



ATTORNEYS AT LAW

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Janet L. Miller

Steven K. Haas
William E. Lehman
Judith D. Cassel
J. Aaron Winn

Of Counsel
Julia A. Conover
Christopher J. Knight

September 8, 2011

Via Federal Express

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room, 2 North
Harrisburg, PA 17120

RECEIVED

SEP - 8 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Application of Laser Northeast Gathering Company, LLC for Approval to Begin to Offer, Render, Furnish, or Supply Natural Gas Gathering and Transporting or Conveying Service by Pipeline to the Public in Certain Townships of Susquehanna County, Pennsylvania; Docket No. A-2010-2153371; **PETITION TO WITHDRAW APPLICATION**

Dear Secretary Chiavetta:

Enclosed please find an original and three (3) copies of the Petition to Withdraw Application of Laser Northeast Gathering Company, LLC filed in the above-captioned matter.

Thank you for your attention to this matter. If you should have any questions, please feel free to call me.

Respectfully submitted,

Thomas J. Sniscak
William E. Lehman

TJS/WEL/das
Enclosures

cc: Administrative Law Judge Susan D. Colwell (w/enclosure)
Bohdan R. Pankiw, Chief Counsel, Law Bureau (w/enclosure)
Cheryl Walker Davis, Director, Office of Special Assistants (w/enclosure)
Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Laser Northeast Gathering :
Company, LLC for Approval to Begin to :
Offer, Render, Furnish, or Supply Natural :
Gas Gathering and Transporting or :
Conveying Service by Pipeline to the :
Public in Certain Townships of :
Susquehanna County, Pennsylvania :

Docket No. A-2010-2153371

RECEIVED

SEP - 8 2011

PETITION TO WITHDRAW APPLICATION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

NOW COMES, Laser Northeast Gathering Company, LLC, ("Laser") by its attorneys, Hawke McKeon & Sniscak LLP, and pursuant to 52 Pa. Code §5.94 requests leave to withdraw the above-captioned Application for the following reasons:

1. The Application was filed on January 19, 2010 and on June 14, 2011 the Commission entered an Opinion and Order which, among other things, provided for a remand proceeding. Subsequently, on June 29, 2011, MarkWest Liberty Midstream and Resources, LLC ("MarkWest") filed a Petition for Reconsideration or Clarification of the June 14, 2011 Order, and a Petition for Reconsideration was filed by the Pennsylvania Independent Oil & Gas Association ("PIOGA"). On August 25, 2011, the Commission entered an Order that denied the Petitions for Reconsideration but granted MarkWest's Petition for Clarification.

2. The August 25, 2011 Clarification Order at page 19 emphasized Laser's intention, upon certification as a public utility, to "serve any and all potential customers needing to move gas through the pipeline system," to not use contracts to be "exclusionary" regarding customers, and to make a "commitment to expand its capacity, as needed, to meet customer demand."

Absent that, the Clarification Order concluded, “the proposed service would not qualify as ‘public utility’ service.” *Id.*

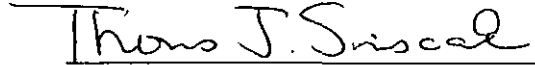
3. Laser’s proposed plan and intent has now changed and it: (1) is no longer willing to serve any and all potential customers; (2) will use contracts to select and serve a defined and limited group of customers;¹ and, (3) is no longer committed to expand its facilities to meet demand of the public as would a public utility. Thus, Laser will operate like MarkWest, Laurel Mountain Midstream LLC and Superior Appalachian Pipeline, LLC represent they operate and as the August 25, 2011 Clarification Order permits; that is, as a private pipeline as opposed to a public utility pipeline. (*See* August 25, 2011 Order at 19). Consequently, Laser no longer desires to pursue its application to become a public utility pipeline.

4. Laser commends the Commission majority and Commission staff for its thoughtful and well-reasoned June and August decisions and consistency, and thanks both for their time, consideration and hard work. Laser also thanks the Bureau of Investigation and Enforcement (formerly the Office of Trial Staff), and the parties to the Settlement for their efforts in this matter.

WHEREFORE, for the foregoing reasons, Laser requests that the Commission grant the withdrawal requested in this Petition.

¹ *See* the Commission’s Policy Statement at 52 Pa. Code §69.1401(c)(3) which suggests a lack of public utility status under such circumstance. Laser’s selected customers will be “privileged” – as that term is used in the Policy Statement and by the Courts – as compared to the general public who will not be “privileged to demand service.” *Id.*

Respectfully submitted,



Thomas J. Sniscak
William E. Lehman
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300
tjsniscak@hmslegal.com
welehman@hmslegal.com

Dated: September 8, 2011

Counsel for:
Laser Northeast Gathering Company, LLC

VERIFICATION

I, Thomas F. Karam, on behalf of Laser Northeast Gathering Company, LLC, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



DATED: 9.8.11

RECEIVED

SEP - 8 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below, and in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

By First Class Mail

Brian J. Knipe, Esquire
Buchanan Ingersoll & Rooney, PC
17 North Second Street, 15th Floor
Harrisburg, PA 17101
*MarkWest Liberty Midstream
& Resources, LLC*

Daniel P. Delaney, Esquire
George A. Bibikos, Esquire
K&L Gates LLP
17 N. Second St., 18th Floor
Harrisburg, PA 17101-1507
Laser Marcellus Gathering Co., LLC

James A. Mullins, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1921

Johnnie E. Simms, Esquire
Adeolu Bakare, Esquire
Pennsylvania Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265

Brian J. Clark, Esquire
Michael T. Killion, Esquire
Buchanan Ingersoll & Rooney, PC
One S. Market Sq., 213 Market Street
Harrisburg, PA 17101
Laurel Mountain Midstream, LLC

Michael D. Fiorentino, Esquire
42 East Second Street
Media, PA 19063
Silver Lake Association

Kevin J. Moody, Esquire
Vice President & General Counsel
Pennsylvania Independent
Oil & Gas Association
212 Locust Street, Suite 600
Harrisburg, PA 17101-1248
Independent Oil & Gas Association of PA

Audrey J. Daly, Esquire
Elizabeth U. Witmer, Esquire
Saul Ewing LLP
1200 Liberty Drive, Suite 200
Wayne, PA 19087
Superior Appalachian Pipeline, LLC

John H. Isom, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
*DTE Pipeline Company and
BlueStone Pipeline Co. of PA, LLC*

Todd S. Stewart, Esquire
Hawke, McKeon & Sniscak LLP
P. O. Box 1778
Harrisburg, PA 17105
ETC Northeast Pipeline, LLC

RECEIVED

SEP - 8 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

William C. Fischer
Forensic Consulting
20159 State Route 167
P.O. Box 3265
Brackney, PA 18812

Deborah Goldberg, Esquire
Megan Klein, Esquire
156 William Street, Suite 800
New York, NY 10038
Earthjustice

Scott J. Rubin, Esquire
333 Oak Lane
Bloomsburg, PA 17815-2036

On Behalf of:

Vera Scroggins
7481 Laurel Lake Road
Brackney, PA 18812



Thomas J. Sniscak

Dated this 8th day of September, 2011

From: (717) 236-1300
THOMAS J. SNISCAK
HAWKE MCKEON & SNISCAK LLP
100 N. TENTH STREET

Origin ID: MDTA



J11201104290225

Ship Date: 08SEP11
ActWgt: 1.0 LB
CAD: 5875296/NET3180

Delivery Address Bar Code



Ref # 1102-002 TJS/das
Invoice #
PO #
Dept #

SHIP TO: (717) 787-8009

BILL SENDER

Rosemary Chiavetta
PA PUBLIC UTILITY COMMISSION
400 N ST FL 2 FILING OFC
COMMONWEALTH KEYSTONE BLDG
HARRISBURG, PA 17120

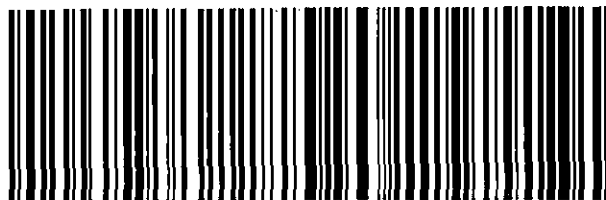
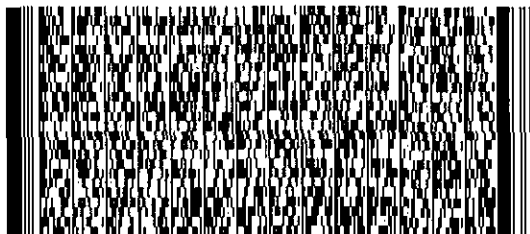
FRI - 09 SEP A1
FIRST OVERNIGHT

TRK# 7951 6212 2957

0201

17120
PA-US
MDT

E9 MDTA



50FG2/4299F5F4

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.