



January 20, 2022

VIA ELECTRONIC FILING

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

RE: Gary Bodkin v. Seneca Resources Company, LLC
Docket No. C-2021-3029830

Dear Secretary Chiavetta:

Enclosed please find Seneca Resources Corporation's *Preliminary Objections* regarding the *Formal Complaint* filed in the above-referenced matter.

Very truly yours,

A handwritten signature in blue ink that reads "Christopher M. Trejchel". The signature is written in a cursive style.

Christopher M. Trejchel
Deputy General Counsel

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

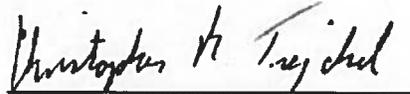
GARY BODKIN,	:	
	:	NOTICE TO PLEAD
Complainant	:	
	:	
v.	:	
	:	
SENECA RESOURCES COMPANY, LLC	:	DOCKET NO. C-2021-3029830
	:	
Respondent	:	

NOTICE TO COMPLAINANT TO ANSWER OR RESPOND

TO: GARY BODKIN

TAKE NOTICE:

1. Pursuant to 52 Pa. Code § 5.101(f), you have ten (10) days from the date of service to respond to these *Preliminary Objections*.
2. Your answer must be in writing and in numbered paragraphs to correspond with the *Preliminary Objections*, and address the legal and factual grounds relied on.
3. Failure to respond to these *Preliminary Objections* may constitute an admission on your part of any factual assertions made herein.
4. Your answer should be filed with the **Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120.**



Christopher M. Trejchel
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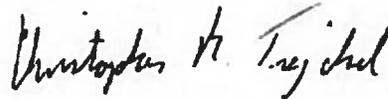
- d) Respondent does not own or operate any facilities or equipment at coordinates 41.70040-78.49926.
- e) Respondent is an exploration and production company. Respondent is not a pipeline company, and it is not a public utility that provides public utility service and, therefore, it is not subject to the regulatory authority of the Commission.
- f) While Respondent does own and operate some natural gas pipeline facilities in the Commonwealth that fall under the Commission's limited authority pursuant to Act 127, such pipeline facilities are not located at coordinates 41.70040-78.49926.
- g) Even if the Respondent owned/operated a well or well pad located at coordinates 41.70040-78.49926; the Commission does not have jurisdiction over Respondent's oil and natural gas exploration and production operations.
- h) The Commission is a creature of legislation that can only exercise those powers that have been specifically conferred upon it by statute. See, Feingold v. Bell of Pennsylvania, 383 A.2d 791, 795 (Pa. 1977). The Pennsylvania General Assembly has not granted the Commission authority over oil and gas exploration and production operations.
- i) Respondent also questions whether the Commission has authority to grant any of the relief requested by Complainant. He seeks some form of equitable relief regarding gas flow/rate/pressure, however, the facilities alleged to be the source of his concern and the entity(ies) operating the same may not even be subject to the Commission's authority. He also vaguely asserts a violation of his Constitutional rights, which is a claim better suited for the Courts. He also, claims to have suffered "compensable loss" but also states he is "not looking for reparations". To the extent he is seeking

any sort of monetary damages, the Commission lacks jurisdiction over the same.
Feingold, at 795.

- j) Accordingly, for the reasons set forth above, the *Formal Complaint* should be dismissed with prejudice for lack of Commission jurisdiction.

WHEREFORE, Seneca Resources Company, LLC respectfully requests that the Commission grant these *Preliminary Objections* and dismiss the *Formal Complaint* with prejudice.

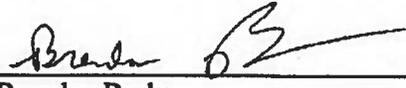
Respectfully submitted,



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VERIFICATION

Brendan Burke, *Sr. Manager, Production*, for Seneca Resources Company, LLC, being authorized to do so, verifies that the facts set forth in the foregoing *Preliminary Objections* are true and correct to the best of his knowledge, information and belief. The undersigned further states that he understands false statements therein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


Brendan Burke

1/20/22
Date

