**Before the**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason Paul :

:

v. : C-2019-3007458

:

CNX Gas Company LLC :

**INTERIM ORDER**

**REQUIRING COMPLAINANT TO SUBMIT A STATUS UPDATE AND**

**HOLDING RESPONDENT’S PRELIMINARY OBJECTIONS TO THE AMENDED COMPLAINT AND COMPLAINANT’S MOTION FOR RELIEF IN ABEYANCE**

The parties are directed to read this Interim Order in its entirety, as it contains important information regarding this case.

Jason Paul (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against CNX Gas Company LLC (Respondent) on January 14, 2019.

On February 13, 2019, Respondent filed Preliminary Objections and a Brief in Support of Preliminary Objections (Brief).

On February 21, 2019, Complainant filed a five-page document. One page appears to be a letter addressed to “Mr. Hall,” the second page is a titled, “Response to Defendant Objections,” the third page is a one-page exhibit marked “A,” and the fourth and fifth pages are a two-page exhibit marked “B.”

A Motion Judge Assignment Notice was issued on March 12, 2019 and assigned this proceeding to me.

On March 13, 2019, I issued an Interim Order, interpreting Complainant’s February 21, 2019 filing as a motion to amend the Complaint and dismissing Respondent’s Preliminary Objections as moot. I ordered, *inter alia*, Complainant to file with the Secretary’s Bureau and serve upon Respondent and myself an amended Complaint on or before

April 3, 2019, and Respondent to file any responsive pleading, objections, or other petitions or motions within twenty days of receipt of the amended Complaint.

On April 4, 2019, Complainant filed a one-page Amended Complaint with the Secretary’s Bureau, averring, *inter alia*, Respondent has been operating gas activities on or around his property and violated various sections of the Pennsylvania Public Utility Code (the Code), including 52 Pa.Code §§ 59.33, 59.38, 59.47, 59.64, and 59.74.

On April 24, 2019, Respondent filed Preliminary Objections to the Amended Complaint. Respondent also averred it made multiple attempts to contact Complainant to discuss the Complaint, without success.

On May 1, 2019, Complainant filed a response to the Preliminary Objections to the Amended Complaint.

On May 22, 2019, I issued an Interim Order, holding Respondent’s Preliminary Objections to the Amended Complaint in abeyance and scheduling a telephone prehearing conference for June 27, 2019 at 10:00 a.m. The Commission issued a Prehearing Conference Notice on May 10, 2019.

On May 30, 2019, Complainant filed a “Motion for Relief.”

On June 27, 2019, I convened a prehearing conference. Mr. Paul was present on his own behalf, and Mr. J.R. Hall, Esq., was present on behalf of Respondent. The Parties engaged in off-the-record settlement discussions via the settlement judge process. The Parties agreed to continue their settlement efforts and file a status report in 60 days.

On August 30, 2019, I received a status report from Respondent, advising, *inter alia*, the parties had telephone discussions following the June 27, 2019 conference and that Respondent determined it does not own or operate a well that is the subject of Complainant’s Complaint.

At this point, it is unclear how or if Complainant wishes to proceed with the instant litigation. **Complainant is directed to submit correspondence to me by September 20, 2019, advising whether he wishes to continue with his Complaint or whether he wishes to withdraw his Complaint.** Complainant must submit a copy of his correspondence to Respondent’s counsel.

**If I receive a certificate of satisfaction or a certified statement from Respondent’s counsel by September 20, 2019, Complainant will not be required to submit separate correspondence.**

If I do not receive correspondence from Complainant or a certificate of satisfaction/certified statement from Respondent’s counsel by September 20, 2019, I will schedule a prehearing conference to ascertain how to proceed with this matter.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections to the Amended Complaint filed by CNX Gas Company LLC in Docket No. C-2019-3007458, continue to be held in abeyance.
2. That the Motion for Relief filed by Jason Paul on May 30, 2019, in Docket No. C-2019-3007458, continue to be held in abeyance.
3. That Jason Paul shall submit correspondence to me no later than September 20, 2019, advising whether he wants to continue these proceedings or whether he would like to withdraw his Complaint.

Date: September 9, 2019 /s/

Emily I. DeVoe

Administrative Law Judge

**C-2019-3007458 - JASON PAUL v. CNX GAS COMPANY LLC**JASON PAUL132 CESSNA HILL ROADBOSWELL PA 15531**814.288.8578**  
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