IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

BOWFIN KEYCON HOLDINGS, LLC; CHIEF:
POWER FINANCE II, LLC; CHIEF POWER:
TRANSFER PARENT, LLC; KEYCON:
POWER HOLDINGS, LLC; GENON:
HOLDINGS, INC.; PENNSYLVANIA COAL:
ALLIANCE; UNITED MINE WORKERS OF:
AMERICA; INTERNATIONAL:
BROTHERHOOD OF ELECTRICAL:
WORKERS; AND INTERNATIONAL:
BROTHERHOOD OF BOILERMAKERS,:
IRON SHIP BUILDERS, BLACKSMITHS,:
FORGERS AND HELPERS,

No. 80 MAP 2022

Appeal from the Order of the Commonwealth Court at No. 247 MD 2022 dated July 8, 2022

Appellees

٧.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD,

Appellants

BOWFIN KEYCON HOLDINGS, LLC; CHIEF POWER FINANCE II, LLC; CHIEF POWER TRANSFER PARENT, LLC; KEYCON POWER HOLDINGS, LLC; GENON HOLDINGS, INC.; PENNSYLVANIA COAL ALLIANCE; UNITED MINE WORKERS OF AMERICA; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS; AND INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

No. 86 MAP 2022

Appeal from the Order of the Commonwealth Court at No. 247 MD 2022 dated June 28, 2022

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD

APPEAL OF: CITIZENS FOR PENNSYLVANIA'S FUTURE, SIERRA CLUB, CLEAN AIR COUNCIL, AND ENVIRONMENTAL DEFENSE FUND,

Possible Intervenors

BOWFIN KEYCON HOLDINGS, LLC; CHIEF:
POWER FINANCE II, LLC; CHIEF POWER:
TRANSFER PARENT, LLC; KEYCON:
POWER HOLDINGS, LLC; GENON:
HOLDINGS, INC.; PENNSYLVANIA COAL:
ALLIANCE; UNITED MINE WORKERS OF:
AMERICA; INTERNATIONAL:
BROTHERHOOD OF ELECTRICAL:
WORKERS; AND INTERNATIONAL:
BROTHERHOOD OF BOILERMAKERS,:
IRON SHIP BUILDERS, BLACKSMITHS,:
FORGERS AND HELPERS:

٧.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD

APPEAL OF: CITIZENS FOR PENNSYLVANIA'S FUTURE, SIERRA CLUB, CLEAN AIR COUNCIL, AND ENVIRONMENTAL DEFENSE FUND,

Possible Intervenors

No. 88 MAP 2022

Appeal from the Order of the Commonwealth Court at No. 247 MD 2022 dated July 8, 2022

:

BOWFIN KEYCON HOLDINGS, LLC; CHIEF POWER FINANCE II, LLC; CHIEF POWER TRANSFER PARENT, LLC; KEYCON POWER HOLDINGS, LLC; GENON HOLDINGS, INC.; PENNSYLVANIA COAL ALLIANCE; UNITED MINE WORKERS OF AMERICA; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS; AND INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS, No. 89 MAP 2022

: Appeal from the Order of the: Commonwealth Court at No. 247: MD 2022 dated July 8, 2022

Appellants

٧.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD.

Appellees

ORDER

PER CURIAM DECIDED: March 24, 2023

AND NOW, this 24th day of March, 2023, in the appeals docketed at 80 MAP 2022 and 88 MAP 2022, the requests to dismiss these appeals as moot are **GRANTED** due to Appellees' failure to submit the bond required to secure the preliminary injunction under Rule 1531(b). See Mamula v. United Steelworkers of America, 185 A.2d 595, 597 (Pa. 1962) (holding that an injunction issued without the filing of a bond was a nullity and that the Court had no jurisdiction over an appeal therefrom). The Application for Relief in the

Form of a Motion to Quash the appeal docketed at 88 MAP 2022 is **DENIED**. The appeal docketed at 86 MAP 2022 is submitted on the briefs. In the appeal docketed at 89 MAP 2022, the Court being unable to reach consensus, the Order of the Commonwealth Court imposing a bond as required by Pa.R.Civ.P. 1531(b)(1) is **AFFIRMED**.

Justice Donohue files a concurring statement in which Justice Dougherty joins.

Justice Wecht files a concurring statement.

Justice Mundy files a concurring and dissenting statement in which Justice Brobson joins.