



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

April 22, 2014

Rosemary Chiavetta  
Pa. Public Utility Commission  
2<sup>nd</sup> Floor, 400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and  
Enforcement v. Snyder Brothers, Inc.; Docket No. C-2014-2402746

Dear Secretary Chiavetta:

Pursuant to the provisions of 52 Pa. Code § 5.62, please accept for filing the Bureau of Investigation and Enforcement's Answer to Snyder Brothers' Petition for Leave to Escrow Amounts Claimed to Be Owed Pursuant to Act 13 in the above referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

If you have any questions on this matter, please call me at 717-214-9594.

Sincerely,

Heidi L. Wushinske  
Prosecuting Attorney  
Attorney ID No. 93792

Enclosures

cc: As per Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement,</b>	:	
	:	
<b>Complainant</b>	:	<b>Docket No. C-2014-2402746</b>
	:	
v.	:	
	:	
<b>Snyder Brothers, Inc., Respondent</b>	:	

**ANSWER TO THE PETITION FOR LEAVE TO ESCROW AMOUNTS  
CLAIMED TO BE OWED PURSUANT TO ACT 13 OF  
SNYDER BROTHERS, INC.**

AND NOW comes the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Bureau of Investigation and Enforcement ("I&E") and files this Answer to the Petition for Leave to Escrow Amounts Claimed to be Owed Pursuant to Act 13 of Snyder Brothers, Inc. ("Snyder Brothers" or "Respondent"), pursuant to 52 Pa. Code § 5.61. In support thereof, I&E avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Admitted in part and denied in part. It is admitted that the *Clarification Order*, directs producers to identify any disputes in their annual reports. However, this information appears on page 11 of the *Clarification Order*. *Clarification Order Regarding Chapter 13*; Docket No. M-2012-228856, Order entered December 20, 2012.

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7. Admitted in part and denied in part. It is admitted that the Commission contends that the amounts stated are in dispute. However, as the Exhibits referenced as "A" and "B" were not attached to the Petition received by I&E, I&E lacks sufficient knowledge to respond regarding the contents of these Exhibits.

8. Admitted.

9. Denied. It is denied that the \$276,000.00 in disputed impact fees includes wells that are exempt from the fee. It is also denied that any "first" year impact fees were improperly assigned.

10. Denied. It is denied that Snyder Brothers owes less than \$1,650.00 in administrative fees. I&E lacks sufficient knowledge to respond regarding the wells identified in Exhibit B as this Exhibit was not attached to the Petition received by I&E.

11. Admitted. It is admitted that there is no escrow provision in Act 13 or any regulation issued pursuant to it as this is apparently the legislature's intent.

12. Admitted.

13. Admitted.

14. Admitted in part and denied in part. It is admitted that producers who do not timely pay the entire amount due under Act 13 face enforcement actions, which include interest and penalties. It is also admitted that Act 13 does not provide for a refund mechanism. However, on several occasions, overpayments have been able to be refunded to producers when money had not yet been distributed to the municipalities.

15. Paragraph 15 states a legal conclusion to which no response is necessary.

16. Paragraph 16 states a legal conclusion to which no response is necessary.

17. Paragraph 17 states a legal conclusion to which no response is necessary.

18. Paragraph 18 states a legal conclusion to which no response is necessary.

19. Paragraph 19 states a request to the Administrative Law Judge to which no response is necessary. To the extent that a response is required, I&E notes that Act 13 does not provide for any type of escrow mechanism.

20. I&E lacks sufficient knowledge to confirm or deny the statements made in Paragraph 20. However, I&E believes that such a fund would likely operate in the way Snyder Brothers describes.

**WHEREFORE**, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission deny the Petition for Leave to Escrow Amounts Claimed to be Owed Pursuant to Act 13 of Snyder Brothers, Inc.

Respectfully submitted,



Heidi L. Wushinske  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission

P.O. Box 3265  
Harrisburg, PA 17105-3265

Date: April 22, 2014

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## CERTIFICATE OF SERVICE

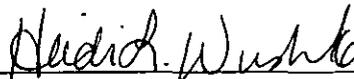
I hereby certify that I am this day serving the foregoing Answer to Petition for Leave to Escrow Amounts Claimed to Be Owed Pursuant to Act 13 in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a participant).

### Notification by first class mail addressed as follows:

Thomas C. Reed, Esquire  
Dinsmore & Shohl, LLP  
301 Grant Street, Suite 2800  
Pittsburgh, PA 15219

The Honorable David A. Salapa  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Kevin J. Moody, Esquire  
General Counsel  
Pennsylvania Independent Oil & Gas Association  
212 Locust Street, Suite 300  
Harrisburg, PA 17101-1510



Heidi L. Wushinske  
Prosecutor  
Attorney ID #93972  
(Counsel for Pennsylvania Public Utility  
Commission)

P.O. Box 3265  
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(717) 787-5000

Dated: April 22, 2014

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