

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

CLIFFORD COLE, PAMELA WEST, BRIAN : No. 415 MAL 2021
WEIRBACK, KATHY WEIRBACK, TODD :
SHELLY AND CHRISTINE SHELLY :
 : Petition for Allowance of Appeal
 : from the Order of the
v. : Commonwealth Court
 :
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PENNSYLVANIA DEPARTMENT OF :
ENVIRONMENTAL PROTECTION :
 :
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PETITION OF: ADELPHIA GATEWAY, LLC :

WEST ROCKHILL TOWNSHIP : No. 416 MAL 2021
 :
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v. : Petition for Allowance of Appeal
 : from the Order of the
 : Commonwealth Court
 :
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DEPARTMENT OF ENVIRONMENTAL :
PROTECTION :
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PETITION OF: ADELPHIA GATEWAY, :
LLC :

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) The U.S. Court of Appeals for the Third Circuit has ruled five times that it has “original and exclusive” jurisdiction over the review of the Department’s issuance of permits in connection with interstate natural gas pipeline

projects regulated under the federal Natural Gas Act. Did the Commonwealth Court err on an important question of first impression in holding that the EHB has dual jurisdiction over such appeals, contrary to the plain language of the Natural Gas Act?

- (2) Did the Commonwealth Court depart from accepted judicial practices and abuse its discretion in determining that the federal Natural Gas Act does not preempt the EHB from reviewing the Department's permits, given the contrary holdings of other courts, and given that those permits are issued pursuant to, and required by, federal law governing interstate natural gas pipeline projects?
- (3) Did the Commonwealth Court depart from accepted judicial practices and abuse its discretion in adopting a dual-jurisdiction approach that is contrary to the plain language of the federal Natural Gas Act's judicial review provision, undermines Congress's clear legislative purpose, is without precedent in this or any other jurisdiction, and creates an unworkable framework that will produce uncertainty, inconsistency, and conflict among state and federal courts?

The Prothonotary is directed to list these cases for argument together with the appeals granted at 312-313 EAL 2021.

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