

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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, MEHERNOSH)
KHAN, M.D.,)

Petitioners,

vs.

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 OF)
PENNSYLVANIA, 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)

Respondents.

Docket No. 284 MD 2012

TYPE OF PLEADING:

**APPLICATION FOR SPECIAL AND
SUMMARY RELIEF PURSUANT TO
Pa.R.A.P. 1532 AND/OR PETITION
FOR EXPEDITED HEARING ON
MOTION FOR PRELIMINARY
INJUNCTION**

Filed on behalf of:

Petitioners

Counsel for Petitioners:

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ROBINSON TOWNSHIP, Washington
County, Pennsylvania, et al.

Petitioners,

vs.

COMMONWEALTH OF
PENNSYLVANIA, et al.

Respondents.

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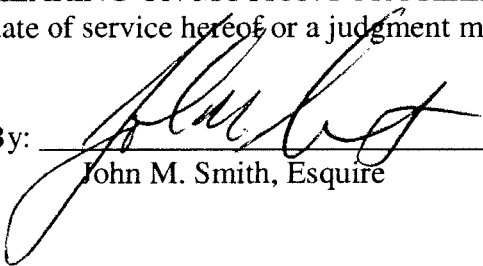
**APPLICATION FOR SPECIAL AND
SUMMARY RELIEF PURSUANT TO
Pa.R.A.P. 1532 AND/OR PETITION FOR
EXPEDITED HEARING ON MOTION
FOR PRELIMINARY INJUNCTION**

NOTICE TO PLEAD

TO: RESPONDENTS

You are hereby notified to plead to the enclosed APPLICATION FOR SPECIAL AND SUMMARY RELIEF PURSUANT TO Pa.R.A.P. 1532 AND/OR PETITION FOR EXPEDITED HEARING ON MOTION FOR PRELIMINARY INJUNCTION within fourteen (14) days from the date of service hereof or a judgment may be entered against you. Pa.R.A.P. 123(b).

By: _____



John M. Smith, Esquire

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ROBINSON TOWNSHIP, Washington)	
County, Pennsylvania, et al.)	Docket No. 284 MD 2012
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PENNSYLVANIA, et al.)	EXPEDITED HEARING ON MOTION
Respondents.)	FOR PRELIMINARY INJUNCTION
)	

APPLICATION FOR SPECIAL AND SUMMARY RELIEF PURSUANT TO Pa.R.A.P. 1532 AND/OR PETITION FOR EXPEDITED HEARING ON MOTION FOR PRELIMINARY INJUNCTION

AND NOW, Petitioners, Robinson Township, Washington County, Pennsylvania, Brian Coppola, Peters Township, Washington County, Pennsylvania, David M. Ball, Township of Nockamixon, Bucks County, Township of Cecil, Washington County, Mount Pleasant Township, Washington County, Borough of Yardley, Bucks County, Township of South Fayette, Allegheny County, Delaware Riverkeeper Network, and Maya Van Rossum, the Delaware Riverkeeper, and Mehernosh Khan, M.D., (hereinafter "Petitioners"), by and through their attorneys, file the within Application for Special and Summary Relief Pursuant to Pa.R.A.P. 1532 and/or Petition for Expedited Hearing on Motion for Preliminary Injunction against Respondents, Commonwealth of Pennsylvania, Pennsylvania Public Utility Commission, Robert F. Powelson, Office of the Attorney General of the Commonwealth of Pennsylvania, Linda L. Kelly, Pennsylvania Department of Environmental Protection and Michael L. Krancer, (hereinafter "Respondents"), and in support thereof set forth as follows:

1. Petitioners commenced the above-captioned action via a Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief (hereinafter the "Petition for

Review”) pursuant to this Court’s original jurisdiction set forth in 42 Pa.C.S.A. § 761(a)(1) on Thursday, March 29, 2012 requesting that this Honorable Court declare that provisions of Act 13 violate the United States Constitution and the Pennsylvania Constitution and enjoin the implementation of Act 13. This Petition for Review is incorporated herein in its entirety.

2. Petitioners have simultaneously filed a Motion for Preliminary Injunction (hereinafter the “Motion”) pursuant to 42 Pa.C.S. § 761 and Pennsylvania Rule of Appellate Procedure and Pennsylvania Rules of Civil Procedure § 311. This Motion is incorporated herein in its entirety.

**REQUEST FOR SPECIAL AND SUMMARY RELIEF IN THE NATURE OF AN
EXPEDITED HEARING FOR PRELIMINARY INJUNCTION**

3. The foregoing Paragraphs are incorporated herein as though set forth in their entirety.

4. This Application for Special and Summary Relief is filed pursuant to Pa.R.A.P. 1532 which allows the Court, upon application, to grant interim or special relief required in the interest of justice and consistent with the usages and principles of law and to enter judgment if the right of the applicant thereto is clear.

5. Pursuant to the Application for Special and Summary Relief, Petitioners request an expedited hearing for preliminary injunction to stay the application of Act 13 of 2012 signed into law by Pennsylvania Governor Thomas W. Corbett on February 14, 2012. Act 13 amends the Pennsylvania Oil and Gas Act (hereinafter, “Oil and Gas Act”), 58 P.S. § 601.101 et seq., to establish, in part, a one-size-fits-all zoning scheme for oil and gas development that applies to every zoning district in every political subdivision in Pennsylvania.

6. The mandatory effective date of Act 13 is April 14, 2012 (the “Effective Date”); *i.e.* 60 days from the approval date of February 14, 2012. Pursuant to Section 3309 of the Act, a local

government has 120 days from the Effective Date to review and amend its oil and gas ordinance to comply with the Act.

7. As a result, Petitioners request a hearing during the week of April 9, 2012 so that this issue may be resolved prior to Act 13's effective date and so that Petitioners may avoid the irreparable harm associated with the enforcement of the Act.

8. As set forth in detail in both the Petition for Review and the Motion which have been incorporated by reference herein, Act 13 imposes new, mandatory duties upon the Petitioners that are radically different than and a complete departure from existing obligations imposed on the Petitioners by the Municipalities Planning Code. If Act 13 is not restrained, it will be impossible for local governments to review and amend their zoning ordinances by April 14, 2012, given pressure from the industry, considering the time constraints and requisites imposed by the Municipalities Planning Code.

WHEREFORE, Petitioners request this Honorable Court set a hearing on an expedited basis during the week of April 9, 2012 relative to Count XIII of the Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief requesting the Court grant a preliminary injunction enjoining application and enforcement of Act 13.

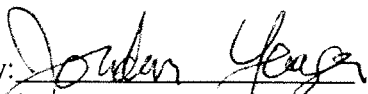
By: 

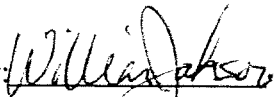
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Respectfully submitted,

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I, John M. Smith, do hereby certify that a true and correct copy of the foregoing Application for Special and Summary Relief Pursuant to Pa.R.A.P. 1532 and/or Petition for Expedited Hearing on Motion for Preliminary Injunction was served via United States First-Class Mail on this 2nd day of April 2012, to the following:

Commonwealth of Pennsylvania
c/o Linda L. Kelly, Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Pennsylvania Public Utility Commission
c/o Robert F. Powelson, Chairman
400 North Street, Keystone Building
Harrisburg, PA 17120

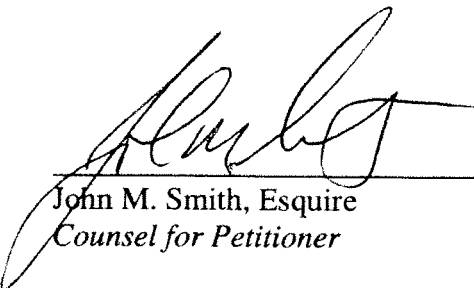
Robert F. Powelson
Pennsylvania Public Utility Commission
Chairman
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Harrisburg, PA 17120

Office of the Attorney General of Pennsylvania
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Environmental Protection
c/o Michael L. Krancer, Secretary
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Harrisburg, PA 17120

Michael L. Krancer
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