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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE**  Docket No.  M-2013-2379492 |

**December 22, 2016**

JONATHAN P FOSTER, ESQUIRE

FOSTER LAW OFFICE

2268 ELMIRA STREET

PO BOX 400

SAYRE PA 18840

Re: Act 13 Zoning Ordinance Review Requests

Dear Mr. Foster:

Pursuant to Act 13 of 2012, P.L. 87 (Act 13), the Pennsylvania Public Utility Commission (Commission) was authorized to review proposed and enacted local government ordinances to determine whether those ordinances were in compliance with the Municipalities Planning Code, 53 P.S. §10101 *et seq*., as well as with the uniformity of zoning and other requirements established by Act 13. 58 Pa.C.S. § 3305.

Recently, the Pennsylvania Supreme Court (Court) in *Robinson Township, et al. v. Commonwealth of Pennsylvania, et al.,* 147 A.3d 536 (Pa. 2016) (*Robinson IV*), found several provisions of Act 13 unconstitutional, including the Commission’s authority to review enacted and proposed local government ordinances. *Robinson IV* is the culmination of several years of litigation over the legality of Chapter 32 (development of oil and gas resources) and Chapter 33 (local ordinances relating to oil and gas resources) of Act 13.

An ordinance review request was filed with the Commission at the above docket number. In light of the Court’s decision in *Robinson IV* which has now divested the Commission of statutory authority to undertake such reviews, that request will be dismissed and the matter will be closed.

Please direct any questions to Colin W. Scott, Assistant Counsel, Law Bureau, at (717) 787‑5000.

 Sincerely,

# Rosemary Chiavetta

Secretary