

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

BRIAN GORSLINE, DAWN GORSLINE,
PAUL BATKOWSKI AND MICHELE
BATKOWSKI

: No. 783 MAL 2015

:
:

: Petition for Allowance of Appeal from
: the Order of the Commonwealth Court

v.

:

BOARD OF SUPERVISORS OF
FAIRFIELD TOWNSHIP

:
:

v.

:

INFLECTION ENERGY, LLC AND
DONALD SHAHEEN AND ELEANOR
SHAHEEN, HIS WIFE,

:
:

Intervenors

:

PETITION OF: BRIAN GORSLINE,
DAWN GORSLINE, PAUL BATKOWSKI
AND MICHELE BATKOWSKI

:
:
:

ORDER

PER CURIAM

AND NOW, this 20th day of June, 2016, the Petition for Allowance of Appeal is
GRANTED. The issues, as stated by Petitioners, are:

- (1) Does the Commonwealth Court's decision below, that an industrial shale gas development is similar to and compatible with uses

expressly permitted in a[n] R-A District, conflict with this Court's decision in *Robinson Township*?

- (2) Did the Commonwealth Court commit an error of law in deciding that an industrial shale gas development is similar to and compatible with a "public service facility" in an R-A District when the Township made no factual finding or legal conclusion to that effect, the record contains no substantial evidence to support that determination, and the company's own witness testified that shale gas development was *not* similar to a "public service facility" in an R-A District?
- (3) Did the Commonwealth Court improperly decide that *MarkWest Liberty Midstream*, wherein it held that a compressor station is similar to and compatible with a "public service facility" in a Light Industrial District, also compels the conclusion that an industrial shale gas development is similar to and compatible with a "public service facility" in an R-A District designed for quiet, residential development and not industrial land uses?
- (4) Did the Commonwealth Court commit an error of law by relying on prior conditional use approvals that the Township issued for uses not expressly permitted in the R-A District, in order to support its decision that an industrial shale gas development is similar to and compatible with uses expressly permitted in the R-A District?