

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

No. 63 MAP 2012

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, and MEHERNOSH KAHN, 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, LINDA L. KELLY, in her Official Capacity as Attorney General of the Commonwealth of Pennsylvania, PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION and MICHAEL L. KRANCER, in his Official Capacity as Secretary of the Department of Environmental Protection,

Appeal of: PENNSYLVANIA PUBLIC UTILITY COMMISSION, Robert F. Powelson, in his Official Capacity as Chairman of the Public Utility Commission and PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION and Michael L. Krancer, in his Official Capacity as Secretary of the Department of Environmental Protection

_____ Appeal from the order of Commonwealth Court at No. 284 MD 2012 dated July 26, 2012. _____

**BRIEF OF *AMICUS CURIAE* DUQUESNE LIGHT HOLDINGS, INC.
IN SUPPORT OF APPELLANTS**

Received In Supreme Court

SEP - 6 2012

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Duquesne Light Holdings, Inc. submits this brief as *Amicus Curiae* and pursuant to Pa.R.A.P. 531(a), in support of the appeals of the Appellants (the “Commonwealth Parties”) from the Commonwealth Court’s July 26, 2012 order declaring portions of Act 13 of 2012 (“Act 13”) facially unconstitutional.

I. THE INTERESTS OF AMICUS CURIAE

Duquesne Light Holdings, Inc., through its subsidiary Duquesne Light Company (collectively, “Duquesne Light”), is a leader in the transmission and distribution of electric energy in Southwestern Pennsylvania. Duquesne Light serves over 500,000 customers, approximately 90% of whom are residential. Duquesne Light’s service area covers more than 800 square miles, spanning the vast majority of Allegheny County and Beaver County. Approximately 150 different municipalities or local government units in Allegheny and Beaver County fall within that service area.

With so many different municipalities to serve, Duquesne Light appreciates the importance of having energy issues in the Commonwealth decided on a uniform basis at the state level. As a leading provider of electricity, Duquesne Light also knows that the development of energy resources is vital to the success and well-being of Pennsylvania and its citizens. The vast reserves of natural gas in the Marcellus Shale formation can provide a valuable source of energy for Pennsylvania. Properly developed, natural gas from the Marcellus Shale formation can help keep energy costs competitive, benefitting both commercial and residential users in the Commonwealth.

Act 13 provides the statewide, uniform approach that is necessary for the proper development of the Marcellus Shale natural gas reserves. It is important to Duquesne Light, as a

leading energy-provider in the Commonwealth, that this Court reverse the decision of the Commonwealth Court and confirm the constitutionality of Act 13.


II. ARGUMENT

Duquesne Light incorporates and adopts by reference the Brief of *Amici Curiae* the Pennsylvania Independent Oil and Gas Association, the Marcellus Shale Coalition, MarkWest Liberty Midstream & Resources, LLC, Penneco Oil Company, Inc., and Chesapeake Appalachia, LLC, in support of Appellants, and the arguments asserted in that brief as to why the Commonwealth Court erred in declaring portions of Act 3 facially unconstitutional.

III. CONCLUSION

This Court should reverse the order of the Commonwealth Court granting the Appellees summary relief on Counts I-III and VIII and instruct the Commonwealth Court to enter summary relief for Appellants, the Commonwealth Parties, on those counts.

Respectfully submitted,

By: 
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Dated: September 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that I am on this the 4th day of September, 2012, serving a true and correct copy of the foregoing Brief of *Amicus Curiae* Duquesne Light Holdings, Inc. in Support of Appellants by first-class U.S. mail upon the following:

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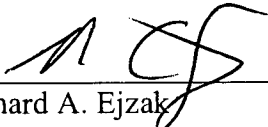
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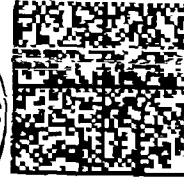
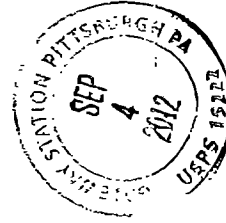
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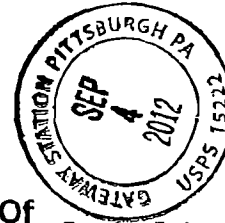
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