IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MARTIN AND SUZANNE MATTEO, HUSBAND AND WIFE, ROBERT AND CAROLE VALENTINE, HUSBAND AND WIFE, and STEVE EMERY,

Petitioners,

vs.

HILCORP ENERGY COMPANY, COMMONWEALTH OF PENNSYLVANIA, OFFICE OF THE ATTORNEY GENERAL OF PENNSYLVANIA, KATHLEEN KANE, in her Official Capacity as ATTORNEY GENERAL of the COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, and E. CHRISTOPHER ABRUZZO, in his Official Capacity as SECRETARY of the DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Respondents.

Docket No. 266 MD 2014

ANSWER TO PRELIMINARY OBJECTIONS

Filed on behalf of Petitioners

Counsel for Petitioners:

Omar K. Abuhejleh
Pa. ID. No. 84048
429 Forbes Avenue, Suite 450
Pittsburgh, PA 15219
(412) 281-4959
ohejleh@gmail.com

I. INTRODUCTION

On July 17, 2013, Hilcorp filed an application with the Pennsylvania Department of Environmental Protection (Department) titled, "Application of Hilcorp Energy Company for Well Spacing Units," (Application) a copy of which is attached to Petitioners' Amended Petition for Review as Exhibit "A." Upon the filing of the Application, the Department determined that it did not have the authority to act upon the Application and that Hilcorp should instead submit it to the Environmental Hearing Board (EHB). Hilcorp did so, only to receive a decision from the EHB stating that it in fact should submit the Application to the Department, as the decision was within the Department's purview. ***Hilcorp Energy Co. v. Dept. of Envt'l Prot.***, EHB Docket No. 2013-155-SA-R at 18 (2013). After Hilcorp re-submitted its Application to the Department, the Department decided to appoint a hearing officer, Michael L. Bangs, Esquire, to conduct hearings on the Application.

The Application alleges that there is a pool of gas underlying approximately 3,267 acres located in the northwest corner of Lawrence County and southeast corner of Mercer County, in Pulaski Township, and identifying the alleged pool as the Pulaski Accumulation. The Application further alleges that the pool is part of the Utica Shale and lies approximately 3,800 feet below the Onondaga horizon. The alleged Pulaski Accumulation comprises 3,267 acres, and Hilcorp claims to have acquired the right to drill on and produce from 3,232.58 acres. Petitioners own separate properties that make up the remaining approximately 34 acres. Petitioners have not sold or leased their mineral rights to Hilcorp, despite attempts by Hilcorp to purchase such rights. Due to the adverse environmental impact of the proposed drilling, Petitioners have no intention of ever permitting drilling on or under their properties.

Hilcorp is a privately held oil and gas company based in Houston, Texas. Hilcorp has significant operations in at least five states and to date, has leased more than 160,000 acres in the

Utica Shale. Petitioners are residents of the Commonwealth who have made their homes on the properties under which Hilcorp seeks to drill for gas. If Hilcorp is successful in its Application, Petitioners' interests in all or parts of their subsurface estate will be involuntarily integrated with those of the other tracts in the units that Hilcorp proposes in its Application. ***See*** 58 P.S. § 408.

On May 2, 2014, Petitioners filed a Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief in the Commonwealth Court under its original jurisdiction, pursuant to 42 Pa.C.S. § 761(a)(1), as the action is against the Commonwealth government and officers thereof acting in their official capacities. Petitioners also named Hilcorp as a defendant pursuant to 45 Pa.C.S. § 7540(a), which states that "[w]hen declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding." On May 20, 2014, Hilcorp filed Preliminary Objections, and on June 5, 2014, Petitioners filed an Amended Petition for Review. On June 6, 2014, this Court issued an order striking Count VI of the Amended Petition (requesting a preliminary injunction) without prejudice to Petitioners' right to file a motion for special relief. Hilcorp again filed Preliminary Objections on June 18, 2014. Most recently, despite the pendency of this action before the Commonwealth Court, Hearing Officer Bangs has scheduled a hearing on the Application for September 16-17, 2014.

II. ARGUMENT

A. <u>This matter is ripe for review.</u>

Hilcorp argues that "no actual controversy is present and the matter is not ripe for review." (Memorandum in Support of Preliminary Objections (Hilcorp Memorandum) at 3). Initially, Petitioners note that they have filed this case pursuant to the Declaratory Judgments Act. The purpose of the Act is to "settle and to afford relief from uncertainty and insecurity with

respect to rights, status, and other legal relations, and is to be *liberally construed and administered.*" ***Pa. State Educ. Ass'n v. Com. of Pa., Dep't of Cmty. and Econ. Dev.***, 50 A.3d 1263, 1277 (Pa. 2012) (emphasis added) (quoting 42 Pa.C.S. § 7541(a)). The Act's purpose is "remedial in nature and affords a broad basis for relief." ***Bayada Nurses, Inc. v. Pa. Dep't of Labor & Indus.***, 8 A.3d 866, 874 (Pa. 2010). However, Petitioners are not entitled to proceed with a declaratory judgment action as a matter of right. ***See Com. of Pa. v. Alaica***, 784 A.2d 837, 841 (Pa. Commw. Ct. 2001). "Rather, whether a court should exercise jurisdiction over a declaratory judgment proceeding is matter of sound judicial discretion." ***See id.*** (quotation marks omitted). In exercising this discretion, a court will not permit a case to proceed when the issue is not ripe for review. "Ripeness arises out of judicial concern not to become involved in abstract disagreements of administrative policies." ***Merriam v. Philadelphia Housing Com'n***, 777 A.2d 1212, 1219 (Pa. Commw. Ct. 2001).

This Court has followed a two-part test in evaluating whether a matter is ripe for determination within the context of this Court's jurisdiction to permit review of a declaratory judgment action.

> In deciding whether the doctrine of ripeness bars our consideration of a declaratory judgment action, both the state and federal courts employ a two part test, to wit: [t]he court must consider whether the issues are adequately developed for judicial review and what hardship the parties will suffer if review is delayed.
>
> **The first prong of the test**—whether the issues are adequately developed for judicial review—itself implicates two concepts relevant here. The first is whether the asserted deprivation of rights (or entitlement to relief) is immediate or is hypothetical and contingent upon uncertain future events. ... A second concept implicated within the question of the court's ability to adequately review the issues is whether resolution of the constitutional or other legal dispute will involve **substantial factfinding**. Obviously, the more fact intensive the dispute, the more significant the obstacle posed by the uncertainty of future events.
> ...
>
> **The second prong** of the ripeness test recognizes that even where the case is not as fully developed for judicial review as the court would find appropriate, it may still address the merits if refusal to do so would work a demonstrable hardship on

the parties. . . .

Alaica, 784 A.2d at 842-43 (emphasis added) (footnote, quotation marks and citations omitted).

There are two concepts involved in the first prong. The first concept requires a court to determine whether the deprivation of rights is immediate. In the instant case, Hilcorp's Application identifies an alleged Pulaski Accumulation, which includes Petitioners' properties. The Department has accepted the Application under the Conservation Law and has set into motion a process by which Hilcorp will involuntarily integrate Petitioners' interest in their oil and gas. The deprivation of rights at issue here is not a hypothetical matter. Instead, it is on the immediate horizon. Within a matter of months, Hilcorp aims to deprive Petitioners of their property rights. Under these circumstances, where the Department is currently implementing the challenged law, the impending harm is certainly immediate.

Regarding the second concept of the first prong of the ripeness test, Hilcorp alleges that "resolution of this dispute will also involve extensive fact-finding." (Hilcorp Memorandum at 4). However, the only issue of fact mentioned anywhere in the Hilcorp Memorandum is that referred to in Paragraph 114 of the Amended Petition, regarding Hilcorp's ability to simply direct its well bores around Petitioners' properties. Surely, Hilcorp is not alleging that it cannot control the direction of its well bores so as not to penetrate the subsurface estates of properties for which it does not own the mineral rights. Hilcorp also claims, without any legal support, that "Petitioners' due process claim is not ripe because the process . . . is yet to take place." Hilcorp Memorandum at 5.

Hilcorp's inability to direct this Court to any issues of fact that would require "substantial" factfinding, ***Alaica***, 784 A.2d at 842, is due to the legal nature of the claims that Petitioners are presenting to this Court. Count I of the Amended Petition raises a question of law as to whether the Oil and Gas Conservation Law, 58 P.S. §§ 401-419 (Conservation Law) effects

a taking of private property for a private purpose in violation of the Pennsylvania Constitution. Count II raises a question of law regarding whether the Conservation Law is repealed *sub silentio* because it is inconsistent with the Property Rights Protection Act (PRPA), 26 Pa.C.S. §§ 201-207, which only permits a taking of private property for a public purpose. ***See*** 26 Pa.C.S. § 204(b). Count III raises a question of law regarding Petitioners' procedural due process rights. Although Hilcorp alludes to this presenting a factual issue since the process has not yet taken place, Hilcorp does not direct the Court to any cases that would support the proposition that a party must endure a deprivation of procedural due process through an adjudication before challenging the infirmity of the process. Count IV raises a constitutional challenge based on the Conservation Law's vagueness, which requires only an analysis of the law itself.

Finally, Count V, the only count where Hilcorp directs the Court to a potential question of fact, is one that requires very little fact-finding, if any. The issue of fact raised is whether Hilcorp can in fact direct its well bores around Petitioners' properties so as not to cause a trespass into their subsurface estates. The crux of Count V is a request for a declaration that the Conservation Law does not apply in cases of horizontal drilling because it contains no authority to permit a subsurface trespass into the Petitioners' subsurface estates, and absent such a trespass, the oil and gas of their subsurface estates will remain undisturbed. (Amended Petition, ¶ 113). Contrary to Hilcorp's portrayal of this matter as one requiring expert testimony, it is an accepted fact that drilling companies can control the direction of their well bores. Rather, the issue that predominates Count V is not a factual one, but rather the legal question of whether the Conservation Law bestows upon the Department the authority to issue an order permitting a third party to trespass into the subsurface estate of a property owner.

> Any physical entry upon the surface of the land is a trespass, whether it be by walking upon it, flooding it with water, casting objects upon it, or otherwise. One may commit a trespass upon the vertical surface of another's premises, as well as the horizontal -- as where he piles dirt or attaches wires against a boundary wall. **But**

> **the interest in exclusive possession is not limited to the surfaces; it extends above and below.** There is a property right in the air space above the land, which may be invaded by overhanging structures, or telephone wires, by thrusting an arm above the boundary line, or by shooting across the land, even though the bullets do not fall upon it.

Jones v. Wagner, 624 A.2d 166, 169 (Pa. Super. 1993) (emphasis added) (quoting Prosser, Torts (5th ed., 1984). From the foregoing it is clear that a resolution of the instant case will involve an analysis of many important questions of law and relatively few and simple questions of fact.

The second prong of the ripeness test requires an examination of the hardship that Petitioners will experience if review is delayed. In ***Bayada***, the petitioner was a nursing company named Bayada that also filed a petition for review in the nature of a complaint for declaratory judgment in the original jurisdiction of the Commonwealth Court. In its petition, Bayada challenged the validity of a Department of Labor regulation that limited the application of a domestic services exception to minimum wage and overtime requirements. ***See Bayada***, 8 A.3d at 869. The Department of Labor had notified Bayada that it was not entitled to the domestic services exception and that an audit of its payroll records would be conducted. The parties held meetings to resolve the matter, but after further correspondence between the parties, the Department of Labor informed Bayada that the audit would proceed on March 22, 2007. However, the Department of Labor never audited Bayada. ***See id.*** at 870.

On October 2, 2007, Bayada filed its petition with the Commonwealth Court challenging the Department of Labor's regulation on the domestic services exception. The Department of Labor filed preliminary objections in the nature of a demurrer, which this Court granted. ***Bayada Nurses, Inc. v. Dep't of Labor & Indus.***, 958 A.2d 1050 (Pa. Commw. Ct. 2010). Judge Pelligrini filed a dissent that found the matter not ripe for review. Bayada appealed the decision to the Supreme Court, which requested supplemental briefing on the issue of "whether the appeal was ripe for review under ***Arsenal Coal Co. v. Dep't of Envtl. Res.***, 505 Pa. 198, 477 A.2d 1233

(1984)." ***Bayada***, 8 A.3d at 871. On appeal, the Court addressed the ripeness claim, and more particularly, the opinion of the Commonwealth Court dissent "that Bayada had suffered no injury, as no audit had taken place, and no fees had been assessed against it." ***Id.*** at 872. The Court also addressed Bayada's alleged failure to exhaust administrative remedies, a topic which shall be discussed in the next section.

In its analysis, the Court recognized that the petition for review was filed under the Declaratory Judgments Act, which was "designed to curb the courts' tendency to limit the availability of judicial relief to only cases where an actual wrong has been done or is imminent," but that there are "limitations upon a court's ability to make a declaration of rights." ***Id.*** at 874. The "doctrine of ripeness, at issue in this matter, is a judicially-created principle which mandates the presence of an actual controversy." ***Id.*** Despite the fact that the Department of Labor had not yet audited Bayada, nor assessed it penalties, the Court concluded that the issues were sufficiently developed and that the Department of Labor's regulation had a "direct and immediate impact both upon Bayada and the home health care industry in general." ***Id.*** at 876.

Just like the petitioner in ***Bayada***, Petitioners here face a direct and immediate impact as a result of the Department's decision to permit Hilcorp to proceed under the Conservation Law. Although Petitioners have not yet been involuntarily divested of their property rights, the Department's decision to allow Hilcorp to proceed with its Application has placed Petitioners in a state of limbo where they are uncertain as to the viability of certain property rights. Hilcorp repeatedly points to the fact that Petitioners will ultimately be able to appeal to the Commonwealth Court after navigating the hearing on the Application, and then appealing to the EHB. However, this is a process measured in years, not months. Furthermore, Petitioners would have to bare the expense of a lengthy litigation process and the ongoing stress of not knowing what is going to happen to the properties where they live.

Moreover, this is a matter that affects a great many residents of the Commonwealth. Although, as Hilcorp acknowledges, "Hilcorp's application is the first instance [under the Conservation Law] in which an operator has sought a spacing order for horizontal wells drilled into a tight shale rock formation," (Hilcorp Memorandum at 4) the fact that the Department has permitted Hilcorp to proceed with its Application under the Conservation Law has set a precedent by which other entities may also seek to invoke the Conservation Law for horizontal drilling. Therefore, the claims that Petitioners present here are not abstract but rather represent an actual controversy that is ripe for this Court's review.

B. Petitioners should not be required to endure a lengthy litigation process before Hearing Officer Bangs and the EHB prior to obtaining review before the Commonwealth Court.

Hilcorp, relying upon the doctrine of exhaustion of administrative remedies, argues that "[b]efore the Petitioners may invoke the jurisdiction of this Court, they must allow the Department to create a factual record and take action on the Application, and if necessary, pursue an appeal to the Board." (Hilcorp Memorandum at 7). "[A]s a general proposition, litigants are required to exhaust adequate and available administrative remedies prior to resorting to judicial remedies." ***Bayada***, 8 A.3d at 866.

> The rationale behind this rule is clear. When the Legislature has seen fit to enact a pervasive regulatory scheme and to establish a governmental agency possessing expertise and broad regulatory and remedial powers to administer that statutory scheme, a court should be reluctant to interfere in those matters and disputes which were intended by the Legislature to be considered, at least initially, by the administrative agency. Full utilization of the expertise derived from the development of various administrative bodies would be frustrated by indiscriminate judicial intrusions into matters within the various agencies' respective domains.

Feingold v. Bell of Pa., 383 A.2d 791, 793 (Pa. 1978). The doctrine is also an acknowledgment of the rationale "that the technical nature of the subject and the ability of an administrative body

to examine it suffice as a matter of public policy to displace preliminary court action." ***Ohio Cas. Ins. Grp. of Ins. Cos. v. Argonaut Ins. Co.***, 525 A.2d 1195, 1197 (Pa. 1987).

In Hilcorp's Memorandum, it identifies the administrative process as beginning with the hearing before the attorney appointed by the Department, Hearing Officer Bangs. (Hilcorp Memorandum at 7). Citing 58 P.S. § 407, Hilcorp claims that Petitioners may initially challenge the Conservation Law at that hearing. However, Section 407 delineates a hearing process devoted to establishing the existence of a pool of oil or gas. ***See*** 58 P.S. § 407(3). Thus, the first step in the administrative process, according to Hilcorp, would be to present constitutional challenges to a statute in a hearing before an attorney appointed by the Department, which is a defendant in this action.

Hilcorp also claims that "Petitioners do not actually allege that the administrative remedies provided for in the Conservation Law and Administrative Code are inadequate, nor do they assert any reasoning for perceived inadequacy, aside from the general assertions that the Department's process is *ad hoc* and that notice should be provided more than 15 days prior to the hearing." (Hilcorp Memorandum at 9). This is a gross mischaracterization of the Amended Petition. Contrary to Hilcorp's claim that Petitioners make no more than general assertions, Petitioners enumerated several specific inadequacies in the procedure. First and foremost, Petitioners were not even parties to the action and were forced to file a petition to intervene. (Amended Petition, ¶ 15, 87). Hearing Officer Bangs, the person that Hilcorp claims should review Petitioners' challenge to the Conservation Law, would not even rule on Petitioners' Petition to Intervene, but instead referred it to the Department for a ruling. (Amended Petition, ¶ 16).

In addition to claiming that the notice time of fifteen days is insufficient, (Amended Petition, ¶ 62), Petitioners also challenge the Conservation Law's notice requirements as being

"devoid of any specific requirements regarding an explanation of the landowner's rights and what interests are at stake should the landowner not oppose the application." (Amended Petition, ¶ 88). Petitioners are still uncertain as to the procedure before Hearing Officer Bangs. As stated in Paragraph 94 of the Amended Petition: "**The regulations promulgated under the Conservation Law contain no provisions regarding pleadings, discovery, motion practice, or examination of witnesses.** Thus, a landowner does not even know whether cross-examination of the applicant's expert witnesses, a basic right in challenging an adversary's case, is permitted." (Amended Petition, ¶ 94).

Petitioners also complained of portions of Hilcorp's evidence being under seal and only privy to Hearing Officer Bangs and the Department. (Amended Petition, ¶ 89). Thus, not only is the Department privy to evidence that Petitioners are unable to review, the Department has not yet set forth a position on where it stands on Hilcorp's Application (Amended Petition, ¶ 92). Thus, Petitioners are uncertain as to whether the Department intends to engage in the hearing as an adversary to Hilcorp and challenge its evidence or observe as an impartial arbiter. Particularly instructive on this point, is the following statement from the ***Ohio*** Court:

> Under the doctrine of exhaustion before a litigant can be denied access to the courts there must be a forum available in which he or she can participate. Nebulous claims of informal procedures or implied administrative powers are unavailing since it is clear that without a concrete procedural remedy the litigant could in no way achieve a resolution of his claim except by the grace of the party against whom he is proceeding.

Ohio, 525 A.2d at 1198.

Furthermore, this is not a case where the Commonwealth Court need be concerned with intruding upon the Department's domain as the administrative agency with the expertise to resolve this matter. ***See Feingold***, 383 A.2d at 793. As stated above, this case was batted around between the Department and the EHB before the Department ultimately determined that the appropriate course would be to appoint a hearing officer to adjudicate the matter. Where "the

administrative process has nothing to contribute to the decision of the issue and there are no special reasons for postponing its immediate decision, exhaustion should not be required. Furthermore, exhaustion will not be required when the administrative process is not capable of providing the relief sought." ***Texas Keystone Inc. v. Pa. Dept. of Cons. and Natural Res.***, 851 A.2d 228, 234-35 (Pa. Commw. Ct. 2004) (citations omitted).

Hilcorp relies on the case of ***County of Berks ex rel Baldwin v. Pa. Labor Relations Bd.***, 678 A.2d 355 (Pa. 1996), for its argument that a party may not avoid exhausting its legal remedies merely by raising a constitutional challenge. (Hilcorp's Memorandum at 9). Petitioners respectfully disagree. As Hilcorp discusses in its Memorandum, the party challenging the administrative remedy in ***Berks*** actually had an adequate remedy before the PLRB. For the reasons articulated above, the same cannot be said in the present case. "As with all legal rules, the exhaustion of administrative remedies rule is neither inflexible nor absolute, and this Court has established exceptions to the rule. Thus, a court may exercise jurisdiction where the administrative remedy is inadequate." ***Feingold***, 383 A.2d at 793.

One final point to be made on the exhaustion of remedies doctrine is that like many doctrines, it is subject to the discretion of the court. In cases such as the one Petitioners present here, where their almost purely legal challenges present a focused attack on the validity and applicability of a law, courts have been more likely to exercise jurisdiction.

> Our opinions in the past have generally shown an awareness that the more direct the attack on the statute, the more likely it is that exercise of equitable jurisdiction will not damage the role of the administrative agency charged with enforcement of the act, nor require, for informed adjudication, the factual fabric which might develop at the agency level. The reason, we believe, is that the determination of the constitutionality of enabling legislation is not a function of the administrative agencies thus enabled. The more closely it appears that the question raised goes directly to the validity of the statute the less need exists for the agency involved to throw light on the issue through exercise of its specialized fact-finding function or application of its administrative expertise. Further, the less need there is for compliance with an agency's procedures as a prerequisite to informed

> constitutional decision making, then correspondingly greater is the embarrassment caused to litigants by requiring conformity with the statutorily-prescribed remedy.

Kowenhoven v. County of Allegheny, 901 A.2d 1003, 1010 (Pa. 2005).

C. <u>Petitioners have standing to bring this case as the harm they will suffer is substantial, direct and immediate.</u>

In their final argument, Hilcorp claims that Petitioners should not be permitted to avail themselves of the pre-enforcement exception set forth in ***Arsenal***, 407 A.2d 1333. In ***Rouse & Assoc.-Ship Rd. Lnd LP v. Pa. Envtl. Hearing Bd.***, 642 A.2d 642, 647 n.2 (Pa. Commw. Ct. 1994), this Court summarized the exception set forth in ***Arsenal*** as follows:

> In ***Arsenal Coal***, a large group of coal mine operators and producers sought to enjoin DER from implementing certain regulations promulgated by the EQB which governed the surface mining of anthracite coal. Our Supreme Court held that because the regulation resulted in uncertainty in the day-to-day operations of the anthracite coal industry, this direct and immediate effect was sufficient to establish the justiciability of challenging the regulations in advance of enforcement. ***Arsenal Coal*** also stated that requiring the coal industry to comply and await judicial determination of the validity of the regulation would result in a costly and inefficient process of litigation.

Id. Petitioners cited ***Arsenal*** in support of their assertion of standing in this matter. However, Petitioners have a greater claim to standing then the coal mine operators in ***Arsenal***, as the Department has already begun the process of implementing the Conservation Law in a manner that will directly affect Petitioners' interests.

In ***Rouse***, the requirement for standing was described as requiring a party to have a substantial, direct and immediate interest in the dispute.

> A **substantial interest** in the outcome of a dispute is an interest which surpasses the common interest of all citizens in seeking obedience to the law. A party has a **direct interest** in a dispute if he or she was harmed by the challenged action or order. The **interest is immediate** if there is a causal connection between the action or order complained of and the injury suffered by the party asserting standing.

Rouse, 642 A.2d at 644-45 (emphasis added) (citation and quotation marks omitted).

In the instant case, Petitioners have a substantial interest because their properties are within the alleged Pulaski Accumulation, which sets them apart from the common interest of all citizens. They have a direct interest because they will certainly be harmed by an order integrating their oil and gas rights. Finally, their interest is immediate, as there is a causal connection between Hilcorp's Application and Petitioners' alleged deprivation of rights.

III. CONCLUSION

For all the foregoing reasons, Petitioners respectfully request that this Court exercise jurisdiction over this matter and deny Hilcorp's Preliminary Objections.

Respectfully submitted,

By: 

Omar K. Abuhejleh
Pa. I.D. No. 84048

CERTIFICATE OF SERVICE

I, Omar K Abuhejleh, do hereby certify that a true and correct copy of the foregoing Answer to Preliminary Objections was served on this 18th day of July 2014, on the following:

Via Electronic Mail

Kevin L. Colosimo, Esquire
E-mail: kcolosimo@burlesonllp.com
Daniel P. Craig, Esquire
E-mail: dcraig@burlesonllp.com
Burleson, LLP
Southpointe Town Center
1900 Main St., Ste. 201
Canonsburg, PA 15317
Counsel for Hilcorp

Via Electronic Mail

Jonathan D. Koltash
Deputy Attorney General
Pennsylvania Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
E-mail jkoltash@attorneygeneral.gov
Counsel for the DEP, Attorney General, and the Commonwealth

Omar K. Abuhejleh, Esquire
Counsel for Petitioners
Pa.I.D. 84048

429 Forbes Ave., Ste. 450
Pittsburgh, PA 15219
ohejleh@gmail.com