

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	C-2014-2402746
	:	
Snyder Brothers, Inc.,	:	
Respondent	:	
	:	
Pennsylvania Independent Oil & Gas Association,	:	
Intervenor	:	

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**INITIAL PREHEARING CONFERENCE MEMORANDUM  
OF THE  
PENNSYLVANIA INDEPENDENT OIL & GAS ASSOCIATION**

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**To The Honorable David A. Salapa, Administrative Law Judge:**

In accordance with the provisions of 66 Pa.C.S. § 333 and 52 Pa.Code §§ 5.221-5.224 and pursuant to Your Honor's Third Prehearing Conference Order dated October 14, 2014, the Pennsylvania Independent Oil & Gas Association (PIOGA) submits this prehearing conference memorandum.

**I. SERVICE LIST**

PIOGA's entry on the service list is:

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Pennsylvania Independent Oil & Gas Association  
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## **II. STATEMENT CONCERNING SETTLEMENT**

As this matter turns on a threshold legal issue involving statutory interpretation that has been initially determined by Your Honor adversely to PIOGA's position, PIOGA believes that no settlement is possible. PIOGA expresses no opinion on whether settlement of issues related the payment of interest, late payment penalties or civil penalties is possible, as that is between Snyder Brothers, Inc. (SBI) and Bureau of Investigation and Enforcement's (I&E).

## **III. FACTS IN DISPUTE**

With respect to PIOGA's interests in the threshold legal issue in this matter – whether SBI's gas wells qualify as “stripper wells” as defined in Act 13 – PIOGA believes there are no material facts in dispute and that all facts material to the threshold legal issue have been admitted by the pleadings or, to the extent denied by I&E per the pleadings, have been admitted by I&E responses to Snyder Brothers, Inc.'s (SBI) interrogatories and document requests or stipulated. PIOGA notes that, in the order denying SBI's summary judgment motion, Your Honor agreed (p. 16) that there were no material facts in dispute concerning the threshold legal issue. However, PIOGA understands that there are facts in dispute from the perspectives of SBI and I&E, particularly with respect to the payment of interest, late payment penalties or civil penalties, and PIOGA reserves the right to address any such factual disputes.

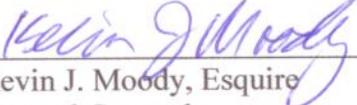
## **IV. JOINT STIPULATION OF FACTS**

The parties have already entered into a joint stipulation of facts. PIOGA remains amenable to stipulating to additional facts.

## VII. HEARINGS

As there are no disputed material facts concerning the threshold legal issue, which is PIOGA's primary interest, and PIOGA has no facts to present concerning any other disputed factual issues between SBI and I&E – including the payment of interest, late payment penalties or civil penalties – PIOGA does not have proposals or information to provide responsive to ¶ 3(e) of Your Honor's Third Prehearing Conference Order. PIOGA does not intend to present any witnesses. However, as stated above, PIOGA reserves the right to participate fully in any hearings scheduled in this matter to address any factual disputes. PIOGA also reserves the right to address all legal issues that arise.

Respectfully submitted,

  
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Kevin J. Moody, Esquire  
General Counsel  
Pennsylvania Independent Oil & Gas Association

Dated: October 24, 2014

## CERTIFICATE OF SERVICE

I hereby certify that this day, October 24, 2014, I served a copies of the foregoing Initial Prehearing Conference Memorandum of the Pennsylvania Independent Oil & Gas Association on the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

### **VIA E-MAIL & FIRST CLASS MAIL**

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### **VIA E-MAIL**

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