

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

CLIFFORD COLE, PAMELA WEST, : No. 312 EAL 2021
BRIAN, WEIRBACK, KATHY WEIRBACK, :
TODD SHELLY AND CHRISTINE SHELLY, :
Respondents : Petition for Allowance of Appeal
: from the Order of the
: Commonwealth Court

v.

PENNSYLVANIA DEPARTMENT OF :
ENVIRONMENTAL PROTECTION, :
Petitioner :

WEST ROCKHILL TOWNSHIP, : No. 313 EAL 2021
Respondent :
: Petition for Allowance of Appeal
: from the Order of the
: Commonwealth Court

v.

DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :
Petitioner :

ORDER

PER CURIAM

AND NOW, this 3rd day of August, 2023, the Petitions for Allowance of Appeal are **GRANTED**. The issues as stated by Petitioner are:

- (1) Did the Commonwealth Court err in deciding that the Pennsylvania Environmental Hearing Board has jurisdiction to hear appeals of DEP

actions on projects regulated by the Federal Energy Regulatory Commission under the Natural Gas Act when the Natural Gas Act grants the Third Circuit original and exclusive jurisdiction to review state agency actions related to interstate domestic energy projects?

- (2) Did the Commonwealth Court contradict other appellate courts in deciding that both the EHB and the Third Circuit have jurisdiction to hear an appeal of DEP's action?

The Prothonotary is directed to list these cases for argument together with the appeals granted at 415-416 MAL 2021.

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