

January 27, 2022

VIA Electronic Filing

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Building, Second Floor
400 North Street
Harrisburg, Pa 17120

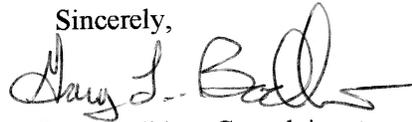
RE: Gary Bodkin v. Seneca Resources Company, LLC

Docket No. C-2021-3029830

Dear Secretary Chiavetta,

Enclosed please find Gary Bodkin's (Complainant) response to the Preliminary Objections raised by the Respondent, Seneca Resources, LLC. In the above referenced matter;

Sincerely,

A handwritten signature in black ink, appearing to read "Gary J. Bodkin", with a long horizontal flourish extending to the right.

Gary Bodkin – Complainant

3021 Sheffield Dr

State College, Pa 16801

570-415-5634

Bodkinsg86@gmail.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--------------------------------------|---|----------------------------------|
| GARY BODKIN, | : | Response to |
| | : | PRELIMINARY OBJECTIONS |
| Complainant | : | |
| | : | |
| v. | : | |
| | : | |
| SENECA RESOURCES COMPANY, LLC | : | DOCKET NO. C-2021-3029830 |
| | : | |
| Respondent | : | |

AND NOW COMES, Gary L. Bodkin, (Complainant), personally, files this response to the Preliminary Objections raised by Seneca Resources, LLC, by and through their legal representative, Christopher M. Trejchel, pursuant to 52 PA. Code ss 5.101, responds as follows:

- 1) Until ownership of the equipment or operation at the location in question can be determined, jurisdiction cannot be determined.

- a) After fifteen (15) months of hearing the equipment running, hum and vibration within the buildings at his property, and locating said equipment on 10/24/21 after a 70 mile search, the Complainant filed a formal complaint on 11/8/2021 with the Public Utility Commission.

- b) The specific property in question has a mailing address of 735 Lindholm Rd, Kane, Pa 16735, and is located specifically at coordinates: 41.73904, -78.60843 a property that has been in the Complainants family since 1973.

- c) It does not require a scientific study, testing or data to trace a sound, audible to the human ear, from its point of emanation to its point of origin. After listening to the sound for 15 months, twenty- four hours a day, the sound self identified its point of origin at ground level, to the unaided ear at coordinates: 41.70040, -78.49926, at property owned by Seneca Resources, with a listed ownership address of 51 Zents Blvd, Brookville, Pa 15825.

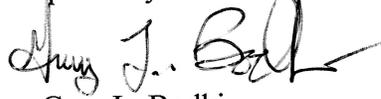
c)(Cont). The vibration emanating from the equipment at the above noted location can be sensed in the towns of Mt. Jewett, Hazel Hurst, and Clermont covering an area of more than 140 square miles. It has forced the complainant off the property at 735 Lindholm rd. fourteen times due to its severity since 10/1/2020. The vibration purportedly %3is being caused by Kinetic Pollution from the Compression of Natural Gas. It causes joint pain, ringing in the ears, throbbing in the wrists, fingers, shoulders and collar bones as it attempts to leave the ground through the body. When feet are in contact with a hard surface, it causes spasms in the leg muscles. The vibration is audible at a frequency of approximately 140Hz. It is a cyclical operation that has a zenith of severity, every quarter hour at 3 minutes past the quarter hour. The hum is audible as you walk the woods, and the vibration has forced the majority of ground and tree dwelling mammals off of the Complainants property. Changes in turkey, bear, deer, and raptor behavior was noted as well. The area has become a wildlife dead zone.

- d) Respondent avers that Seneca Resources does own or operate any equipment at the coordinates 41.70040, -78.49926, but in absence of evidence that someone else operates equipment at that location, it must be assumed that Seneca Resources is the owner. Complainant contacted the following after preliminary objections were raised by the Respondent: (FBI, DEP, Pa Game Commission, Federal Energy Regulatory Commission and the DCNR) who either could not or would not identify the operator of the equipment at the location in question.
- e) Until the ownership of the equipment at the location in question is identified for the PUC to determine jurisdiction here, aversions to the contrary should remain pending
- f) That Respondent avers operations owned by Seneca Resources exist at other locations is moot.

- g) The Complainant contends that, until ownership of the equipment and how it is used at the location in question (41.70040, -78.49926) is determined, no claim as to the limits of jurisdiction can be validated.
- h) The Commission is a State entity entrusted with the safety of the Public and the Utilities that serve them. In absence of a clear directive to the contrary, again, it is up to the Commission to make the determination as to it's the Jurisdiction in this case.
- i) The Complainant has been forced off of the property at 735 Lindholm Rd, Kane, Pa 16735 fourteen times since 8/1/2020 due to the severity of the vibration and its effects. The complainant contends that the operation, although in place for many years, changed its operations, or installed new equipment on or about 8/1/2020 that has created the issue at hand. The complainant expects no remedies, and concurs with the respondent that Feingold v. Bell Of Pa. set precedent for that. Complainant is merely stating that they have suffered a loss due to the operation at 41.70040, -78.49926, expenses incurred due to the acts of others. When a citizen is not permitted to enjoy their own property, forced from it, and cannot pursue their life as intended due to the actions of another entity, the Constitutional Rights as a resident of both Pennsylvania and United States have been violated, as has occurred in this instance.
- j) As no clear jurisdiction has yet to be determined, the Formal Complaint should remain pending until a decision is rendered by the PUC.

Wherefore, Gary L. Bodkin, Complainant respectfully requests that the Commission seek identification of the equipment operator/Lessee at coordinates 41.70040, -78.49926 and once that entity is identified, make a judgement based on that fact, and stay an action until all information is available and maintain the Formal Complaint as active until a jurisdictional judgement can be determined.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary L. Bodkin", with a long horizontal flourish extending to the right.

Gary L. Bodkin

735 Lindholm Rd.

Kane, Pa 16735

570-415-5634

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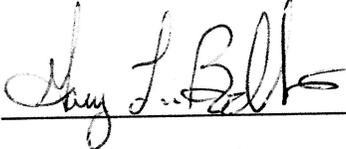
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|--------------------------------------|---|----------------------------------|
| GARY BODKIN, | : | |
| | : | CERTIFICATE OF SERVICE |
| Complainant | : | |
| | : | |
| v. | : | |
| | : | |
| SENECA RESOURCES COMPANY, LLC | : | DOCKET NO. C-2021-3029830 |
| | : | |
| Respondent | : | |

I hereby certify that I have this day served a true copy of the foregoing document upon the participant, listed below, in accordance with the requirements of ss1.54 (relating to service by a participant).

Seneca Resources Company, LLC
Christopher M. Trejchel
Attorney for Seneca Resources Company, LLC
2000 Westinghouse Dr, Suite 400
Cranberry Township, Pa 16066
trejchelc@srcx.com

Date: January 28, 2022



Complainant
Gary L. Bodkin

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