



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 7, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Mifflin Energy Corp.
Docket No. M-2023-3019782
I&E Motion to Strike Untimely-Filed Comments

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's ("I&E") **Motion to Strike the Untimely-Filed Comments of the Pennsylvania Grade Crude Oil Coalition**, filed in the above-referenced proceeding. Copies have been served on parties in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "mswindler".

Michael L. Swindler
Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 43319
(717) 783-6369
mwindler@pa.gov

MLS/ac
Enclosures

cc: Per Certificate of Service
Office of Special Assistants (*via email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2023-3019782
	:	
Mifflin Energy Corp.	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion to Strike the Untimely-Filed Comments of the Pennsylvania Grade Crude Oil Coalition in the above-captioned matter. Pursuant to 52 Pa. Code § 5.103(c), you are hereby notified to file a written response within twenty (20) days of service of the Motion. Any Answer to the Motion must be filed with the Pennsylvania Public Utility Commission, with a copy served to the I&E prosecutor.



Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-6369
mwindler@pa.gov

Dated: November 7, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2023-3019782
	:	
Mifflin Energy Corp.	:	

MOTION TO STRIKE

Pursuant to 52 Pa. Code § 5.103, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, files this Motion to Strike the Untimely-Filed Comments of the Pennsylvania Grade Crude Oil Coalition (“PGCC”). In support thereof, I&E respectfully represents as follows:

I. PROCEDURAL HISTORY

1. On June 26, 2023, The Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”) and Mifflin Energy Corp. (“Mifflin Energy” or “Company”) (hereinafter referred to collectively as the “Parties” or “Joint Petitioners”) filed a Joint Petition for Approval of Settlement (“Joint Petition” or “Settlement Agreement”) to resolve all issues relative to Mifflin Energy regarding an explosion that occurred on April 9, 2020 at 134 Water Dam Road, Waynesburg, Greene County, Pennsylvania (“Incident”).

2. On September 21, 2023, the Commission issued an Opinion and Order putting the Settlement agreement out for comment. The Opinion and Order included Statements of Chairman DeFrank and of Vice Chair Barrow.

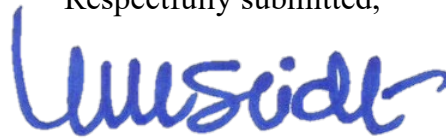
3. On October 7, 2023, the Settlement Agreement was published in the *Pennsylvania Bulletin* with comments due November 1, 2023.
4. On November 1, 2023, Comments were filed by the Office of Consumer Advocate.
5. On November 3, 2023, I&E filed Replies to Comments.
6. On November 6, 2023, I&E discovered that Comments had also been filed on November 1, 2023 by the Pennsylvania Oil and Gas Association (“PIOGA”). There was no evidence that these Comments were served on any Party.
7. As a result of the failure of PIOGA to properly serve its Comments, the Commission Secretary issued a Letter dated November 6, 2023, affording all Parties until November 8, 2023, “to file supplemental comments replying to PIOGA’s comments.”
8. On November 7, 2023, I&E filed Supplemental Replies to Comments in Support of the Joint Petition for Approval of Settlement in order to respond to the PIOGA Comments.
9. On November 7, 2023, Parties were served Comments of the Pennsylvania Grade Crude Oil Coalition (“PGCC”). Said PGCC Comments were allegedly filed with the Commission on November 7, 2023.
10. PGCC’s Comments specifically state that said comments are “in Regard to the Reply of the Bureau of Investigation and Enforcement.”
11. PGCC’s Comments are untimely and must be stricken. Pursuant to the Settlement Agreement’s publication in the *Pennsylvania Bulletin*, comments were due November 1, 2023. [The November 6, 2023 Secretarial Letter states that comments were due

by November 3, 2023. Whether November 1 or November 3, comments filed November 7, 2023 are untimely.]

12. The Secretary's Letter of November 6, 2023 provides one exception – that supplemental replies to *PIOGA's comments* may be filed by November 8, 2023. The PGCC comments filed on November 7, 2023 are not in reply to PIOGA's Comments.

WHEREFORE, I&E respectfully requests that its Motion to Strike PGCC's Untimely-Filed Comments be granted.

Respectfully submitted,



Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

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Date: November 7, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
	:	
	:	
v.	:	Docket No. M-2023-3019782
	:	
Mifflin Energy Corp.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail:

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Date: November 7, 2023