy Corporation    | Possible Intervenor |            |
|   | Bayer, Jared Dimock               | Constellation Energy Generation LLC | Possible Intervenor |            |
|   | Hummel, Amorie Ivette             | Constellation Energy Corporation    | Possible Intervenor |            |
|   | Hummel, Amorie Ivette             | Constellation Energy Generation LLC | Possible Intervenor |            |
| Document Name: Provisional Intervenor's Witness and Exhibit List.   |                                   |                                     |                     |            |
| October 19, 2022  | Filed - Other                     |                                     |                     |            |
|   | Bockis, Andrew Tyler              | Calpine Corporation                 | Petitioner          |            |
|   | Bockis, Andrew Tyler              | Tenaska Westmoreland Managemer      | Petitioner          |            |
|   | Bockis, Andrew Tyler              | Fairless Energy, L.L.C.             | Petitioner          |            |
|   | Dixon, John Rolland               | Calpine Corporation                 | Petitioner          |            |
|   | Feinauer, Blaine Robert           | Calpine Corporation                 | Petitioner          |            |
|   | Simon, Shane Patrick              | Calpine Corporation                 | Petitioner          |            |
|   | Dixon, John Rolland               | Fairless Energy, L.L.C.             | Petitioner          |            |
|   | Dixon, John Rolland               | Tenaska Westmoreland Managemer      | Petitioner          |            |
|   | Feinauer, Blaine Robert           | Fairless Energy, L.L.C.             | Petitioner          |            |
|   | Feinauer, Blaine Robert           | Tenaska Westmoreland Managemer      | Petitioner          |            |
|   | Simon, Shane Patrick              | Fairless Energy, L.L.C.             | Petitioner          |            |
|   | Simon, Shane Patrick              | Tenaska Westmoreland Managemer      | Petitioner          |            |
| Document Name: Pet.'s Notice Regarding Witness & Exhibit for 11-2-22 Hearing on Intervention.   |                                   |                                     |                     |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 14 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date               | Docket Entry / Filer   | Representing                        | Participant Type    | Exit Date  |
|--------------------------|--|-------------------------------------|---------------------|------------|
| <b>October 27, 2022</b>  | Application for Stay   |                                     |                     |            |
|                          | Van Orden, James F.  | Constellation Energy Corporation    | Possible Intervenor |            |
|                          | Van Orden, James F.  | Constellation Energy Generation LLC | Possible Intervenor |            |
|                          | Bockis, Andrew Tyler   | Calpine Corporation                 | Petitioner          |            |
|                          | Dixon, John Rolland  | Calpine Corporation                 | Petitioner          |            |
|                          | Feinauer, Blaine Robert  | Calpine Corporation                 | Petitioner          |            |
|                          | Simon, Shane Patrick   | Calpine Corporation                 | Petitioner          |            |
|                          | Bockis, Andrew Tyler   | Fairless Energy, L.L.C.             | Petitioner          |            |
|                          | Bockis, Andrew Tyler   | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                          | Dixon, John Rolland  | Fairless Energy, L.L.C.             | Petitioner          |            |
|                          | Dixon, John Rolland  | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                          | Feinauer, Blaine Robert  | Fairless Energy, L.L.C.             | Petitioner          |            |
|                          | Feinauer, Blaine Robert  | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                          | Simon, Shane Patrick   | Fairless Energy, L.L.C.             | Petitioner          |            |
|                          | Simon, Shane Patrick   | Tenaska Westmoreland Managemer      | Petitioner          |            |
|                          | Hummel, Amorlie Ivette   | Constellation Energy Corporation    | Possible Intervenor |            |
|                          | Hummel, Amorlie Ivette   | Constellation Energy Generation LLC | Possible Intervenor |            |
|                          | Document Name: Joint Application to Stay Intervention Proceedings.   |                                     |                     |            |
| <b>October 31, 2022</b>  | Hearing Cancelled  |                                     |                     | 10/31/2022 |
|                          | Per Curiam   |                                     |                     |            |
|                          | Document Name: Nov. 2, 2022 Hearing on Intervention Cancelled/ Status Report Due Dec. 15, 2022   |                                     |                     |            |
|                          | Comment: NOW, October 31, 2022, upon consideration of the Joint Application to Stay Intervention Proceedings filed by Petitioners and Proposed Intervenor Constellation Energy Corporation and Constellation Energy Generation, LLC, the Application is GRANTED. The hearing on Proposed Intervenor's Application for Leave to Intervene, scheduled for Wednesday, November 2, 2022, at 9:00 a.m., in Courtroom 3002, Pennsylvania Judicial Center, Harrisburg, Pa., is CANCELLED. |                                     |                     |            |
|                          | No later than December 15, 2022, Petitioners and Proposed Intervenor shall file a status report advising the Court of whether Proposed Intervenor have a continued desire to pursue intervention and the need to schedule a hearing on the Application for Leave to Intervene.   |                                     |                     |            |
| <b>November 21, 2022</b> | Tentative Session Date   |                                     |                     |            |
|                          | Krimmel, Michael   |                                     |                     |            |
|                          | Document Name: February 2023   |                                     |                     |            |
| <b>December 9, 2022</b>  | Amicus Curiae Brief  |                                     |                     |            |
|                          | Citizens for Pennsylvania's  |                                     | Amicus Curiae       |            |
|                          | Future   |                                     |                     |            |
|                          | Sierra Club  |                                     | Amicus Curiae       |            |
|                          | Document Name: Brief in Support of POs   |                                     |                     |            |
| <b>December 9, 2022</b>  | Respondent's Brief Filed   |                                     |                     |            |
|                          | Pennsylvania Department of   |                                     | Respondent          |            |
|                          | Environmental Protection   |                                     |                     |            |
|                          | Pennsylvania Environmental   |                                     | Respondent          |            |
|                          | Quality Board  |                                     |                     |            |
|                          | Document Name: Memo of Law in Support of POs. The memo starts at page 33 of the document. The attorney for the   |                                     |                     |            |
|                          | Comment: respondents was advised to have the memo placed in front of the preliminary objections.   |                                     |                     |            |

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 15 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date               | Docket Entry / Filer  | Representing   | Participant Type   | Exit Date  |
|--------------------------|---|--|--|------------|
| <b>December 13, 2022</b> | Argument Scheduled<br>Krimmel, Michael<br>Document Name: Wednesday, February 8, 2023, 9:30 a.m. (En Banc), Supreme Court Courtroom, Eighth Floor,<br>Comment: City-County Building, 414 Grant Street, Pittsburgh<br>No. 10 on the list.   |  |  |            |
| <b>December 15, 2022</b> | Joint Status Report<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Hummel, Amorie Ivette<br>Hummel, Amorie Ivette<br>Van Orden, James F.<br>Van Orden, James F.<br>Document Name: Joint Status Report.  | Calpine Corporation<br>Tenaska Westmoreland Managemer<br>Fairless Energy, L.L.C.<br>Constellation Energy Corporation<br>Constellation Energy Generation LL<br>Constellation Energy Corporation<br>Constellation Energy Generation LL | Petitioner<br>Petitioner<br>Petitioner<br>Possible Intervenor<br>Possible Intervenor<br>Possible Intervenor<br>Possible Intervenor |            |
| <b>December 16, 2022</b> | Order Filed<br>Per Curiam<br>Document Name: Stay on Application for Intervention Continues/ Status Report Due Feb. 1, 2023<br>Comment: NOW, December 16, 2022, upon consideration of the Joint Status Report filed by Petitioners and Proposed Intervenor Constellation Energy Corporation and Constellation Energy Generation, LLC, the stay of proceedings on Proposed Intervenor's Application for Leave to Intervene, entered October 31, 2022, remains in effect.<br>No later than February 1, 2023, Petitioners and Proposed Intervenor shall file a status report advising the Court of whether Proposed Intervenor have a continued desire to pursue intervention and the need to schedule a hearing on the Application for Leave to Intervene. |  |  | 12/16/2022 |
| <b>December 19, 2022</b> | Argument Scheduled<br>Krimmel, Michael<br>Document Name: CORRECTED NOTICE - Receipt Notification Update   |  |  |            |
| <b>January 6, 2023</b>   | Petitioner's Brief Filed<br>Calpine Corporation<br>Tenaska Westmoreland<br>Management, LLC<br>Fairless Energy, L.L.C.<br>Document Name: Brief in Opposition to POs  |  | Petitioner<br>Petitioner<br>Petitioner   |            |
| <b>January 20, 2023</b>  | Respondent's Reply Brief Filed<br>Pennsylvania Department of<br>Environmental Protection<br>Pennsylvania Environmental<br>Quality Board<br>Document Name: Reply Memo of Law in Support of POs   |  | Respondent<br>Respondent   |            |
| <b>February 1, 2023</b>  | Joint Status Report<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Bockis, Andrew Tyler<br>Feinauer, Blaine Robert<br>Simon, Shane Patrick  | Calpine Corporation<br>Tenaska Westmoreland Managemer<br>Fairless Energy, L.L.C.<br>Calpine Corporation<br>Calpine Corporation   | Petitioner<br>Petitioner<br>Petitioner<br>Petitioner<br>Petitioner   |            |



## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 357 MD 2022

Page 16 of 17

April 18, 2024



## DOCKET ENTRY

| Filed Date              | Docket Entry / Filer  | Representing                       | Participant Type | Exit Date  |
|-------------------------|---|------------------------------------|------------------|------------|
| <b>February 2, 2023</b> | Entry of Appearance   |                                    |                  |            |
|                         | Lantz, Delene Rachel  | Calpine Corporation                | Petitioner       |            |
|                         | Lantz, Delene Rachel  | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                         | Lantz, Delene Rachel  | Fairless Energy, L.L.C.            | Petitioner       |            |
|                         | Document Name: Delene R. Lantz Esq. - Petitioner - Calpine Corporation.   |                                    |                  |            |
| <b>February 6, 2023</b> | Order Directing Status Report   |                                    |                  | 02/06/2023 |
|                         | Per Curiam  |                                    |                  |            |
|                         | Document Name: The stay of proceedings on Proposed Intervenor's Appl. for Leave to Intervene remains in effect.   |                                    |                  |            |
|                         | Comment: NOW, February 6, 2023, upon review of the February 1, 2023, Joint Status Report of Petitioners <sup>1</sup> and Proposed Intervenor <sup>2</sup> , the stay of proceedings on Proposed Intervenor's Application for Leave to Intervene, entered October 31, 2022, remains in effect.   |                                    |                  |            |
|                         | Petitioners and Proposed Intervenor indicate that the Court's decision on Respondents <sup>3</sup> Preliminary Objections to Petitioners' Petition for Review may impact whether Proposed Intervenor will proceed with their Application for Leave to Intervene. Accordingly, Petitioners and Proposed Intervenor shall file a joint status report within 20 days after this Court's order resolving Respondents Preliminary Objections and advise the Court of whether Proposed Intervenor will pursue their Application for Leave to Intervene and whether a hearing thereon needs to be scheduled. |                                    |                  |            |
| <b>May 19, 2023</b>     | Application for Relief  |                                    |                  |            |
|                         | Gallagher, Thomas Joseph, IV  | Pennsylvania Department of Environ | Respondent       |            |
|                         | Gallagher, Thomas Joseph, IV  | Pennsylvania Environmental Quality | Respondent       |            |
|                         | Document Name: Application to Take Notice of New Authority  |                                    |                  |            |
| <b>June 2, 2023</b>     | Answer to Application for Relief  |                                    |                  |            |
|                         | Bockis, Andrew Tyler  | Calpine Corporation                | Petitioner       |            |
|                         | Bockis, Andrew Tyler  | Tenaska Westmoreland Managemer     | Petitioner       |            |
|                         | Bockis, Andrew Tyler  | Fairless Energy, L.L.C.            | Petitioner       |            |
|                         | Document Name: Pets.' Answer to Resps.' App. to Take Notice of New Authority  |                                    |                  |            |
| <b>June 29, 2023</b>    | Order Filed   |                                    |                  | 06/29/2023 |
|                         | Per Curiam  |                                    |                  |            |
|                         | Document Name: Application to Take Notice Granted in Part Denied in Part  |                                    |                  |            |
|                         | Comment: AND NOW, this 29th day of June, 2023, Respondents' Application to Take Notice of New Authority (Application) is GRANTED to the extent that all relevant precedent will be considered in disposing of the above-captioned matter. The Application is DENIED in all other respects.  |                                    |                  |            |
| <b>November 7, 2023</b> | Dismissed   |                                    |                  | 11/07/2023 |
|                         | Wojcik, Michael H.  |                                    |                  |            |
|                         | Document Name: Memorandum Opinion : Petition for Review is DISMISSED as moot.   |                                    |                  |            |
|                         | Comment: AND NOW, this 7th day of November, 2023, the Petition for Review filed in the above-captioned matter is DISMISSED as moot.   |                                    |                  |            |
|                         | Judge Fizzano Cannon did not participate in the decision of this case.  |                                    |                  |            |



**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 357 MD 2022****Page 17 of 17****April 18, 2024****SESSION INFORMATION**

Journal Number: 10-02-2023  
 Consideration Type: En Banc Argument  
 Listed/Submitted Date: February 8, 2023

**Panel Composition:**

|                                      |                 |
|--------------------------------------|-----------------|
| The Honorable Renee Cohn Jubelirer   | President Judge |
| The Honorable Patricia A. McCullough | Judge           |
| The Honorable Anne E. Covey          | Judge           |
| The Honorable Michael H. Wojcik      | Judge           |
| The Honorable Ellen Ceisler          | Judge           |
| The Honorable Lori A. Dumas          | Judge           |
| The Honorable Stacy Wallace          | Judge           |

**DISPOSITION INFORMATION**

|                       |  |                     |                    |
|-----------------------|--|---------------------|--------------------|
| Final Disposition:    | Yes  | Judgment Date:      |                    |
| Related Journal No:   |  | Disposition Author: | Wojcik, Michael H. |
| Category:             | Decided  | Disposition Date:   | November 7, 2023   |
| Disposition:          | Dismissed  |                     |                    |
| Disposition Comment:  | AND NOW, this 7th day of November, 2023, the Petition for Review filed in the above-captioned matter is DISMISSED as moot. |                     |                    |
|                       | Judge Fizzano Cannon did not participate in the decision of this case.   |                     |                    |
| Dispositional Filing: | <b>Memorandum Opinion</b>  | Filing Author:      | Wojcik, Michael H. |
| Filed Date:           | 11/7/2023 12:00:00AM   |                     |                    |