



For Immediate Release

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PA Supreme Court Issues Ruling Regarding One Element of Act 13 Litigation

The Pennsylvania Supreme Court issued a ruling today on one of the outstanding issues in the litigation over Act 13. Act 13 deprived municipalities of their ability to zone oil and gas operations as all other land uses are zoned. In July 2012, the Commonwealth Court declared this part of Act 13 unconstitutional. The case is currently on appeal before the Pennsylvania Supreme Court.

After the Commonwealth Court issued an injunction blocking implementation of Act 13's zoning provisions, the Pennsylvania Public Utility Commission nonetheless sought to implement the Act by reviewing municipal zoning ordinances. In October 2012, the Commonwealth Court ordered the Pennsylvania Public Utilities Commission ("PUC") to "cease and desist" from implementing certain parts of Act 13, specifically the provisions under which the PUC would have a role in reviewing and approving municipal zoning ordinances. The PUC appealed that order, and the Delaware Riverkeeper Network and other plaintiffs opposed the PUC's appeal.

This morning, the Supreme Court "quashed" the PUC's appeal of the October order. The result is that the Court will not be reviewing the Commonwealth Court's October order directing the PUC to halt implementation of the Act. No opinion accompanies the order.

Jordan Yeager, counsel to the Delaware Riverkeeper Network, Nockamixon Township and Yardley Borough, stated, "As a result of today's ruling the PUC cannot review local zoning ordinances under Act 13 while the Supreme Court determines whether to uphold the Commonwealth Court's decision finding Act 13 unconstitutional. This ensures certainty for local municipalities until the Court renders a final decision."

Maya van Rossum, the Delaware Riverkeeper, added, "That the Corbett Administration continues to invest money, time and resources in implementing elements of Act 13 declared unconstitutional and therefore defunct by the Court stresses the Governor's focus – it is not about jobs, or budgets, or making or saving the State money, it is about getting drilling in every corner of the Commonwealth no matter what!"

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