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January 23, 2026

VIA ELECTRONIC-FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

RE: Docket No. C-2025-3058115
John Fulton v. CNX Resources Corporation
Our File No. 0059006.0445764

Dear Secretary Homsher:

Enclosed please find CNX Resources Corporation's Prehearing Memorandum for filing in the above referenced matter.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Aaron M. Ponzo

Aaron M. Ponzo

AMP/eie
Enclosure

Cc: As per Certificate of Service

35134423.1

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN FULTON,	:	
	:	
Complainant,	:	Docket No. C-2025-3058115
	:	
vs.	:	
	:	
CNX RESOURCES CORPORATION,	:	
	:	
Respondent.	:	

CNX RESOURCES CORPORATION’S PREHEARING MEMORANDUM

NOW COMES Respondent, CNX Resources Corporation (“CNX”), by and through its undersigned counsel, and files its Prehearing Memorandum, as follows:

I. HISTORY OF THE PROCEEDING

This matter involves a Formal Complaint filed by Mr. Fulton in which he requests that the Public Utility Commission (“Commission”) order CNX to “[r]epave Salina Ext Road and make it correct.” See Formal Complaint at ¶5. The Formal Complaint was filed on October 15, 2025, and was served on CNX via electronic service on October 24, 2025. On December 8, 2025, this matter was assigned to Administrative Law Judge Mary D. Long and scheduled for an initial telephonic hearing for January 29, 2026, at 10:00 a.m.

On December 10, 2025, ALJ Long issued an Interim Order Requiring Representation directing CNX to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to appear on its behalf in accordance with 52 Pa. Code §§1.21-1.25, on or before Monday January 6, 2026. On December 31, 2025, the undersigned entered an appearance on behalf of CNX in compliance with the Interim Order. On the same date, CNX filed its Answer and New Matter, Preliminary Objections, and Motion for Extension of Time.

As set forth in CNX's Preliminary Objections as well as in its Answer and New Matter, the Formal Complaint should be dismissed for lack of jurisdiction. Mr. Fulton's Complaint alleges in pertinent part,

CNX put a **water line** across Salina Ext Road. They did not bore under it but instead dug the road up. In return for the construction they milled the road and put down the milling to be reused. Our road is now a rough road that is not even solid in hot weather.

See Formal Complaint at ¶ 4.

The matter complained of is the condition of a township road allegedly resulting from the installation of a water line. These issues do not invoke the Commission's jurisdiction over CNX. Further, CNX did not cause and is not responsible for the current condition of the road.

The undersigned contacted Mr. Fulton on January 16, 2026, to discuss the potential settlement of this matter. A settlement agreement was unable to be reached.

II. ISSUES TO BE ADDRESSED

- A. The Commission lacks jurisdiction over the matters complained of in the Formal Complaint.
- B. The Formal Complaint is factually and legally without merit.

III. WITNESSES

- A. Danny Booher
CNX Resources, Inc.
Manager Pipeline and Facilities Construction & Maintenance
c/o Dickie, McCamey & Chilcote, P.C.
- B. Stephen Quinn
Foreman III Operations Construction
CNX Resources, Inc.
c/o Dickie, McCamey & Chilcote, P.C.

Mr. Booher and Mr. Quinn are expected to testify about CNX's installation of a water line to supply water to an above ground storage tank on CNX's property, and the work

performed as part of that installation which included excavating, backfilling, and replacing a small section of Salina Road Extension. These witnesses are also expected to testify that CNX retained a contractor to re-profile the roadway base pursuant to an arrangement with Bell Township, and that the re-profiling was done properly. Finally, it is anticipated that these witnesses will testify that Bell Township tarred and chipped the roadway surface sometime thereafter.

CNX reserves the right to present additional witnesses as it deems necessary based on the issues identified by the parties.

III. EXHIBITS

- A. CNX Daily Construction Report – March 14, 2024
- B. CNX Daily Construction Report – March 15, 2024
- C. CNX Daily Construction Report – March 18, 2024
- D. Google Maps street view of Salina Road Ext.
- E. Photograph of Salina Road Ext. prior to water line construction
- F. Mr. Fulton’s Photographs of Salina Road Ext.

CNX reserves the right to present additional exhibits as it deems necessary based on the issues identified by the parties.

Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/Aaron M. Ponzo

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Counsel for Respondent,

CNX Resources Corporation

CERTIFICATE OF SERVICE

I, Aaron M. Ponzo, Esquire, hereby certify that a true and correct copy of the foregoing **Prehearing Memorandum** has been served this 23rd day of January, 2026 to the following persons and in the manner listed below:

<p><i><u>Via Email</u></i> Mary D. Long Administrative Law Judge PA Public Utility Commission 301 Fifth Avenue, Suite 220 Pittsburgh, PA 15222 <i>MALong@Pa.Gov</i></p>	<p><i><u>Via First Class Mail and Email:</u></i> John Fulton 176 Salina Ext. Road Avonmore, PA 15618 johnfulton1199@comcast.net</p>
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DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Aaron M. Ponzo
Aaron M. Ponzo, Esquire