

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* CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
IN SUPPORT OF APPELLANTS**

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Civil & Environmental Consultants, Inc. (“CEC”) 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

CEC, a Pennsylvania corporation, employs 300 Pennsylvania residents at its three offices within the Commonwealth, providing professional engineering, surveying, and environmental consulting services to multiple markets, including the natural gas industry. CEC has experienced significant growth in its business in the Commonwealth during recent years, in part due to the growth of the natural gas industry within Pennsylvania. The success of CEC and other similar firms has resulted in the employment of thousands of Pennsylvania engineers, geologists, scientists, surveyors, and support staff providing services directly to the natural gas industry in Pennsylvania. Further, the vitality of the economy in the Commonwealth driven by the natural gas industry has led CEC to plan for annual growth rates of more than 20% into the foreseeable future, leading to more jobs and overall economic activity throughout Pennsylvania.

For the reasons discussed in the “Statement 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’ Request For Expedited Consideration Of Appeal,” CEC’s business is threatened by the action taken by the Commonwealth Court in declaring portions of Act 13 unconstitutional.

II. SUMMARY OF ARGUMENT

CEC incorporates and adopts by reference the Brief of Appellants, the Commonwealth Parties, and the “Statement 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’ Request For Expedited Consideration Of Appeal,” and the arguments asserted in those briefs as to why the Commonwealth Court erred in declaring portions of Act 13 facially unconstitutional. Act 13, in its entirety, provided a much needed level of predictability to regulation of the natural gas industry in Pennsylvania. Based on this predictability and CEC’s experience with The Pennsylvania Independent Oil And Gas Association, The Marcellus Shale Coalition, MarkWest Liberty Midstream & Resources, LLC, Penneco Oil Company, Inc., and Chesapeake Appalachia, LLC, CEC has made decisions to hire employees and make investments which will allow it to provide support services to a stable natural gas industry in Pennsylvania in the long term. The Commonwealth Court’s decision removes this level of predictability, which CEC believes will likely cause a decrease in the level of the development of natural gas in Pennsylvania, and thus harm CEC. For these reasons, CEC respectfully submits its support of appeal.

III. ARGUMENT

CEC incorporates and adopts by reference the Brief of Appellants, the Commonwealth Parties, and the “Statement 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’ Request For Expedited Consideration Of Appeal,” and the arguments asserted in those briefs as to why the Commonwealth Court erred in declaring portions of Act 13 facially unconstitutional.

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IV. CONCLUSION

This Court should reverse the order of the Commonwealth Court granting 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,

STEPTOE & JOHNSON PLLC



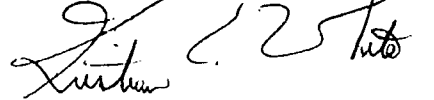
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Date: September 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Brief of *Amicus Curiae* in Support of Appellants was served this 4th day of September, 2012 by first-class U.S. mail addressed as follows:

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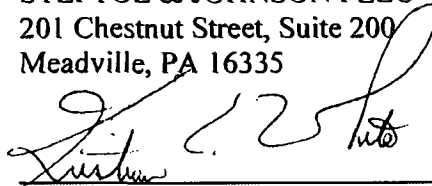
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