**Before the**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason Paul :

:

v. : C-2019-3007458

:

CNX Gas Company LLC :

**INTERIM ORDER**

**SCHEDULING SECOND STATUS CONFERENCE 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.

**The parties shall attend and fully participate in a status conference on October 23, 2019, at 10:00 a.m.** I will preside from an available Pittsburgh Hearing Room, Suite 220, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA 15222, and the parties will participate by telephone. The parties will participate by calling the bridge number and PIN number included in Ordering Paragraph 4 below.

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.

On September 9, 2019, I issued an Interim Order, explaining that it was unclear how or if Complainant wanted to proceed with the instant litigation and directing Complainant to submit correspondence to me by September 20, 2019, advising whether he wishes to continue his Complaint or whether he wishes to withdraw his Complaint. I advised the parties that if I received a certificate of satisfaction or a certified statement from Respondent’s counsel by September 20, 2019, Complainant would not be required to submit separate correspondence. I advised that if I did not receive correspondence from Complainant or a certificate of satisfaction/certified statement from Respondent’s counsel by September 20, 2019, I would schedule a status conference to ascertain how to proceed with this matter.

I did not receive any correspondence from Complainant and Respondent has not filed a certificate of satisfaction/certified statement. Therefore, it is appropriate to schedule a second status conference.

Only I have the authority to cancel the status conference. The parties **must** appear for and participate in the status conference, unless I issue a written order cancelling the conference. Requests to reschedule the conference must be made in writing, and must be received in my office no later than five calendar days prior to the conference. **I may cancel the status conference upon receipt of a certificate of satisfaction/certified statement filed by Respondent or a petition to withdraw filed by Complainant.**

**Complainant’s failure to attend and fully participate in the status conference will result in the Complaint being dismissed.**

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 the parties shall attend and participate in a telephone prehearing conference on **October 23, 2019, at 10:00 a.m.** and shall be fully prepared for the conference, consistent with the terms set forth above.
4. That to participate in the conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the conference. If you have any other individuals you want to have present during the conference, you must provide them with the telephone number and PIN number.

Toll-free Bridge Number: [877-653-9972]

PIN Number: [29149724]

**You must call into the conference on the scheduled day and time. If you fail to do so, your case will be dismissed. You will not be called by the Administrative Law Judge.**

Date: September 24, 2019 /s/

Emily I. DeVoe

Administrative Law Judge

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