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March 13, 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 Motion for Summary Judgment 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

35484396.1

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Fulton,

Complainant,

v.

CNX Resources Corporation,

Respondent.

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Docket No. C-2025-3058115

MOTION FOR SUMMARY JUDGMENT

NOTICE TO PLEAD

CNX Resources Corporation (CNX) has filed a Motion for Summary Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.102. Pursuant to the Interim Order on Dispositive Motions entered on February 24, 2026, you are hereby notified to file a written response on or before March 27, 2026. If no response denying the enclosed Motion for Summary Judgment is timely filed, the facts set forth in the Motion may be deemed to be true, requiring no other proof. Any Answer to the Motion must be filed with the Commission, with a copy served to CNX Resources Corporation.

DICKIE, McCAMEY & CHILCOTE, P.C.

BY: /s/Aaron M. Ponzo
Aaron M. Ponzo, Esquire
Four Gateway Center
444 Liberty Ave., Suite 1000
Pittsburgh, PA 15222
(412) 281-7272

Dated: March 13, 2026

*Counsel for Respondent,
CNX Resources Corporation*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Fulton, :
 : Docket No. C-2025-3058115
 Complainant, :
 v. :
 CNX Resources Corporation, :
 Respondent. :

MOTION FOR SUMMARY JUDGMENT

NOW COMES Respondent, CNX Resources Corporation (CNX), by and through its undersigned counsel, and files the within Motion for Summary Judgment pursuant to 52 Pa. Code § 5.102, as follows:

I. INTRODUCTION

1. This Motion is being filed pursuant to 52 Pa. Code § 5.102, and the Interim Order on Dispositive Motions entered by Administrative Law Judge Mary D. Long on February 24, 2026. *See* Exhibit “A”, Interim Order.
2. The matter complained of is the condition of a township road that allegedly resulted from work tangentially related to the installation of a water line.
3. These issues do not fall under the Commission’s jurisdiction over CNX and CNX did not cause the current condition of the road.
4. This matter should be dismissed for lack of jurisdiction or, in the alternative, Complainant’s failure to meet his burden of proof.

II. PROCEDURAL AND FACTUAL HISTORY

5. Complainant John Fulton filed a Formal Complaint with the Pennsylvania Public Utility Commission (“the Commission”) on October 15, 2025, requesting that the Commission order CNX to “repave Salina Ext Road and make it correct.” *See* Exhibit “B”, Formal Complaint at ¶ 5.

6. Mr. Fulton’s Complaint alleges the following:

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 Exhibit “B”, ¶4.

7. On December 8, 2025, this matter was assigned to Administrative Law Judge Mary D. Long and scheduled for an initial telephonic hearing on January 29, 2026.

8. On December 10, 2025, ALJ Long issued an Interim Order Requiring Representation directing CNX to have an attorney file an appearance on its behalf on or before Monday, January 6, 2026.

9. On December 31, 2025, the undersigned entered an appearance on behalf of CNX in compliance with the Interim Order and, on the same date, CNX filed its Answer and New Matter, Preliminary Objections, and Motion for Extension of Time.

10. CNX denied Complainant’s allegations regarding the condition of the road, denied that its work caused the conditions alleged in the Complaint. *See* Exhibit “C”, Answer and New Matter at ¶4.

11. On January 29, 2026, Administrative Law Judge Long dismissed CNX’s Preliminary Objections so that Complainant could further explain his position and the factual

basis for the complaint at a hearing. *See* Exhibit “D”, Order Denying Preliminary Objections, at 2-3.

12. On February 24, 2026, a telephonic hearing was held during which the parties presented testimony through witnesses and admitted documentary evidence.

13. At the conclusion of the hearing, Administrative Law Judge Long granted CNX’s request for leave to file a dispositive motion. *See* Exhibit “A”.

14. Several undisputed facts were established during the hearing.

15. Danny Booher is the Manager of Pipeline Construction with CNX. *See* Exhibit “E”, Hearing Tr., at 37.

16. According to Mr. Booher, CNX installed a water line to connect the Kiski River to its operations. *Id.*, at 37-38.

17. The installation of the water line involved excavating a small portion of Salina Road Extension, backfilling the excavation with limestone, and then applying cold patch to cover the backfilled section. *Id.*, at 38, 40.

18. This work was completed around March 18, 2024. *See* Exhibit “F”, CNX Hearing Exhibit C.

19. The excavation – or “open cut” – of Salina Road Extension was allowed by the local municipality. Exhibit “E”, at 43, 50.

20. Stephen Quinn is a Construction Foreman for CNX. *Id.*, at 53.

21. According to Mr. Quinn, Bell Township requested CNX to make further repairs on Salina Road Extension to address potholes and deterioration that existed before CNX’s project to install the water line. *Id.*, at 53-54.

22. The Township agreed with CNX's suggestion to reclaim and reprofile the road. *Id.*, at 55.

23. CNX reclaimed and reprofiled the road on September 3, 2024, and sealed it the following day. *Id.*, at 56, 58.

24. The township approved of the work and has not made any complaints about it. *Id.*, at 56-57.

25. The Township then chipped and sealed the road at some point after CNX's work was completed. *Id.*

26. Mr. Quinn has worked on hundreds of road construction projects including projects involving reclaiming and reprofiling roads. *Id.*, at 68-69.

27. He has worked on such projects with CNX for 16 years and has experience observing road conditions similar to the alleged condition of Salina Road Extension. *Id.*, at 69.

28. Mr. Quinn testified that the surface treatment of the road, which was not installed by CNX, is causing the current conditions of the road. *Id.* At 69-70.

29. Mr. Fulton is not a customer of CNX.

30. Mr. Fulton does not own the road that forms the basis of his Complaint.

31. Neither Mr. Fulton nor his witness are qualified to opine that CNX's work caused the condition of the road that Mr. Fulton complains about. Hearing Tr., pp. 31-32, 77.

32. Neither Mr. Fulton nor his witness could testify to any law or provision of the Public Utility Code that was violated by CNX. *Id.*, at pp. 20-21, 31-32.

33. As set forth in CNX's prior pleadings, and again in this Motion, Mr. Fulton's Formal Complaint should be dismissed due to lack of jurisdiction.

34. In addition, the Complaint should be dismissed because Mr. Fulton failed to carry his burden of proof.

II. STANDARD OF REVIEW

35. After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. 52 Pa. Code § 5.102(a). The standard for a summary judgment motion before the Commission is as follows:

The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

52 Pa. Code § 5.102(d)(1).

III. ARGUMENT

36. This case should be dismissed, first, because the Commission does not have subject matter jurisdiction over the dispute, and second, because Complainant has not met his burden of proof on the merits.

A. The Commission lacks jurisdiction over this dispute.

37. It is a well-settled principle of Pennsylvania law that the question of subject matter jurisdiction may be raised at any time, by any party, or by the court *sua sponte*. Estate of Gentry v. Diamond Rock Hill Realty, LLC, 111 A.3d 194 (Pa. Super. 2015); Kuhn v. Duquesne Light Company, PUC Decision, C-2017-2610584 (dismissing Complaint due to lack of subject matter jurisdiction).

38. The Commission only has the powers and authority granted to it by the General Assembly as contained in the Public Utility Code. Shedlosky v. Pa. Electric Co., Docket No. C-2006937 (Opinion and Order entered May 28, 2008); Feingold v. Bell Tel. Co. of Pa., 383 A.2d 791 (Pa. 1977).

39. The Commission must act within, and cannot exceed, its jurisdiction. City of Pittsburgh v. Pa. Public Utilities Comm'n, 43 A.2d 348 (Pa. Super. 1945).

40. Jurisdiction may not be conferred by the parties where none exists. Roberts v. Martorano, 235 A.2d 602 (Pa. 1967).

41. Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. Hughes v. Pa. State Police, 619 A.2d 390 (Pa. Cmwlth. 1992).

42. CNX is a pipeline operator that owns natural gas gathering lines within the Commonwealth of Pennsylvania. See Exhibit "G", Act 127 Pennsylvania Pipeline Operator Annual Registration Form.

43. The Commission's authority to regulate operators such as CNX is provided by the Gas and Hazardous Liquids Pipelines Act, Act 127 of 2011 ("the Pipeline Act").

44. The Commission is generally authorized to supervise and regulate pipeline operators consistent with the Federal pipeline safety laws. See 2011 Act 127, Ch. 5 Sec. 1.

45. The Pipeline Act only applies to pipelines, pipeline operators or pipeline facilities regulated under Federal pipeline safety laws. 2011 Act 127, Ch. 1 Sec. 3.

46. The Pipeline Act defines "pipeline" as follows:

A part of the physical facilities through which **gas or hazardous liquids** move in transportation, including a pipe valve and other appurtenance attached to the pipe, compressor unit, metering station, regulator station, delivery station, holder and fabricated assembly. The term only includes pipeline regulated by Federal pipeline safety laws.

The term does not include a pipeline subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

2011 Act 127 Ch. 1 Sec. 2 (emphasis added).

47. The Pipeline Act defines “pipeline operator” as follows:

A person that owns or operates equipment or facilities in this Commonwealth for the transportation of **gas or hazardous liquids** by pipeline or pipeline facility regulated under Federal pipeline safety laws. The term does not include a public utility or an ultimate consumer who owns a service line on his real property.

2011 Act 127, Ch. 1 Sec. 2 (emphasis added).

48. “Gas” means “[n]atural gas, liquefied natural gas, landfill gas, synthetic natural gas and other gas as defined under the Federal pipeline safety laws.” 2011 Act 127, Ch. 1 Sec. 2.

49. “Hazardous liquids” means “[p]etroleum, a petroleum product, anhydrous ammonia and other hazardous liquids as defined under the Federal pipeline safety laws.”

2011 Act 127, Ch. 1 Sec. 2.

50. It is undisputed that the Complaint does not involve one of CNX’s gas gathering lines, but instead, involves subjective complaints of personal inconvenience about the condition of the road where Complainant lives.

51. Mr. Fulton admits that his Complaint is related to the condition of the road after CNX performed its water pipe line installation:

Q. As I understand your complaint, Mr. Fulton, you’re alleging that CNX put a water line across Salina Road Extension. Is that correct?

A. Yeah. I don’t have any objection about that. I don’t have any objection – I’m having an objection about how you guys left the road, the whole road and when you milled – when you milled it.

...

Q. ... [I]t seems that your complaints relate to the condition of the road?

A. Correct.

Exhibit "E", at 18-19; 31.

52. The Complaint does not allege the violation of any law, rule, regulation, or Commission order related to the transportation of gas or hazardous liquids as those terms are defined by the Pipeline Act, or otherwise, and Complainant has admitted he does not know if any violation occurred:

Q. And so my question to you, Mr. Fulton, is, as you heard the Judge explain, it's your burden to prove that CNX violated the law. And so my question to you is, what law do you claim CNX violated?

A. Well, I don't know if they violated a law or not...

Id., at 20.

53. Indeed, Complainant is not a customer of CNX, and Complainant does not even own the property about which he complains. *Id.*, at 20.

54. This dispute amounts to personal complaints about the condition of a roadway and does not concern violations of laws or regulations pertaining to the transportation of gas or hazardous liquids, or any other Commission regulated activity.

55. These material facts are undisputed, and accordingly, the Complaint against CNX should be dismissed for lack of jurisdiction.

B. Complainant has failed to meet his burden of proof.

56. When considering a motion for summary judgment, the non-moving party may not rest upon mere allegations or denials of the pleadings, but must submit some

materials to establish that a genuine issue of material fact exists. Stover v. The United Telephone Com. Of Pennsylvania, Public Utility Commission Docket No. C-00935287 (Order entered November 6, 1996).

57. “While the evidentiary burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission to prove their case by a preponderance of the evidence.” Milkie v. Pa. PUC, 768 A.2d 1217 (Pa. Comwlth. 2001).

58. Even if there was subject matter jurisdiction here, Complainant has not met his burden of proof to show that CNX caused the condition of the road complained of, or that the condition of the road presents a safety hazard to the public. *See* 66 Pa. C.S §1501.

59. Complainant failed to offer any qualified testimony as to the cause of the road’s condition.

60. Complainant offered several photographs and the anecdotal testimony of himself and his son-in-law, Jeffrey Cline.

61. Both Complainant and Mr. Cline admitted that they had no expertise or qualifications to opine as to what caused the road’s condition, and neither could say whether CNX violated the law or any Commission regulations. *See* Exhibit “E”, at 20-21, 31-32.

62. Accordingly, Mr. Fulton failed to produce any competent evidence establishing a violation of the Public Utility Code or other law by CNX or that the condition of Salina Road Extension was caused by CNX.

IV. CONCLUSION

For the reasons set forth above, this dispute does not fall within the jurisdiction of the Commission, and Complainant has failed to carry his burden of proof with respect to his

claims. Accordingly, Respondent, CNX Resources Corporation, respectfully requests that the Administrative Law Judge and Commission grant its Motion for Summary Judgment and dismiss the Complaint with prejudice.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

BY: /s/Aaron M. Ponzio

Aaron M. Ponzio, Esquire
Four Gateway Center
444 Liberty Ave., Suite 1000
Pittsburgh, PA 15222
(412) 281-7272

*Counsel for Respondent,
CNX Resources Corporation*

CERTIFICATE OF SERVICE

I, Aaron M. Ponzo, Esquire, hereby certify that true and correct copies of the foregoing ***Motion for Summary Judgment*** have been served this 13th day of March, 2026 upon the parties listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

John Fulton
176 Sauna Ext. Road
Avonmore, PA 15618
724-697-4762
johnfulton1199@comcast.net
Complainant
Via email and U.S. Mail

Mark A. Hoyer
Deputy Chief Administrative Law Judge
PA Public Utility Commission
301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222
mhoyer@pa.gov
Via email

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/Aaron M. Ponzo
Aaron M. Ponzo, Esquire
Four Gateway Center
444 Liberty Ave., Suite 1000
Pittsburgh, PA 15222

Counsel for Respondent,
CNX Resources Corporation

EXHIBIT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Fulton	:	
	:	
v.	:	C-2025-3058115
	:	
CNX Resources Corporation	:	

**INTERIM ORDER
ON DISPOSITIVE MOTIONS**

Respondent, CNX Resources Corporation, requested leave to file a dispositive motion in the above-captioned matter. The request was granted at the hearing held on February 24, 2026. This order memorializes the matters agreed upon.

THEREFORE

IT IS ORDERED:

1. That Respondent may file a dispositive motion on or before March 13, 2026.
2. The Complainant may file a written response on or before March 27, 2026. The Complainant's response may be in the form of a letter, but must be served upon counsel for the Respondent and filed with the Commission's Secretary's Bureau.

Date: February 24, 2026

/s/
Mary D. Long
Administrative Law Judge

C-2025-3058115 - JOHN FULTON v. CNX RESOURCES CORPORATION

Revised February 10, 2026

JOHN FULTON
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AVONMORE PA 15618
724.697.4762

johnfulton1199@comcast.net

Served via eService and USPS First-Class Mail

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412.335.0460

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Served via eService

(Counsel for CNX Resources Corporation)

EXHIBIT B

Mr. John Fulton
176 Salina Extension Rd
Avonmore, PA 15618

PITTSBURGH PA 150

10 OCT 2025 PM 8 L



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FOREVER USA

PAPUC
Commonwealth of PA.
Public Utility Commission
400 North St.
HARRISBURG, PA. 17120

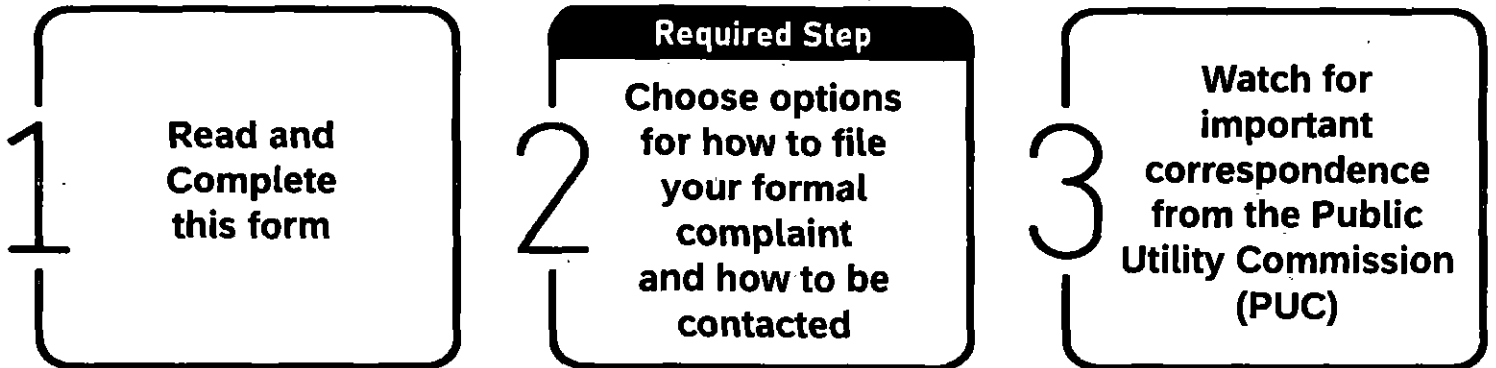
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PAPUC PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT - PRINTABLE FORM

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please legibly complete this form in ink.

1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name JOHN FULTON
Street/P.O. Box 176 SAUNA EXT RD Apt# _____
City AVONMOORE PA 15618 State PA Zip 15618
County WESTMORELAND

Telephone Number(s) Where We Can Contact You During the Day:
Home: (724) 697-4762 Mobile: () _____
Email Address _____
Utility Account Number (from your bill) _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____
Street/P.O. Box _____ Apt# _____
City _____ State _____ Zip _____

2. NAME OF UTILITY OR COMPANY (RESPONDENT)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

CNX U.S. 1714493

3. TYPE OF UTILITY SERVICE

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- Electric
- Gas
- Water
- Wastewater/Sewer
- Storm Water
- Steam Heat
- Motor Carrier (taxi, moving company, limo)
- Telephone/Telecommunications (local, long distance)

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain) CNX PUT A WATER LINE ACROSS SAUNA
EXT ROAD. THEY DID NOT DOLE 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.

5. REQUESTED RELIEF

How do you want your complaint to be resolved?

Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

REPAVE SALINA EXT ROAD AND MAKE IT
CORRECT.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court:

6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has a court granted a PFA order or any other order for your personal safety or welfare?

- Yes If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*
- No

Note: You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

7. PRIOR UTILITY CONTACT

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

No

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

No

Note: You **MUST** contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1
eFILING: This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2
FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here CF if you are selecting **FIRST CLASS MAIL** service.

OPTION 3
EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above.
IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____
Street/P.O. Box _____ Apt# _____
City _____ State _____ Zip _____
Area Code/Phone Number _____
Email Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

11. VERIFICATION AND SIGNATURE

You **MUST** sign and date your complaint. If you file by mail, you must sign your name in ink on the line provided below. Date the form. If you do not sign with your original signature and date, the PUC will not accept your complaint.

Verification:

I John Fulton, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

John Fulton
(Signature of Complainant)

10-8-25
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. **ONLY** formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

QUESTIONS?

If you have any questions about filling out this form, please contact the Secretary's Bureau at **717-772-7777**.

REMINDERS

- Keep a copy of your Formal Complaint for your records.
- If you are electronically filing your Formal Complaint through eFiling, you will need to scan the document and save it as a PDF.
- You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.
- To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.
- Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.
(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)
- Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.

EXHIBIT C

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN FULTON, :
 :
 Complainant, : Docket No. C-2025-3058115
 :
 vs. :
 :
 CNX RESOURCES CORPORATION, :
 :
 Respondent. :
 :
 Notice to Plead: :
 To: John Fulton :
 :
 You are hereby notified to file a written :
 reply to the enclosed New Matter within :
 twenty (20) days from service hereof or a :
 judgment may be entered against you. :
 :
 By: /s/Aaron M. Ponzio :
 Aaron M. Ponzio, Esquire :
 Counsel for Respondent, :
 CNX Resources Corporation :

CNX RESOURCES CORPORATION’S ANSWER AND NEW MATTER TO FORMAL COMPLAINT

NOW COMES Respondent, CNX Resources Corporation (“CNX”), by and through its undersigned counsel, and files the within Answer and New Matter, averring as follows:

1. In answer to Paragraph 1, Respondent is without knowledge or information sufficient to form a belief as to the truth of the said averments, and therefore, they are deemed denied.
2. Paragraph 2 of the Complaint is denied as stated. CNX is an incorrect identification. The proper Respondent is CNX Resources Corporation.
3. Paragraph 3 of the Complaint is denied as stated. In further response, the Complaint does not allege that gas utility service is at issue.

4. The averments of Paragraph 4 are admitted in part and denied in part. It is admitted only that CNX installed a water line underneath Salina Road Ext., and that CNX excavated the road in order to do so. The remaining averments are denied. To the contrary and in further response, CNX backfilled its excavation and restored the roadway surface to its pre-existing condition. The current condition of the road is not due to any work performed by CNX.

5. The averments of Paragraph 5 are denied. CNX further denies that Complainant is entitled to the relief requested as the same is outside the jurisdiction of the Commission.

6. In answer to Paragraph 6, CNX is without knowledge or information sufficient to form a belief as to the truth of the said averments, and therefore, they are deemed denied.

7. In answer to Paragraph 7, CNX is without knowledge or information sufficient to form a belief as to the truth of the said averments, and therefore, they are deemed denied.

In further answer, Respondent sets forth the following:

NEW MATTER

8. The Complaint fails to state a claim upon which relief can be granted.

9. The Complaint fails to allege that CNX violated any applicable Commission rules or regulations.

10. The matter complained of is outside of the Commission's jurisdiction.

11. CNX reserves the right to amend its Answer and New Matter.

WHEREFORE, Respondent, CNX Resources Corporation, demands that the Complaint be dismissed and judgment in its favor, and against the Complainant, together with costs.

Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/Aaron M. Ponzo

Aaron M. Ponzo, Esquire

PA I.D. 203584

aponzo@dmclaw.com

Four Gateway Plaza

444 Liberty Avenue, Suite 1000

Pittsburgh, PA 15222

Phone: (412) 281-7272

Fax: (888) 811-7144

Counsel for Respondent,

CNX Resources Corporation

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN FULTON,

Complainant,

vs.

CNX RESOURCES CORPORATION,

Respondent.

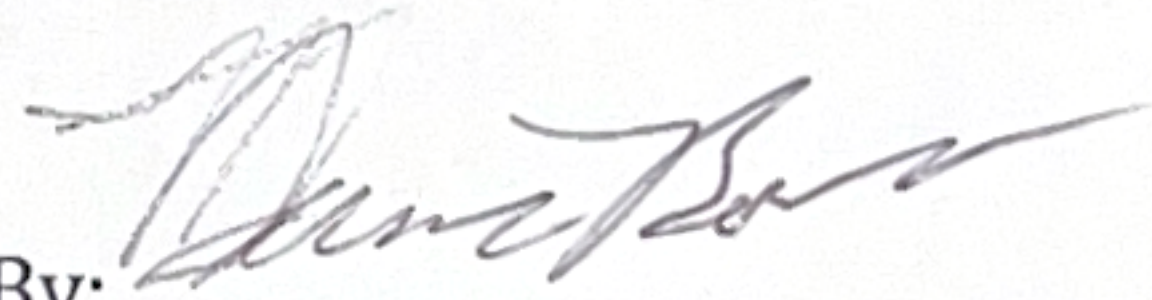
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Docket No C-2025-3058115

VERIFICATION

I, Danny Booher, on behalf of CNX Resources Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 31, 2025

By: 
_____ Danny Booher

CERTIFICATE OF SERVICE

I, Aaron M. Ponzo, Esquire, hereby certify that a true and correct copy of the foregoing **Answer and New Matter** has been served this 31st day of December, 2025 to the following persons and in the manner listed below:

<p><u>Via Email</u> 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><u>Via First Class Mail:</u> John Fulton 176 Salina Ext. Road Avonmore, PA 15618</p>
--	---

DICKIE, McCAMEY & CHILCOTE, P.C.

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

EXHIBIT D

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Fulton

v.

CNX Resources Corporation

:
:
:
:
:
:

C-2025-3058115

**INTERIM ORDER
DISMISSING PRELIMINARY OBJECTIONS**

On October 14, 2025, John Fulton (Complainant) filed a formal complaint against CNX Resources Corporation (CNX or Respondent). The Commission’s docket notes that a copy of the complaint was served on CNX on October 24, 2025. No answer was filed.

By hearing notice dated December 8, 2025, this matter was assigned to me and scheduled for a telephonic hearing on January 29, 2026. On December 10, 2025, I issued an order directing CNX to secure the representation of counsel.

On January 31, 2026, Attorney Aaron Ponzo entered an appearance on behalf of CNX. He also filed a Motion for Extension of Time to file an answer, an Answer and New Matter and Preliminary Objections. The Complainant did not file a response.

By Interim Order entered January 29, 2026, the Respondent’s Motion for an Extension of Time was granted. As explained in more detail below, this order dismisses Respondent’s preliminary objection.

Preliminary objections are permitted under Commission regulations.¹ Preliminary objection practice before the Commission is similar to Pennsylvania civil practice

¹ 52 Pa.Code § 5.101.

respecting preliminary objections.² The standard for consideration of preliminary objections has been repeated many times. In deciding the preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the petitioners, recovery or relief is possible.³ All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party.⁴ Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections.⁵

Respondent argues that the Commission does not have jurisdiction because it is a pipeline operator as defined by the Gas and Hazardous Liquids Pipeline Act.⁶ According to the Respondent, the subject of the complaint is a water line that Respondent allegedly installed and not a gas gathering line.

Jurisdiction generally defines an tribunal's authority to act. The Commission has the authority to enforce statutes where the General Assembly has specifically given the Commission authority.⁷ The determination of whether the Commission has authority in a given circumstance is fact-specific. Moreover, the Respondent's status as a pipeline operator is not evident from the allegations in the complaint.

It may well be that the Complainant must seek relief in another forum. However, at this stage of the controversy it is not appropriate to dismiss the complaint without providing the Complainant. In *Carlock v. The United Telephone Company of Pennsylvania*,⁸ the Commission held that, in the normal course, the Commission would not dismiss a complaint of a

² *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

³ *Dept. of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996).

⁴ *Ridge v. State Employees' Retirement Board*, 690 A.2d 1312 (Pa. Cmwlth. 1997).

⁵ *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

⁶ Act 127 of 2011.

⁷ *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1977); *Allegheny County Port Authority v. Pa. P.U.C.*, 237 A.2d 602 (Pa. 1967). See also *Department of Environmental Resources v. Butler CountyMushroom Farm*, 454 A.2d 1, 4 (Pa. 1982), and *Pequea Township v. Department of Environmental Protection*, 716 A.2d 678, 686 (Pa. Cmwlth. 1998).

⁸ Docket No. F-00163617 (Order entered July 14, 1993)(*Carlock*).

C-2025-3058115 - JOHN FULTON VS. CNX RESOURCES CORPORATION

Revised 1/29/2026

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Served via eService 1/29/2026

(Counsel for CNX Resources Corporation)

EXHIBIT E

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

John Fulton,
v.
CNX Resources
Corporation

| Docket No.: C-2025-3058115

Initial Call-In
Telephonic Hearing

Pages 1 - 85

Judge's Chambers
Piatt Place
301 5th Avenue
Suite 220
Pittsburgh, PA

February 24, 2026
Commencing at 11:00 a.m.

BEFORE:

MARY LONG, Administrative Law Judge

APPEARANCES:

JOHN FULTON, PRO SE
The Complainant

AARON M. PONZO, Esquire
Four Gateway Center
444 Liberty Avenue
Suite 1000
Pittsburgh, PA 15222
For the Respondent

REPORTER: LAURIE ELLIOTT

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INDEX TO WITNESSES

<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>FURTHER REDIRECT</u>	<u>FURTHER RECROSS</u>
John Fulton					
--	18	--	--	--	--
Jeffrey Cline					
--	31	--	--	--	--
Danny Booher					
37	42	--	47	48	--
Stephen Quinn					
53	57	67	70	--	--

 John Fulton,
 v.
 CNX Resources
 Corporation

| Docket No.: C-2025-3058115

|
 Initial Call-In
 Telephonic Hearing
 |

Pages 1 - 85

Judge's Chambers
 Piatt Place
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February 24, 2026
 Commencing at 11:00 a.m.

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Docket No. C-2025-3058115

Hearing Date: February 24, 2026

NUMBER FOR IDENTIFICATION IN EVIDENCE

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Docket No. C-2025-3058115

Hearing Date: February 24, 2026

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Complainant's Exhibits:

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P R O C E E D I N G S

JUDGE MARY LONG: This proceeding

today is the date set by the Commission for the hearing on the complaint of John Fulton versus CNX Resources Corporation. Docketed at Public Utility Commission docket number C-2025-3058115. I'm Administrative Law Judge Mary Long and I've been assigned to preside over this matter and render an initial decision.

Today is Tuesday, February 24th, 2026 and the time is 11:00 a.m. The hearing is being conducted remotely by telephone. On the telephone with me are the Complainant, Mr. John Fulton. Also on the line is Attorney Aaron Ponzo representing CNX Resources.

I'd like to start with a little bit of housekeeping. We have a court reporter who is making a word for word transcript of today's hearing. Please be sure to identify yourself before you begin speaking. This transcript is the record of today's proceedings and all other recordings are prohibited. The hearing, as I mentioned, is being conducted by telephone. If for any reason someone becomes disconnected from the conference bridge, you

1 must immediately call back in. If you do not call
2 back in within two minutes, I will proceed with the
3 hearing in your absence. And Mr. Fulton, I'd like
4 to explain a little bit of procedure so that you
5 know what to expect.

6 Mr. Fulton is the person seeking
7 relief from the Commission. You have the burden of
8 proving that you are entitled to the relief that you
9 have requested. This means that you must present
10 testimony in the hearing which shows that the
11 utility has violated the law in some way. You may
12 testify on your own behalf. After you testify and
13 your witness testifies, the utility will also have
14 an opportunity to ask you and your witness
15 questions.

16 Once you've finished, it will be the
17 utility's turn to present his witnesses. After the
18 utility's counsel has asked his questions, you will
19 also have the opportunity to ask those witnesses
20 questions. If you do not have something to write
21 on, I highly recommend getting yourself maybe a
22 pencil and a piece of paper, or if you're digital,
23 something to take notes on so that you make sure
24 that you ask all of the questions that you want to
25 ask of the utility's witnesses.

1 When both sides have offered the
2 testimony and exhibits they want me to consider,
3 each party will have an opportunity to make a final
4 statement on the record, explaining to me what they
5 think they've proven with their evidence.

6 Mr. Fulton, do you have any questions
7 about the procedure at this time?

8 MR. FULTON: No.

9 JUDGE: And Mr. Ponzio, do you have
10 any questions about procedure?

11 ATTORNEY PONZO: No, Your Honor.

12 JUDGE: All right.

13 With that, Mr. Fulton, I would - will
14 you be testifying on your own behalf?

15 MR. FULTON: Yes.

16 JUDGE: Okay.

17 So I'm going to put you under oath.
18 I'm going to ask you a couple of introductory
19 questions, and then I will hear what you have to
20 tell me in support of your complaint.

21 ---

22 JOHN FULTON,
23 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
24 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
25 FOLLOWS:

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JUDGE: Could you please state and spell your name for the court reporter?

MR. FULTON: John, J-O-H-N, Fulton, F-U-L-T-O-N.

JUDGE: Okay.

And could you please provide your address?

MR. FULTON: 176 Salina Extension Road, Avonmore, Pennsylvania, 15618.

JUDGE: Thank you. Now, I note that your - I guess your granddaughter, Ms. Rearrick, has emailed photographs identified as photographs A through S, as in Sam. When you go to testify, if there's a specific photograph you would like me to look at while you're talking, you need to identify that the photograph.

So with that, Mr. Fulton, I read your complaint and I understand that you are concerned about the condition of Sauna (sic) Extension Road. So why don't you tell me what happened. Use as many dates and times as you can, and if you have names of anybody that you spoke to, that would be helpful as well.

MR. FULTON: Okay. I don't have

1 it's a close up of the road surface.

2 Is that what that is?

3 MR. FULTON: Yes. And it's right
4 below my driveway. And you can see -.

5 JUDGE: Can you tell me -?

6 MR. FULTON: I'm sorry.

7 JUDGE: Can you tell me who took -
8 who took this picture?

9 MR. FULTON: My son in law, Jeff
10 Cline.

11 JUDGE: Do you know when he - do you
12 know when he took the picture?

13 MR. CLINE: Your Honor, it was last
14 Monday, I think. It was last week.

15 MR. FULTON: No, this came -.

16 JUDGE: Okay. Okay.

17 Hold on. Hold on.

18 Okay. Okay.

19 Just as a matter of procedure, I can
20 only have one witness talking at a time. So I'd
21 like to take the testimony from Mr. Fulton first.

22 MR. FULTON: Okay.

23 JUDGE: And then Mr. Cline, you can
24 testify in a minute, but I - I - you know, we have
25 to do one person at a time.

1 road in front of my driveway.

2 JUDGE: Okay.

3 MR. FULTON: It just shows how it's
4 falling apart.

5 JUDGE: Okay.

6 MR. FULTON: And that's the - or
7 photo S.

8 ---

9 (Whereupon, Complainant Exhibit C-S, Cul-de-sac
10 Photo, was marked for identification.)

11 ---

12 JUDGE: I'm sorry.

13 F as in Frank or S as in Sam?

14 MR. FULTON: Sam.

15 JUDGE: Okay. Okay.

16 I'm now looking at photo S as in Sam.

17 MR. FULTON: Okay.

18 There is snow on that one a little
19 bit.

20 JUDGE: Okay.

21 MR. FULTON: It shows - it shows the
22 cul-de-sac across from my driveway on the other side
23 of the road where people turn around, how bad that's
24 deteriorating there.

25 JUDGE: Okay.

1 MR. FULTON: One second. Okay, photo
2 D as in dog.

3 JUDGE: Hold on. D as in dog.

4 ---

5 (Whereupon, Complainant Exhibit C-D, Main Street
6 Photo, was marked for identification.)

7 ---

8 JUDGE: Okay.

9 I'm now looking at photo D as in dog.

10 MR. FULTON: Okay.

11 And again to show you the condition
12 of the road, how it's all - there's holes all in it.
13 And this is down as you start up Saline Extension
14 Road. It's in between where they cut across the
15 road and the Salina - or the main street of Salina.

16 JUDGE: Okay.

17 Was this photo taken last week also?

18 MR. FULTON: No, this was taken
19 probably - probably about the time I filed.
20 Probably about October or so. November somewhere in
21 there.

22 JUDGE: At the time you filed your
23 complaint with the Commission?

24 MR. FULTON: Yeah.

25 JUDGE: Okay.

1 photographs of the old road before they milled it.
2 I'm sure they wanted us - you to see how bad it was.
3 Which as you can see there's a lot of cracks in it
4 and you know, maybe parts of the road falling apart.
5 But you can also see how smooth the road was in a
6 lot of spots.

7 JUDGE: Okay.

8 MR. FULTON: And whenever we - we had
9 to, you know, the town - if you grabbed a pothole,
10 the township could come back and you know, fill the
11 pothole. And we did have potholes in it here and
12 there. But you can see that a lot of the road was -
13 as you go through them you can see a lot of the road
14 was smooth. And that ain't the case with it now.
15 It's just like a washboard. And the road also was
16 very - they did the work September, October,
17 somewhere there in 2024. And even in the summer of
18 '25, that road was still very soft. Why, I have no
19 idea. I don't know if that rain had anything to do
20 with it or then the three - three to five days went
21 by that they didn't spray it. I'm not sure.

22 But I just wanted you to see how bad
23 our road - it was - it wasn't a good road, but it
24 was a lot better than it is now. I don't know.
25 That's probably all I have to point out is how bad

1 our road is now, so -.

2 JUDGE: Okay.

3 MR. FULTON: I guess. I don't know
4 how to say it, but I guess I'm done.

5 JUDGE: Okay.

6 Mr. Fulton, is the Sauna Road
7 Extension or Sauna Extension Road, is that your
8 property? Is that road your property?

9 MR. FULTON: No, my property's on
10 that road. There's like eight homes along here.

11 JUDGE: Okay.

12 MR. FULTON: And that's one - another
13 thing I'd like to point out, Judge. It's a dead end
14 road. And I was one person that tried to leave the
15 day that they were cutting across the road and I
16 wasn't going anywhere important, but me and my wife
17 both have health issues, and sometimes you're at a -
18 you - you make an appointment to see a doctor, and
19 you can't, you know, you have to wait six weeks.
20 And if that would have been the case I'd had to miss
21 - I don't - I'd have missed the appointment. I
22 don't know why they couldn't come up here and tell
23 the residents up here what time they were going to
24 do that so we could have a car sitting out so we
25 could get out.

1 I just wanted that pointed out, too.
2 Maybe it doesn't mean anything. It's just they're -
3 they don't care who they inconvenience, so I'll say
4 that.

5 JUDGE: Okay.

6 MR. FULTON: All right.

7 I guess I'm done. But I do want to -
8 I do want - I do want to ask some questions of their
9 witnesses, though.

10 JUDGE: Okay.

11 Well, we'll get to that in order.

12 MR. FULTON: Okay.

13 JUDGE: What I'm going to do now is
14 invite Mr. Ponzio to ask you some questions, and I
15 want you to do the best you can to answer his
16 questions. If you don't know the answer, you can
17 say you don't know. When he's done I'll give you an
18 opportunity to clarify anything you might want to
19 say based on what he asks you.

20 Okay?

21 MR. FULTON: Okay. Thank you.

22 JUDGE: All right.

23 Mr. Ponzio, do you have any Cross
24 Examination for Mr. Fulton?

25 ATTORNEY PONZIO: Yes, I do, Your

1 Honor.

2 JUDGE: Go ahead.

3 ATTORNEY PONZO: May I proceed?

4 JUDGE: You may proceed.

5 ATTORNEY PONZO: Thank you very much.

6 ---

7 CROSS EXAMINATION

8 ---

9 BY ATTORNEY PONZO:

10 Q. Mr. Fulton, my name is Aaron Ponzo. I'm
11 an attorney with the law firm Dickie, McCamey and
12 Chilcote, and I represent CNX in this matter. You
13 and I spoke on the phone not too long ago about this
14 case. I'm going to have some questions for you,
15 okay?

16 A. Sure.

17 Q. Can you hear me okay?

18 A. Yes, I can.

19 Q. Okay.

20 If you don't hear me at any time, please
21 let me know, and I'll try, and I will speak up. Is
22 that fair?

23 A. Yeah.

24 Q. Okay.

25 As I understand your complaint, Mr.

1 Fulton, you're alleging that CNX put a water line
2 across Salina Road Extension.

3 Is that correct?

4 A. Yeah. I don't have any objection about
5 that. I don't have any objection - I'm having an
6 objection about how you guys left the road, the
7 whole road and when you milled - when you milled it.

8 Q. And just so I have your allegations
9 clear, Mr. Fulton, part of your complaint is that
10 CNX, as you claim, milled the road and put down
11 milling to be reused, and the road is now rough. Is
12 that essentially what your allegation is?

13 A. Yes.

14 Q. Okay.

15 A. It wasn't a good job.

16 Q. And as I heard your testimony here, it
17 appears that your complaint is not about the water
18 line.

19 Is that right?

20 A. Well I have a question about it, and I
21 want to -.

22 Q. I'm asking you -.

23 A. Yes.

24 Q. You'll have a chance -.

25 A. Yes, I'll complain about that, too, then.

1 Yes.

2 Q. And am I correct, Mr. Fulton, that you
3 are not a customer of CNX?

4 A. I'm not a customer.

5 Q. And Salina Road extension is not your
6 property.

7 Correct?

8 A. That's correct.

9 Q. And so with regard to your testimony
10 about the condition of the road, you're aware that
11 the township did, in fact, chip and seal that road
12 after CNX finished its work.

13 Correct?

14 A. Yes, I know they did. Yes.

15 Q. Okay.

16 And so my question to you, Mr. Fulton,
17 is, as you heard the Judge explain, it's your burden
18 to prove that CNX violated the law. And so my
19 question to you is, what law do you claim CNX
20 violated? And I'll let you answer that before I ask
21 another question.

22 A. Well, I don't know if they violated a law
23 or not. I'll ask you, do you know the answer? Are
24 they allowed to cut across a paved road, or do they
25 have to pour under the route?

1 Q. My next question to you, Mr. Fulton, is,
2 what regulation or what section of the Public
3 Utility Code do you claim that CNX violated?

4 A. I don't know any that answer. That's why
5 I'd like to ask your witnesses - and I'm asking you,
6 do you know the answer? Are you allowed to cut
7 across a road?

8 JUDGE: Okay.

9 Mr. Fulton, I'm just going to hold
10 you up for a second with Mr. Ponzo's forbearance.
11 You know, you need to answer Mr. Ponzo's questions.
12 It's not for you to ask him questions. And if you
13 don't know the answer you can just say, I don't - I
14 don't know is a perfectly fine answer. You know,
15 that said Mr. Ponzo, I don't think we need to spend
16 a lot of time quizzing Mr. Fulton's legal knowledge.
17 So with that, I'm going to ask you to move on to
18 another subject.

19 ATTORNEY PONZO: Thank you, Your
20 Those were - those were all the questions I had for
21 Mr. Fulton.

22 JUDGE: All right.

23 Thank you.

24 Now, Mr. Fulton, did you want to
25 clarify anything about your testimony money based on

1 Mr. Ponzio's questions?

2 MR. FULTON: No, I would just - I'd
3 just like to ask that his witnesses a couple
4 questions, that's all.

5 JUDGE: Okay. Okay.

6 Well, when we get to his witnesses,
7 I'll give you an opportunity to do that.

8 MR. FULTON: Okay.

9 Now do you want my witness?

10 JUDGE: Yes. You said you wanted Mr.
11 Cline, Mr. Jeff Cline to testify.

12 MR. FULTON: Yes.

13 JUDGE: Okay.

14 ---

15 JEFFREY CLINE,
16 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
17 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
18 FOLLOWS:

19 ---

20 JUDGE: Could you please state and
21 spell your name and provide your address for the
22 court reporter?

23 THE WITNESS: Yes, it's Jeffrey,
24 J-E-F-F-R-E-Y, Cline, C-L-I-N-E. It's 168 Salina
25 Extension Road, Avonmore, Pennsylvania, 15618.

1 JUDGE: All right.

2 I'm going to give you the same
3 instruction I gave Mr. Fulton, is if there is a
4 specific photograph that you want me to look at, you
5 need to identify it and give me a minute to pull it
6 up. So Mr. Fulton, if you want to go ahead and ask
7 Mr. Cline any questions that you think support your
8 complaint, you can go ahead.

9 THE WITNESS: Your Honor, can I just
10 explain I am a resident of this road and have gone
11 through it, or does Mr. Fulton have to ask me, or
12 can I explain what I -?

13 JUDGE: Let me say this. Sure. Mr.
14 Ponzo, do you have any objection to allowing Mr.
15 Cline to testify in narrative form rather than
16 question and answer?

17 ATTORNEY PONZO: No objection, Your
18 Honor.

19 JUDGE: All right. Thank you.

20 All right.

21 Mr. Cline, why don't you go ahead and
22 tell me what you think I need to know to support the
23 claims in Mr. Fulton's complaint?

24 THE WITNESS: Okay.

25 JUDGE: With the same instruction

1 that if you want me to look at a picture, you need
2 to identify the picture.

3 THE WITNESS: Right. This started
4 with CNX's water line crossing our road. And like
5 Mr. Fulton said, no notice of anything. Just dig
6 straight across our road. You know, there's six
7 houses from there - seven houses up that we was
8 informed. So that day they just dug across our
9 road. I'd like to question why, throughout the rest
10 of the pipeline that they put through, did they bore
11 underground under the road but then our road they
12 just dug across? So when during that operation they
13 took out sections of guardrail, never put up jersey
14 barriers when they dug across so we had months of
15 just a road that leaned off to that side with no
16 jersey barrier, you know, to replace the guardrail.

17 From there they - you know, besides
18 the mud on the road and the traffic and, you know,
19 the inconvenience to all of us. They I guess make
20 an agreement with our township that they're going to
21 mill our road. And honestly they would almost have
22 to done there, the mess that was there. So as they
23 milled the road that day, the rolling like it's not
24 rolled in tight. They come back like three days
25 later, put a binder on like a spray. Once again,

1 never told anybody on our road.

2 So that morning I left in my pickup
3 truck and had nothing but binder millings up the
4 side of my truck. I had to go to CNX to have my
5 truck cleaned. I guess I'm - I was fortunate to let
6 everybody else know on the road, do not go on the
7 road because of the binder, you know, it didn't
8 seal. So anyways, between the milling and
9 apparently not rolled in tight, the township come
10 out and tarred and chipped. Which throughout all
11 last summer, our road, it still may be this year was
12 just soft. I mean where our garbage truck turns
13 around in our cul-de-sac, it left big divots. You
14 know, now there's water laying them in there.

15 I think, you know, when the township
16 tarred and chipped, a lot of what wasn't, you know,
17 rolled back in it wouldn't, you know, it's not going
18 to stay. I mean it has to be a solid road to tar
19 and chip. And I think a lot of this is just poor
20 workmanship on, you know, whoever they had do it.
21 Because it's not tight, it's still not solid.
22 That's, you know, anywhere you turn it makes a mark.

23 So all that summer, all the turns now
24 they're filled with water. They milled up our road
25 and where our cul-de-sac is, they just milled a

1 straight line which I will give you an example of
2 that. Let me give you that, what to look at. So it
3 would be photo of L. That's one of them.

4

5 (Whereupon, Complainant Exhibit C-L, Millings
6 Photo, was marked for identification.)

7

8

JUDGE: Okay.

9

Hold on. Wait, wait.

10

Okay.

11

I'm looking at photo L.

12

Okay.

13

Go ahead.

14

THE WITNESS: So you can see that how
15 they just milled right up the side of it. They
16 didn't mill cul-de-sac out. So now what we're stuck
17 with is a road that is not smooth there. So, like,
18 the kids and stuff can't ride their bikes. I mean,
19 I guess they can, but it's not the way it was.
20 Let's put it that way. What they did only made our
21 road worse. You can see it's all deteriorating
22 along that cut.

23

And I'll give you another photo.

24

I'll be finding the next one. So photo P would

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really give you an example of what is done there.

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(Whereupon, Complainant Exhibit C-P, Road Conditions Photo, was marked for identification.)

THE WITNESS: And I promise you, Your Honor, that road did not look like that before they milled. They milled - you can see the line that they milled down. Why they didn't mill the whole cul-de-sac out is - I don't understand that. And I guess you can see if you zoom in just from our garbage truck and stuff turning around in there, all the divots and stuff, all the holes, and I mean, it's only going to get worse. Winter's not done. We don't even know what the winter's going to do to these holes.

And I guess the next one I'd like you to look at is photo H. So this is - this is going up our road.

(Whereupon, Complainant Exhibit C-H, Road Holes Photo, was marked for identification.)

JUDGE: Give me a minute to pull it up. I'm sorry.

1 Okay.

2 Go ahead. Photo H.

3 THE WITNESS: So that is just a part
4 of our road up from where they dug across. And it's
5 just hole after hole. And they're - you know,
6 they're not large. But can you imagine as time goes
7 on here, that's just, you know, that's what we're
8 going to deal with. And like I said, the whole - I
9 understand the whole tar and chipping thing, but why
10 would the road be so soft even after they tarred and
11 chipped? So what they milled up and rolled in just
12 wasn't tight enough. It's not - it wasn't.

13 And like I said, there was a lot of
14 things. CNX was not a good neighbor to our
15 community when they did this. Between not notifying
16 us of a road being dug across, not notifying us, you
17 know, of the - of the sealer being put on. I mean,
18 there was no communication. Can you imagine having
19 to get an ambulance up our road that day when they
20 had the road dug across? I guess my question is,
21 why didn't they pour across under our road like they
22 did everywhere else?

23 So that's what I have. I just -
24 they're not good neighbors to our community by any
25 means. And they've destroyed our road, and they

1 need to fix what they messed up. You know, just our
2 cul-de-sac alone is wrong. It's not - we shouldn't
3 have to, you know, deal with that.

4 JUDGE: Okay.

5 Thank you, Mr. Cline. I do want to
6 ask about the photographs that have been identified
7 so far. Did you take photograph D, H and L?

8 THE WITNESS: These are all my
9 photographs. Yes, Your Honor.

10 JUDGE: Okay. Okay.

11 So you also took E, Q, R and S?

12 THE WITNESS: All the photographs
13 that are used as our evidence or as our exhibits, I
14 should say, were taken by me.

15 JUDGE: Okay.

16 And the photographs all fairly
17 represent what you saw at the time you took the
18 pictures?

19 THE WITNESS: Yes.

20 JUDGE: Okay.

21 You mentioned in your testimony that
22 the township tarred and chipped the road. You can
23 you tell me approximately when that was?

24 THE WITNESS: I'm guessing - I guess
25 it was about a week and a half maybe after they

1 milled it.

2 JUDGE: After CNX milled it or after
3 the township milled it?

4 THE WITNESS: No. CNX was - yeah,
5 they milled it. The township just tarred and
6 chipped it.

7 JUDGE: Okay.

8 THE WITNESS: CNX milled it and
9 reclaim - you know what I mean, put the millings
10 back.

11 JUDGE: Okay.

12 So the CNX project and the subsequent
13 activity of the township all happened in 2024.

14 Is that true?

15 THE WITNESS: Yes.

16 JUDGE: Okay.

17 Has anything been done to the road
18 since 2024?

19 THE WITNESS: No.

20 JUDGE: Okay.

21 Thank you.

22 Mr. Fulton, did you have any
23 questions you wanted to ask Mr. Cline in addition to
24 the testimony he already offered?

25 MR. FULTON: No.

1 CNX's work or the township's work?

2 A. I don't.

3 Q. And are you aware of any regulation or
4 section of the public utility code that you claim
5 CNX violated?

6 A. I'm not - no, I can't answer that. I
7 don't know that answer.

8 Q. Okay.

9 ATTORNEY PONZO: Those are all the
10 questions I have for you, Mr. Cline. Thank you.

11 JUDGE: All right.

12 Thank you.

13 Mr. Cline, is there anything you want
14 to clarify based on Mr. Ponzo's questions?

15 THE WITNESS: I don't know if it's
16 clarify, but I do want to say that this process that
17 was supposed to happen on a road happens to many
18 roads outside of our township. I don't know that
19 CNX - it's the same contractor, but the results are
20 way better than what our results are. I mean, a lot
21 of townships are doing it, but you're not seeing
22 what, you know, what's happened to ours, so -.

23 And to say that I'm not a
24 professional. I guess I'm not a professional, but I
25 do know the end of my road, where my grandkids ride

1 their bikes and stuff, is a mess, based on CNX's
2 milling of our road.

3 JUDGE: Okay.

4 Thank you.

5 Mr. Fulton, did you have any other
6 witnesses you wanted to call at this time?

7 MR. FULTON: No, I don't.

8 JUDGE: All right.

9 And would you like to move for the
10 admission of the photographs that you identified for
11 admission into the record?

12 MR. FULTON: Yes.

13 JUDGE: All right.

14 So my notes show that Mr. Fulton
15 identified photograph D, photograph H as in horse,
16 photograph L as in lion, photograph P as in Peter, Q
17 as in Quail, R as in Railroad, and S as in Sam.

18 Is there any objection to the
19 admission of photographed D, H, L, P, Q, R, or S for
20 admission into the record?

21 ATTORNEY PONZO: No objection.

22 JUDGE: All right.

23 Those photographs are hereby admitted
24 into the record.

25

1 (Whereupon, Complainant Exhibit C-Q, Road Close
2 up Photo, was admitted.)

3 (Whereupon, Complainant Exhibit C-R, Road Wide
4 View Photo, was admitted.)

5 (Whereupon, Complainant Exhibit C-S, Cul-de-sac
6 Photo, was admitted.)

7 (Whereupon, Complainant Exhibit C-D, Main Street
8 Photo, was admitted.)

9 (Whereupon, Complainant Exhibit C-L, Millings
10 Photo. was admitted.)

11 (Whereupon, Complainant Exhibit C-P, Road
12 Conditions Photo, was admitted.)

13 (Whereupon, Complainant Exhibit C-H, Road Holes
14 Photo, was admitted.)

15 ---

16 JUDGE: Okay.

17 So with that, Mr. Ponzo, I am going
18 to turn to you and invite you to call your first
19 witness. Now, Mr. Fulton, as I said to you before,
20 you might want to have something to write with so
21 that you can make notes to make sure that you ask
22 the witnesses the questions that you want to ask.
23 But I'm going to- your turn will come. So we're
24 going to let Mr. Ponzo ask his questions first, and
25 then you'll have an opportunity.

1 MR. FULTON: Excuse me. Is he going
2 to do - am I going to have a chance to question each
3 witness, or do I have to wait till they're both
4 done?

5 JUDGE: No, we'll do each witness one
6 at a time. So Mr. Fulton is going to - or Mr. Ponzo
7 is going to call his first witness and then ask
8 questions, and then you'll have a chance, and then
9 we'll call his second witness and we'll do the same
10 thing.

11 Okay.

12 MR. FULTON: Okay, Your Honor.

13 JUDGE: So, Mr. Ponzo, who is your
14 first witness?

15 ATTORNEY PONZO: Your Honor, if I
16 may, before I call the witnesses. I want to, you
17 know, point out that as we argued in our preliminary
18 objections, you know, we haven't established that
19 there's any provision of the Public Utility Code at
20 issue here. These are basically complaints about
21 the condition of a road, which is not a matter
22 regulated by the PUC.

23 And I'm reluctant to submit my
24 witnesses to type of Cross Examination that I
25 anticipate is coming their way from Mr. Fulton on

1 personal complaints of inconvenience and
2 unqualified, you know, disputes over work that was
3 performed. So I would object to, you know, any
4 Cross Examination that doesn't tend to prove that
5 there is a violation of the law here.

6 JUDGE: Okay.

7 Well, we haven't had any Cross
8 Examination of anyone yet. So I'm not going to
9 preemptively issue a ruling at this point. I would
10 note that while I dismissed your preliminary
11 objection, that did not prevent you from seeking
12 leave to file some other sort of dispositive motion.
13 Certainly, if you want to file some sort of a legal
14 memorandum after the close of the hearing, I would
15 be willing to offer you an opportunity to do that.
16 But as we're here now and we have all of our
17 witnesses, I'm going to take the witness testimony
18 at this time.

19 ATTORNEY PONZO: Understood, Your
20 Honor. Thank you. So with that, Your Honor, I
21 would call Mr. Danny Booher as our first witness.

22 JUDGE: All right. Mr. Booher.

23 MR. BOOHER: Yes, Your Honor.

24 ---

25 DANNY BOOHER,

1 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
2 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
3 FOLLOWS:

4 ---

5 JUDGE: Could you please state and
6 spell your name and provide your business address?

7 THE WITNESS: Danny Booher,
8 B-O-O-H-E-R. And my office is at 200 Hallam Road,
9 Washington, PA 15301.

10 JUDGE: All right.

11 Mr. Ponzio, you may proceed.

12 ---

13 DIRECT EXAMINATION

14 ---

15 BY ATTORNEY PONZO:

16 Q. Mr. Booher, would you please tell the
17 judge what your job title is with CNX?

18 A. Yes, sir. I'm Manager of Pipeline
19 Construction.

20 Q. And are you familiar with a project that
21 involved the installation of a water line under
22 Salina Road Extension in 2024?

23 A. Yes.

24 Q. And am I correct that the line that was
25 installed was in fact a water line?

1 A. Yes.

2 Q. What was the purpose of that water line?

3 A. It's a fresh water line connecting Kiski
4 River to our operations.

5 Q. Okay.

6 And that project involved excavating a
7 small portion of Salina Road Extension.

8 Is that correct?

9 A. Yes, sir.

10 Q. Okay.

11 And then after the water line was
12 installed, did CNX backfill the trench?

13 A. Yes.

14 Q. And then after that, did CNX apply cold
15 patch to cover up the backfill section of the road?

16

17 A. Yes, sir.

18 JUDGE: Okay.

19 Before we go too much further, Mr.
20 Ponzo, let's relax on the leading questions for your
21 witness. I - you know, I understand we're a little
22 less formal here, but I don't find yes or no
23 questions on Direct Examination especially useful.

24 ATTORNEY PONZO: That's understood,
25 Your Honor. Just trying to be efficient. I

1 apologize.

2 JUDGE: I got it. Thank you.

3 BY ATTORNEY PONZO:

4 Q. Mr. Booher, do you have CNX Exhibit A in
5 front of you?

6 ---

7 (Whereupon, Respondent Exhibit CNX-A, Excavation
8 Day Report, was marked for identification.)

9 ---

10 THE WITNESS: I believe I do. Give
11 me one second. Yes.

12 BY ATTORNEY PONZO:

13 Q. And do you also have CNX Exhibits B and
14 C?

15 ---

16 (Whereupon, Respondent Exhibit CNX-B, Rolled
17 Back Day Report, was marked for identification.)

18 (Whereupon, Respondent Exhibit CNX-C, Cold
19 Patched Day Report, was marked for
20 identification.)

21 ---

22 THE WITNESS: Yes.

23 BY ATTORNEY PONZO:

24 Q. And can you tell the Judge, generally
25 speaking, what these documents are?

1 A. Yeah. So these are our daily
2 construction reports filled out by our construction
3 inspection staff. One of these come out every day
4 based on the activity on the job, which is kind of
5 pertinent information. We like to attach some
6 pictures just as a record of what was happening. So
7 this - these exhibits show the excavation of the
8 road there on the 14th, the installation of the 20
9 inch DR7 HDP line, and then the backfill of the
10 road.

11 Q. And just for the record - I'm sorry.

12 A. I was just saying, backfill with
13 limestone and then cap that off with flow fill and
14 then cold patch for the surface.

15 Q. And are there photographs in these
16 reports that show the road being excavated,
17 backfilled and cold patched?

18 A. Yes, sir.

19 Q. Okay.

20 ATTORNEY PONZO: And Your Honor, do
21 you want me to move for admission as we go through
22 or at the end?

23 JUDGE: I prefer to deal with the
24 admission of exhibits when the witness has completed
25 their testimony.

1 ATTORNEY PONZO: Okay. Thank you,
2 Your Honor.

3 BY ATTORNEY PONZO:

4 Q. Okay.

5 Mr. Booher, do you have CNX Exhibit E in
6 front of you?

7 A. I do.

8 Q. And can you tell the Judge what Exhibit E
9 shows?

10 A. Exhibit E looks to be some Google Maps
11 imaging of Salina Road Extension after the
12 installation of our line.

13 Q. If you look at the photographs marked as
14 Exhibit E in order. Does the first one show the
15 area where the water line was installed?

16 A. Yes, sir. You can see - yeah, our access
17 on the left, the cold patch across the road, and
18 some of our CNX controls on the right hand side.

19 Q. To your best knowledge, do these
20 photographs marked as CNX Exhibit E show the
21 condition of Salina Road Extension as of August
22 2024?

23 A. To my best knowledge. Yes, sir.

24 ATTORNEY PONZO: Those are all the
25 questions that I have for Mr. Booher, Your Honor.

1 JUDGE: Thank you.

2 Mr. Fulton, do you have any questions
3 for Mr. Booher?

4 MR. FULTON: Yes, I do, Your Honor.

5 JUDGE: All right.

6 Go ahead.

7 And I just want to caution both you
8 and Mr. Booher that I expect people to be courteous
9 and polite with each other. So go ahead.

10 ---

11 CROSS EXAMINATION

12 ---

13 BY MR. FULTON:

14 Q. Okay.

15 Mr. Booher, I would like to know why -
16 why did CNX mill our road?

17 A. So I'm not the best person to answer
18 that. I can give my thoughts on it, but - so I'm
19 responsible for the pipeline installation portion.
20 We put the coal patch in. But Mr. Quinn, my
21 associate, is really who coordinates with the
22 township on sort of how they handle their roads.
23 So, Your Honor, I'm not sure if I can have Mr. Quinn
24 in here or answer that.

25 Q. All right.

1 I can ask him the same question, but I'd
2 like answer to it from somebody.

3 ATTORNEY PONZO: And Your Honor, if I
4 may, this is Aaron Ponzo, but we did bring these two
5 witnesses to these two issues. So, Mr. Booher, you
6 know, has stated that, you know, he might not be the
7 best person for that.

8 JUDGE: All right.

9 So we will hear from Mr. Quinn later,
10 Mr. Fulton. So go ahead and ask another question if
11 you have one.

12 MR. FULTON: Yes.

13 BY MR. FULTON:

14 Q. Is CNX allowed to cut across a paved road
15 or do they have to bore under it?

16 A. So during our design process, our
17 permitting team reaches out to those who have
18 jurisdiction over the independent roads. And
19 sometimes we have to bore, sometimes we're allowed
20 to open cut. In this instance, were allowed to open
21 cut.

22 Q. Well, did you get a permit to do it?

23 A. I don't believe that this township
24 requires a permit for the open cut. They just ask
25 that we put it back when we're done.

1 Q. Do you have your own road crew or did you
2 guys hire somebody to do the milling on our road?

3 A. Again, that's probably a question for Mr.
4 Quinn. I was responsible for the. The crew that
5 installed the pipe.

6 Q. Okay.

7 MR. FULTON: Exhibit E, I think it is
8 here, Your Honor. Let me find it here myself.

9 JUDGE: Exhibit E looks like the
10 Google map photographs.

11 Is that what you're referring to?

12 MR. FULTON: That must have been what
13 I wanted to show you when we first started.

14 BY MR. FULTON:

15 Q. But there is another question I want to
16 ask Mr. Booher. The daily construction report that
17 was mailed to me, I don't know how to identify it.
18 There's nothing on it except daily construction
19 reports. I would - let me see Exhibit A. It would
20 be the one, two - the fifth picture in Exhibit A.

21 A. Fifth picture of an Exhibit A. Give me
22 just a second. One, two, three, four, five. Yes,
23 sir.

24 JUDGE: Okay.

25 For clarification, is this the

1 picture of the - it looks like it's a pipe in a
2 trench?

3 MR. FULTON: Yeah.

4 BY MR. FULTON:

5 Q. I'd like to know what - what is that
6 equipment? What is that equipment doing there
7 that's looks like it flops down over the pipe or
8 whatever but -?

9 A. Yeah, that's a fusion machine. That's
10 how weld the HDPE pipe together.

11 Q. Okay.

12 And then on Exhibit B, it's the northeast
13 elevation picture of that?

14 A. Yeah. That's a separate road bore under
15 981.

16 Q. Yeah. When you bore under the road, do
17 you need that much room and depth to do it?

18 A. It all depends on the elevations and
19 terrain sounding the road - surrounding the road.

20 Q. And another question. How many other
21 roads did you cut across stringing this water line?

22 A. I do not have an answer offhand. I would
23 have to go back through the plan set.

24 Q. Did you bore under all of them or were we
25 the only one you cut across?

1 A. Again, I'll have to go back to the plan
2 set. From memory, no, you are not the only road
3 that we open cut.

4 Q. And you already answered the - so you say
5 you were allowed to cut across the road. You're
6 saying to me?

7 A. Yes, sir.

8 MR. FULTON: I guess that's all I
9 have for you.

10 JUDGE: All right.

11 Thank you, Mr. Fulton.

12 Mr. Ponzo, do you have any Redirect?

13 ATTORNEY PONZO: No, I do not. Thank
14 you.

15 JUDGE: Okay.

16 The only question I have, I want a
17 little bit of clarification. Mr. Fulton directed
18 you to Exhibit B to a photograph that's labeled at
19 the top as northeast elevation. I just want to make
20 sure I understand your testimony. Is this, I guess
21 you'd call it a trench on Salina Extension or is
22 that a different road?

23 THE WITNESS: Your Honor, just based
24 on the photograph labeling, that's the road bore
25 under State Route 981.

1 All right

2 Mr. Ponzo, did you have any - any
3 last questions?

4 ATTORNEY PONZO: Just a brief follow
5 up, Your Honor, if I may.

6 JUDGE: Go ahead.

7 ---

8 REDIRECT EXAMINATION

9 ---

10 BY ATTORNEY PONZO:

11 Q. Mr. Booher, assuming that -?

12 A. Yes. I may have some insight to that -
13 to that daily report. People are wondering why that
14 picture is in there. If you go back to the report
15 body itself. So it mentions in there that day that
16 they - oh, that's the day they flow filled Salina
17 Extension. But they also began that night Route 981
18 bore. So both activities were happening that day.
19 That's why that picture is there.

20 Q. So what we're looking at -.

21 JUDGE: I'm sorry, this is. Hold on,
22 hold on. This is Mr. Booher speaking.

23 THE WITNESS: Yes, Your Honor.

24 JUDGE: Okay.

25 Thank you.

1 All right.

2 Go ahead, Mr. Ponzo.

3 ATTORNEY PONZO: Thank you, Your
4 Honor.

5 BY ATTORNEY PONZO

6 Q. So, Mr. Booher, for Exhibit B, these
7 photographs that we're looking at, the one that is
8 labeled northeast elevation has some coordinates on
9 it. And then the next page just has a picture of
10 some workers appearing to be smoothing out some
11 concrete. Do you see that?

12 A. Yes, sir.

13 Q. Okay.

14 Are those pictures the same location or
15 different locations?

16 A. Different locations. Like I say, if you
17 go back to the beginning of that day's report, it
18 notes that we began the Route 981 bore at Station
19 188 and we flow filled Salina Road Extension Road
20 crossing. That's why those pictures of two
21 different locations are on that day's report. Is
22 that all of that activity occurred in the same day.

23 Q. Okay.

24 Is there a reason that you're aware of
25 that there might be a different method of use on a

1 State Route like 981 versus a township road like
2 Salina Road Extension?

3 A. Like I say, during the design process,
4 our permitting team goes out to those different
5 agencies and we attempt to open cut cross as many as
6 we can. And where we can't, you know, we're
7 required to bore. And typically that's due to
8 volume of traffic, potentially a freshly paved road.
9 Sometimes bores aren't achievable due to those
10 elevation changes. I'll say the Salina Extension
11 location is not the great spot for a bore. As one
12 side of the road you're down over a hill, on the
13 other side you start to go up. So now you're
14 getting a pretty deep on the uphill side. So all
15 that comes into play.

16 Q. Is it true that whatever the municipality
17 having jurisdiction over a particular road has some
18 say in the method used, whether it's a bore or a
19 cut?

20 A. Yes, sir.

21 Q. And is that - is the method used based on
22 the permission granted by the authority having
23 jurisdiction?

24 A. Yes, sir.

25 ATTORNEY PONZO: Thank you, Mr.

1 Booher.

2 JUDGE: Thank you.

3 Mr. Fulton, do you have any follow up
4 questions based on that series from Mr. Ponzo?

5 MR. FULTON: No, Your Honor.

6 JUDGE: Okay.

7 Very good. So, Mr. Ponzo, I take it
8 you would like to move CNX Exhibits A, B, C and E,
9 as in Edward, into evidence. And what that means,
10 Mr. Fulton, is that if those documents are admitted
11 into the record, I can consider them when I review
12 the testimony and exhibits in making my decision.
13 Do you have any objection to the admission of CNX
14 exhibits A, B, C or E into the record?

15 MR. FULTON: No, Your Honor.

16 JUDGE: All right.

17 CNX Exhibits A, B, C and E are hereby
18 admitted into the record.

19 ---

20 (Whereupon, Complainant Exhibit CNX-A,
21 Excavation Day Report, was admitted.)

22 (Whereupon, Complainant Exhibit CNX-B, Rolled
23 Back Day Report, was admitted.)

24 (Whereupon, Complainant Exhibit CNX-C, Cold
25 Patched Day Report, was admitted.)

1 (Whereupon, Complainant Exhibit CNX-E, Google
2 Maps Photo, was admitted.)

3 ---

4 JUDGE: Mr. Ponzio, would you care to
5 call your next witness?

6 ATTORNEY PONZO: Yes, Your Honor. I
7 would like to call Mr. Stephen Quinn.

8 JUDGE: Mr. Quinn.

9 MR. QUINN: Yes, Your Honor.

10 ---

11 STEPHEN QUINN,
12 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
13 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
14 FOLLOWS:

15 ---

16 JUDGE: Could you please state and
17 spell your name and provide your business address
18 for the court reporter?

19 THE WITNESS: Stephen Quinn,
20 S-T-E-P-H-E-N Q-U-I-N-N. 200 Hallam Road,
21 H-A-L-L-A-M, Washington, PA 15301.

22 JUDGE: Thank you.

23 Mr. Ponzio, go ahead.

24 ATTORNEY PONZO: Thank you, Your
25 Honor.

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DIRECT EXAMINATION

BY ATTORNEY PONZO:

Q. Mr. Quinn, could you please state your job title with CNX for the record?

A. Yes, my job title is a Construction Foreman with CNX Gas.

Q. Are you familiar with the Salina Road Extension project that we've been discussing here today?

A. I am, yes, sir.

Q. And what was your role with regard to that project? If you could just state it generally.

A. Generally, I met with Bell Township about the repairs that needed done after the pipe crossing. They asked for more repairs on that road further up out of our work zone and asked if we could help in repairing those asphalt, the damages of the potholes and the road delineation.

Q. Do you have CNX Exhibit E in front of you?

A. Yes, sir. Give me one minute. Can you help me find this?

Q. Yeah.

1 A. One second. Sorry. There we go. Okay.
2 Got it.

3 Q. Okay.

4 And have you had an opportunity to review
5 the photographs that have been collectively marked
6 as Exhibit E?

7 A. I have.

8 Q. To your knowledge do those photographs
9 show the condition of Salina Road Extension in
10 August of 2024?

11 A. Yes.

12 Q. Okay.

13 Do they show potholes and deterioration
14 along the road?

15 A. They do.

16 Q. Are those the conditions that the
17 township asked CNX to address?

18 A. They are, yes.

19 Q. And am I correct that those potholes and
20 deterioration existed before CNX installed the
21 waterline line.

22 Is that right?

23 A. That is correct.

24 Q. Okay.

25 JUDGE: Okay.

1 Mr. Ponzo, watch the leading
2 questions, please.

3 ATTORNEY PONZO: Sure, Your Honor. My
4 apologies.

5 BY ATTORNEY PONZO:

6 Q. Mr. Quinn, could you explain the
7 discussions that you had with the township about
8 what they requested CNX to do with regard to the
9 road?

10 A. Yes. The township was asking for more
11 asphalt base repair on the bad sections that we did
12 not use. I suggested using a reclaimer, reclaiming
13 three inches of asphalt, reprofiling the road,
14 grading it, and re rolling it with the township to
15 apply a chip seal once our work was done.

16 Q. What is a reclaimer?

17 A. A reclaimer is a machine that grinds up
18 the existing asphalt and puts it back down in place.

19 Q. And can you explain what you meant by
20 reprofiling?

21 A. Yes. So reprofiling the road would now
22 have waterfall off it. So there'd be a spot in the
23 center would be a little bit higher than the edges
24 so water would flow off of the river. So that's
25 what re profile means.

1 Q. When was this work performed and
2 completed?

3 A. This work was performed on September 3rd
4 of 2024. And all that work was done in one day.

5 Q. Did you have any discussions with
6 representatives of the township after the work was
7 completed?

8 A. I don't recall. I'm sure I did, but I
9 don't recall.

10 Q. Are you aware of whether the township
11 accepted and approved that work with the reclaimer
12 and reprofiling the road?

13 A. Yes, they approved and - they approved
14 it.

15 Q. And did the township do any work after
16 CNX finished its work on the road?

17 A. They did. They would have chip sealed
18 the road after our work was done. What date, I do
19 not know. Sorry.

20 Q. That's fine. So you heard Mr. Fulton
21 testify here today. One of the issues that he
22 raised is why did CNX mill the road? Did your
23 testimony that you just gave answer that question?

24 A. Yes. Yes, but we were trying to be a
25 good neighbor with the township by doing work that

1 wasn't our work as far as the rest of Salina Road
2 Extension.

3 Q. You aware of the township making any
4 complaints to CNX about the condition of the road?

5 A. I'm not aware of that.

6 ATTORNEY PONZO: No further
7 questions, Your Honor.

8 JUDGE: All right.

9 Thank you.

10 Mr. Fulton, do you have any questions
11 for Mr. Quinn?

12 Mr. Fulton?

13 MR. FULTON: Yes, I do, Your Honor.
14 I'm sorry.

15 JUDGE: Okay.

16 Go ahead.

17 ---

18 CROSS EXAMINATION

19 ---

20 BY MR. FULTON:

21 Q. Mr. Quinn, you said a little bit why CNX
22 did the work on the road, but who decided to do it
23 the way you guys did it? To mill it up? What - if
24 you wanted just to repair the road, why didn't you
25 just put some patch on the bad spots and tar and

1 chip it instead of ripping the whole road apart?

2 A. The road was in poor condition, and the
3 township thought it would be a good idea to reclaim
4 the whole road.

5 Q. Well, it wasn't a good job on the road.
6 Do you - oh, you explained that I think. Do you
7 know if you got a permit to cut across the road?

8 A. I'm not in the permitting department,
9 sir. I take care of the roads.

10 Q. And do you have your own crew? Was this
11 your crew to do it or did you pay somebody?

12 A. No, sir. We subcontracted that out.

13 Q. Is there a binder applied when a roll -
14 when you rolled it in?

15 A. Explain binder, sir? What do you mean by
16 binder?

17 Q. The spray. Whatever you put on to seal
18 it or -?

19 A. So we sealed it with ultra - we've sealed
20 it with Ultra Bond 1000. It's a - it's a emulsion
21 that binds the existing asphalt together. Yes, sir.

22 Q. Was it the same day?

23 A. It was on September 4th. It was the next
24 day.

25 Q. That's not the truth.

1 JUDGE: Okay.

2 Don't argue with the witness, Mr.
3 Fulton.

4 MR. FULTON: I'm sorry.

5 JUDGE: Okay.

6 Please don't with the witness. Don't
7 argue with the witness. If you have something you
8 want to say, I'll give you an opportunity to add
9 your testimony at the end.

10 MR. FULTON: Okay. I'm sorry.

11 BY MR. FULTON:

12 Q. Could you tell me why after possibly
13 seven, eight months, the road was still soft?

14 A. I cannot, sir. But it should not be soft
15 because the first part of the reclaimer, after we do
16 the initial grind, we take a road grader to it and
17 profile the road. The second part of that process
18 is a sheep foot roller which weighs 10 - 12 ton and
19 it has a vibrator on it, so it compacts all the
20 material. Then we take a second roller, a smooth
21 barrel roller, smooth drum roller that weighs 10
22 ton, and re-roll the road again. So it it's soft
23 I'm not aware of that, but I've driven it and it's
24 not soft.

25 Q. You what? I didn't catch anything.

1 A. I drove - I said I drove on it and didn't
2 see any sign of it being soft.

3 Q. When did you drive on it?

4 A. Oh, last week I was on it, two months
5 ago. I'm up in that area all the time, sir.

6 Q. It might not - it might not be soft right
7 now, I can't say it is. But I do know this summer
8 it was very soft. Could you look at Exhibit P or
9 photo P?

10 A. Yes, sir. Give me one minute.

11 ATTORNEY PONZO: Mr. Quinn, I don't
12 know that you have Mr. Fulton's Exhibit P, but I
13 will email it to you.

14 THE WITNESS: Okay.

15 I'm not seeing it, so -. Can you
16 send it to Danny, please?

17 ATTORNEY PONZO: I just sent that. It
18 should be there in a minute.

19 THE WITNESS: I haven't seen it come
20 through yet. Sorry. It still hasn't come through.

21 ATTORNEY PONZO: Okay.

22 Your Honor, are we able to move on
23 and maybe come back to this line of questioning once
24 the witness has the exhibit?

25 JUDGE: Well, let me ask Mr. Fulton

1 this. Are you going to ask questions about other
2 photographs besides just photograph P?

3 MR. FULTON: Yes.

4 JUDGE: Okay.

5 Which photograph?

6 THE WITNESS: Your Honor -.

7 JUDGE: Go ahead. Sorry.

8 THE WITNESS: Your Honor, this is
9 Stephen Quinn. The picture just came through.

10 JUDGE: Okay. Terrific. All right.
11 Let me know when you have it pulled
12 up.

13 THE WITNESS: I do.

14 JUDGE: All right.

15 Mr. Fulton, go ahead and ask your
16 question about complainants photograph P as in Paul.

17 BY MR. FULTON:

18 Q. If you look at that photo, you can see
19 where the garbage truck and delivery trucks turn
20 around and how the roads all tore up there. And
21 holes there.

22 A. I can see, yes, sir.

23 JUDGE: Okay.

24 Hold on. Yeah, let's talk one at a
25 time. So we're looking at a photograph P. And Mr.

1 Fulton asked Mr. Quinn if you could see where
2 vehicles have turned around on the road. And Mr.
3 Quinn's answer is yes.

4 Okay.

5 Next question Mr. Fulton?

6 BY MR. FULTON:

7 Q. Why is the tear in the asphalt making
8 holes in the road?

9 A. Well, in my opinion, it's not the -. Go
10 ahead.

11 JUDGE: Hold on. Mr. Ponzo, do you
12 have an objection?

13 ATTORNEY PONZO: I just - I just want
14 to object to the lack of foundation for the
15 question. But just for the record, Your Honor.

16 BY MR. FULTON:

17 Q. Mr. Quinn -.

18 JUDGE: Hold on. Wait. Mr. Fulton.
19 Mr. Fulton. Yeah.

20 Okay.

21 So Mr. Ponzo is objecting, and I'm
22 thinking about Mr. Ponzo's objection. I'm going to
23 overrule the objection at this time because I think
24 the witness can deal with the - with the question.

25 MR. FULTON: All right.

1 Thank you, Your Honor.

2 JUDGE: So I think. I think we got
3 as far as Mr. Quinn saying he could see - well, Mr.
4 Quinn, I don't want to put words in your mouth.

5 Can you tell me what you see in this
6 photograph?

7 THE WITNESS: Yes, ma'am. Your
8 Honor, in my opinion, the asphalt's not failing.
9 It's the chip surface. The chip seal is
10 delaminating from the surface underneath. There's
11 no hole there. It's just the chip is gone.

12 JUDGE: Okay.

13 Mr. Fulton, next question.

14 MR. FULTON: I don't - again, I don't
15 think that's a correct answer. That goes the whole
16 way down further -.

17 JUDGE: Well, Mr. Fulton, let me tell
18 you that Mr. Quinn has offered his answer, and you
19 might disagree with it. And you'll have an
20 opportunity to talk about what you think after we
21 take Mr. Quinn's testimony. So at this point, your
22 job is to ask Mr. Quinn any questions you want to
23 ask them. And if you want to add anything to your
24 testimony, you'll have a chance to do that later.

25 MR. FULTON: Okay.

1 BY MR. FULTON:

2 Q. Exhibit E. The pictures they took of
3 Google map or whatever it was.

4 JUDGE: Okay.

5 So we're going to see CNX Exhibit E
6 as an Edward.

7 MR. FULTON: Yes.

8 JUDGE: Okay.

9 So go ahead. What is your question
10 about that?

11 MR. FULTON: I would like Mr. Quinn
12 to compare those pictures with Exhibit G of ours,
13 and you honestly tell me which road is worse.

14 ATTORNEY PONZO: Objection, Your
15 Honor -.

16 JUDGE: Okay.

17 Stop, stop, stop.

18 Mr. Ponzo, what's your objection?

19 ATTORNEY PONZO: Argumentative, Your
20 Honor.

21 JUDGE: Well, I think he's just
22 asking your witness to look at two photographs and
23 offer his opinion on the comparison. Now I've got
24 photograph G pulled up. I don't think we have a -
25 we haven't talked about photograph G, Mr. Fulton.

1 MR. FULTON: Excuse me, Your Honor,
2 I'm talking about -

3 JUDGE: Go ahead.

4 MR. FULTON: - Exhibit G. Exhibit G
5 that he sent us. It's all my pictures. Let him go
6 through them one at a time and tell me that the road
7 is better now than it was before they milled it.

8 JUDGE: All right.

9 Well, first of all, that's a very
10 broad and almost too open ended question. If you
11 want Mr. Quinn to look at two photographs and offer
12 an opinion about one photograph versus another
13 photograph, you need to be specific about which
14 photographs you want him to look that.

15 BY MR. FULTON:

16 Q. Well, Mr. Quinn, if you would look at
17 photograph R.

18 JUDGE: Okay.

19 Now, what photographs do you want him
20 to compare photograph R to?

21 MR. FULTON: Well, I just want him to
22 look at that and him tell me that it's just the chip
23 part when you can see tire tracks.

24 JUDGE: Okay. Okay.

25 Let me help you up a minute.

1 So, Mr. Quinn, do you Complainant's
2 photograph R in front of you?

3 THE WITNESS: I do, Your Honor.

4 JUDGE: All right.

5 Mr. Quinn, can you tell me what you
6 see in photograph R?

7 THE WITNESS: So, on the right side,
8 I see a concrete driveway, and then I see some
9 damage at the end of the driveway, and I see some
10 snow in the background.

11 JUDGE: Okay.

12 So, Mr. Fulton, now you can ask Mr.
13 Quinn if you want have a more specific question. Go
14 ahead and ask it.

15 BY MR. FULTON:

16 Q. Yes, the damage that's shown here at the
17 end of my driveway, is that in your opinion, just
18 the tar and chips, or is it some of your milling?

19 A. That's tar and chips, sir, in my opinion.

20 Q. In your opinion. You can't tell by the -
21 the tire track that it's not just tar and chips?
22 There's nothing there but mud now. And when you did
23 the road, it's photo P as in Paul.

24 A. Yes, sir. I see the photo.

25 Q. When the milling was done, why didn't

1 your crew go into the cul-de-sac?

2 A. There was no damage in the cul-de-sac.

3 Q. Well, did you look at photo P?

4 A. I'm looking at the photo, sir. I'm not
5 sure what you're asking me.

6 Q. I'm asking you if you can visually see
7 any damage in photo P?

8 A. I see the road seal, the laminating on
9 the road surface, yes.

10 MR. FULTON: Well, Your Honor, I
11 guess we're done as far as my question.

12 JUDGE: Thank you.

13 Mr. Ponzio, do you have Redirect? Mr.
14 Ponzio, do you have any Redirect?

15 ATTORNEY PONZIO: I do, Your Honor.
16 And a question for the - for Your Honor. Would it
17 be helpful to understand Mr. Quinn's qualifications
18 to testify on these matters?

19 JUDGE: Well, I'm not going to tell
20 you how to litigate your case, but it might be
21 helpful to you if you want to put that onto the
22 record. I'll allow you to do it.

23 ATTORNEY PONZIO: Okay. Thank you.

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25 REDIRECT EXAMINATION

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BY ATTORNEY PONZO:

Q. Mr. Quinn, can you briefly state what your job responsibilities are as it to relates to paving projects?

A. What do you mean by - what's your question again?

Q. Let me rephrase it. Have you worked on projects involving road, you know, profiling and reclaiming prior to this Salina Road Extension project?

A. Yes, sir.

Q. Okay.

How many projects approximately, if you can estimate?

A. Oh, 100, 200. I don't know.

Q. Do you have experience with, you know, projects that involve reprofiling and applying the sealing?

A. Yes sir.

Q. How many projects have you worked on that involve those matters?

A. Twenty (20) on reprofiling.

Q. Have you previously had experience observing conditions of a road, such as Salina Road

1 Extension, that you've seen in the pictures here
2 today?

3 A. Yes, sir.

4 Q. What's your - what's your educational
5 background, Mr. Quinn?

6 A. My educational background is I graduated
7 to high school. I came to work at CNX as a - as a
8 foreman, and been working in this on the road
9 department ever since.

10 Q. So your experience with CNX has been in
11 the - in a department that works on projects
12 involving road construction?

13 A. Yes, sir.

14 Q. How many years total?

15 A. Sixteen (16).

16 Q. Mr. Fulton was asking you questions about
17 your opinion as to why the road is in the condition
18 shown in the various pictures that Mr. Fulton showed
19 to you. And you understand that he's claiming that
20 work that CNX performed has resulted in that
21 condition. Do you understand that that's his claim?

22 A. Yes, I do.

23 Q. And is it your opinion that the work CNX
24 performed has not led to the condition of the road
25 that Mr. Fulton is complaining about?

1 months. Maybe they chipped out of season. I don't
2 know. I'm not sure when they did.

3 Q. Well, I believe you don't know when they
4 did it because you don't even know when you sprayed
5 it. You didn't spray for three to five days. Three
6 to five days after the job was done. And we had a
7 heavy rain one day because I can remember -.

8 JUDGE: Mr. Fulton. Mr. Fulton, I'm
9 going to give you a chance after Mr. Quinn is
10 finished to offer whatever additional facts you have
11 personal knowledge of, but I'm going to ask you to
12 not argue with Mr. Quinn.

13 Do you have a question?

14 MR. FULTON: Well, no.

15 JUDGE: Okay. Thank you.

16 Mr. Ponzio, do you have any last
17 questions for Mr. Quinn?

18 ATTORNEY PONZIO: I do not, Your
19 Honor. Thank you.

20 JUDGE: Thank you. And I don't
21 believe we introduced any new exhibits during Mr.
22 Quinn's testimony.

23 Is that correct?

24 ATTORNEY PONZIO: That is correct,
25 Your Honor.

1 JUDGE: All right.

2 Thank you. Mr. Quinn. Thank you
3 very much. You may step down.

4 All right.

5 THE WITNESS: Thank you, Your Honor.

6 JUDGE: Mr. Fulton, it is now your
7 turn to add whatever new facts you would like to add
8 based on the testimony that you already heard. And
9 I'm going to remind you that you are still under
10 oath, and Mr. Ponzo will have an opportunity to ask
11 you questions about your additional testimony. So
12 go ahead and tell me whatever additional facts you
13 think I need to know.

14 MR. FULTON: Yes, I just wanted to
15 point out they did not spray right away. It was
16 three to five days later, and in between we had a
17 heavy rain. Because I can remember commenting to my
18 wife that's going to end up washing the road out
19 because there was nothing put on it. It was just
20 rolled. That's all I have to say. And that's the
21 truth. It wasn't the next day. They did not spray
22 it the next day.

23 JUDGE: Okay.

24 Thank you.

25 Mr. Ponzo, do you have any Cross

1 Examination for Mr. Fulton?

2 ATTORNEY PONZO: No, Your Honor.

3 JUDGE: All right. Thank you. All
4 right.

5 Mr. Ponzo, do you have any further
6 witnesses? I should have asked you that before. I
7 apologize.

8 ATTORNEY PONZO: We do not, Your
9 Honor. Thank you.

10 JUDGE: All right.

11 So, Mr. Fulton, would you like to
12 make a brief statement about what you think you've
13 proved with your evidence, or are you happy with
14 what you've told me already?

15 MR. FULTON: Well, the only thing I
16 have to say, Your Honor, is the pictures speak for
17 themselves. They can blame it on the township all
18 they want. Maybe it was a combination of both not
19 doing a good job. I don't - I don't know. I don't
20 know anything about a road. The only thing I know
21 is before they milled it up and the way - condition
22 the road is today, there's no - there's no
23 comparison. It's 10 times worse than it was before.
24 Now, they made an agreement with the township,
25 supposedly. But why they did it the way they did -

1 all they had to do was patch a couple holes and then
2 tar and chip it instead of tear the whole road up.
3 And like I said, the pictures speak for themselves.

4 You look at them, and I don't think
5 any of them three guys would like to have a road in
6 front of our house like the way we have to live with
7 now. And I'm sorry, but that's all I have to say.

8 JUDGE: Okay.

9 Thank you, Mr. Fulton.

10 Mr. Ponzo, would you like to make a
11 closing argument or are you satisfied with what
12 you've presented so far?

13 ATTORNEY PONZO: Your Honor, I would
14 like to just make a brief closing.

15 JUDGE: Go ahead.

16 ATTORNEY PONZO: Thank you, Your
17 Honor. You know, as I stated at the beginning, and
18 you know, as we've argued in our responsive
19 pleadings, this matter is not one over which the
20 Public Utility Commission has jurisdiction. The
21 evidence has borne that out. The witnesses are
22 unable to say what laws have been violated, what
23 provisions of the Public Utility Code have been
24 violated. I understand that's a legal issue, but
25 wanted to make sure that was on the record.

1 As it relates to the complaints that
2 you've heard today. It's clear that these are
3 personal complaints of inconvenience. There's no
4 expertise or qualifications on the side of the
5 Complainant that qualify anyone to question the work
6 that was done or give qualified opinions on the
7 cause of the condition of the road. As Mr. Fulton
8 just admitted a minute ago, he doesn't know anything
9 about roads.

10 And as the CNX witnesses testified,
11 and in particular Mr. Quinn, with his experience in
12 road construction work, the issue is that the
13 surface is delaminating and that it's the tar and
14 chip surface application that's at issue on CNX's
15 work. So with that, Your Honor, that's the only
16 closing comments that I wanted to make. Thank you.

17 JUDGE: All right.

18 MR. FULTON: Your Honor. Your Honor.
19 Your Honor, could I make one more comment?

20 JUDGE: Go ahead, Mr. Fulton.

21 MR. FULTON: Mr. Booher said that
22 they did the road to be a good neighbor. And he got
23 eyes just like I do. If he looks at these pictures
24 and he wants to be a good neighbor, why don't they
25 fix the road the way it should be? It's only a half

1 mile road. That's all it is. And I don't think - I
2 mean, when you say you want to be a good neighbor
3 and fix out road, and then you come in and destroy
4 it, I don't see how that could be a good neighbor.
5 And that's all I have to say, I think for sure now.

6 JUDGE: Okay.

7 Thank you.

8 All right.

9 What will happen next is in three to
10 four weeks, the Commission will see receive a copy
11 of the transcript of today's hearing. Once I
12 receive that transcript, I will issue an order
13 closing the record. As my schedule permits, I have
14 90 days to render a written decision. Everybody
15 will receive a copy of that decision. The decision
16 will include a cover letter from the Commission
17 Secretary's Bureau that will include instructions
18 for filing exceptions to the full Commission in the
19 event that you disagree with my decision. It's very
20 important that you read that cover letter carefully
21 as that it contains deadlines. If you do not file
22 your exceptions within the deadlines in the
23 secretarial letter, the Commission may not hear your
24 exceptions.

25 Mr. Fulton, do you have any

1 procedural questions for me at this time?

2 MR. FULTON: No.

3 JUDGE: All right.

4 Mr. Ponzio, do you have any procedural
5 questions?

6 ATTORNEY PONZO: Your Honor, we'd
7 like the opportunity to file a dispositive motion.
8 Is that -

9 JUDGE: Okay.

10 ATTORNEY PONZO: - something that
11 we can file prior to the issuance of the recommended
12 decision? Because, as I understood the order
13 dismissing our preliminary objections, it was
14 without prejudice, but when this hearing was
15 scheduled, I wanted to wait and see how you plan to
16 administer the case before making any other filings.
17 But I would like the opportunity to file, you know,
18 like I said, a dispositive motion.

19 JUDGE: Okay.

20 How much time do you think you need
21 to file a dispositive motion?

22 ATTORNEY PONZO: Can I have two
23 weeks?

24 JUDGE: Okay.

25 So that would bring us to - let's

1 see, that would bring us to March 10th?

2 ATTORNEY PONZO: If it's okay with
3 Your Honor, can I have until the 13th, which is the
4 Friday.

5 JUDGE: Okay. March 13th. Okay.

6 And then, Mr. Fulton, I'm going to
7 give you until March 27th to respond to the motion
8 if you choose to do so. You don't have to respond
9 if you feel like you said everything that you want
10 to say. And you're, you know, if you want to file a
11 response, it can just be a letter or anything in
12 writing. It doesn't have to be in formal legal
13 format.

14 What I will do today is I'll - I will
15 issue an order that writes those deadlines down so
16 that everybody has them and we'll move forward from
17 there. So with that, we are concluded.

18 But before we hang up the phone, I'm
19 going to turn to Ms. Elliot and ask her, do you need
20 anything for the purposes of the transcript?

21 COURT REPORTER: Thank you. I just
22 need to know if the parties would like a copy of the
23 transcript.

24 MR. FULTON: Is there -?

25 ATTORNEY PONZO: Go ahead, Mr.

1 Fulton.

2 MR. FULTON: Is it no cost?

3 COURT REPORTER: No, you would have
4 to pay for it.

5 MR. FULTON: And how much would that
6 be?

7 COURT REPORTER: I am not sure. I
8 can always provide you with the number for the
9 company, the transcription company, and you can
10 contact them if you would like to inquire about
11 price.

12 MR. FULTON: You're going to give
13 that to me now?

14 COURT REPORTER: I can, if that is
15 all right.

16 MR. FULTON: Well, I don't know. I
17 don't know. I wouldn't mind having it, but I don't
18 want to pay a lot of money for it.

19 JUDGE: Right, right. Yeah. Let's
20 have the court reporter give you the phone number,
21 and then when the transcript's complete, they can
22 give you a price, and you can decide at that time
23 whether you want a copy or not.

24 MR. FULTON: Okay. Sounds good.

25 JUDGE: All right. Okay.

1 And Mr. Ponzo, did you want a copy?

2 ATTORNEY PONZO: Yes, I do, please,
3 Ms. Elliot, that would be wonderful.

4 COURT REPORTER: Is email okay?

5 ATTORNEY PONZO: It is, yes. Thank
6 you.

7 COURT REPORTER: Okay. All right.
8 Thank you so much.

9 JUDGE: Okay.

10 So let's give Mr. Fulton the phone
11 number. And then also, Ms. Elliott, if you would
12 provide an email address where the parties can
13 provide you with the copies of their exhibits that
14 were admitted into the record.

15 COURT REPORTER: Okay.

16 JUDGE: Go ahead.

17 COURT REPORTER: I'll start with the
18 email address. It would be exhibits@sargents.com
19 Sargents is S-A-R-G-E-N-T-S.

20 MR. FULTON: Okay.

21 JUDGE: And then the phone number?

22 COURT REPORTER: The phone number is
23 going to be 814-536-8908.

24 MR. FULTON: Can I read that back to
25 you?

1 COURT REPORTER: Yes, of course.

2 MR. FULTON: 814-536-8908.

3 COURT REPORTER: Yes.

4 MR. FULTON: Okay, thank you.

5 COURT REPORTER: Of course. That is
6 all I needed then.

7 JUDGE: Okay.

8 So I'm going to ask each of you, so,
9 Mr. Booher - or, I'm sorry. Mr. Fulton, I want you
10 to email copies of the photographs that were
11 admitted into the record. So it's not your whole
12 packet, just - just the ones that were admitted.
13 And you're going to email those to exhibits at
14 Sargents. And I want you to copy me on that email.
15 And my address is M-A-L-O-N-G@pa.gov.

16 Do you think you can do that by the
17 end of the day, Mr. Fulton?

18 MR. FULTON: I guess I have to get
19 somebody to do it. I don't - I don't know how to do
20 it.

21 JUDGE: Okay.

22 MR. FULTON: Let me - can I read it
23 back to you, too? M-A-L-O-N-G@email.gov?

24 JUDGE: I'm sorry. PA.gov.

25 MR. FULTON: PA.gov.

1 JUDGE: PA.gov. Yeah.

2 MR. FULTON: Okay. And I didn't - I
3 didn't keep track of the exhibits.

4 JUDGE: Okay, I'll tell you - I'll
5 tell you which ones. I will tell you. You ready?

6 MR. FULTON: Yes.

7 JUDGE: And correct me If I'm wrong,
8 Mr. Ponzo, if my notes are bad, please feel free to
9 correct me. So I have D as in dog, H is in horse, L
10 as in lion, P as in Paul, Q as in quail, R as in
11 rat, S as in Sam. Okay, that's seven photographs.

12 MR. FULTON: Okay. Yeah, I'll have
13 my granddaughter send it.

14 JUDGE: Perfect. That's fine. And
15 just make sure that I get copied so that I can make
16 sure that they end up with the transcript.

17 And, Mr. Ponzo, I trust that you will
18 figure out how to get the exhibits from you that
19 were admitted into the record. According to my
20 notes, those are CNX Exhibits A, B, C and E as in
21 Edward. And if you would also CC me on your email
22 transmitting those to the court reporter I would
23 appreciate it.

24 ATTORNEY PONZO: I will do that, Your
25 Honor. Thank you.

1 JUDGE: Thank you.

2 MR. FULTON: Your Honor. Your Honor.

3 JUDGE: Yeah.

4 MR. FULTON: Excuse me. My
5 granddaughter gets off work, I think at six o'clock.
6 Is that too late to send them?

7 JUDGE: No, if you can get them at,
8 you know, sometime this week, you know, the sooner
9 the better.

10 MR. FULTON: Okay.

11 JUDGE: Okay.

12 MR. FULTON: I'll have her send it
13 tonight or tomorrow.

14 JUDGE: Perfect. That would be
15 great. Yeah, I'm just - I'm a little anal
16 retentive. I like to follow up on these things,
17 so -.

18 MR. FULTON: Okay.

19 JUDGE: All right.

20 Gentlemen, I want to thank you both
21 very much for your presentations today, and I wish
22 you both a very good rest of the day. You both have
23 my email address, so if something comes up and you
24 have a procedural question, you can go ahead and
25 reach out. And for my part, I will get that order

1 out regarding the dispositive motion response
2 deadline. So with that, we are concluded. And I
3 wish you all a very good rest of the day. Okay.

4 MR. FULTON: Okay. I wish it to you
5 too. Thank you.

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HEARING CONCLUDED AT 12:44 P.M.

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CERTIFICATE

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I hereby certify, as the stenographic reporter,
that the foregoing proceedings were taken
stenographically by me, and thereafter reduced to
typewriting by me or under my direction; and that
this transcript is a true and accurate record to the
best of my ability.

Dated the 27th day of February, 2026



Laurie Elliott,

Court Reporter

Sargent's Court Reporting Service, Inc.
210 Main Street
Johnstown, PA 15901

EXHIBIT F

CNX EXHIBIT C



DAILY CONSTRUCTION REPORT

JOB	Kiski River To BP6 Waterline
NUMBER of INSPECTORS	6
DATE	03/18/2024
REPORT NUMBER	055
CONDITIONS	Overcast, 28°
DAILY RAINFALL	.3"
TOTAL RAINFALL	9.7"
TOTAL RAINOUTS	4
CONTRACTORS ON SITE	Alex Paris, Thrasher, CEC
TOTAL CLEARED	30,296'
TOTAL BACKFILLED	11,750'
TOTAL RECLAMATION	1,100'

Description of Work:

AEP – Temporary stabilized ROW from STA 118+00-124+00. Re dug bore pit and set box at STA 188+50. Installed cold patch on Salina Extension road crossing. Stripped topsoil from STA 197+00-198+00. Dug ditch from STA 199+50-200+50. Lowered in from STA 199+50-200+50. Restored road side ditch at STA 201+00. Excavated pit for additional handhole at STA 289+00. Installed 16' gate and repaired fence at STA 289+30. Fuse technician made (8) production fuses building stringers at STA 175+00. Made (2) tie in fuses at STA 200+75.

ARS – Installed 295' of 18" CFS from STA 118+00-124+00. ECD installation is complete.



DAILY CONSTRUCTION REPORT

PHOTOS





DAILY CONSTRUCTION REPORT



KISKI WL
3/18/24 BORE
PIT STA. 188+00



DAILY CONSTRUCTION REPORT

KiskiWL_2024-18-03_
119+00





DAILY CONSTRUCTION REPORT

South West Elevation

⊙ 49°NE (T) ⊙ 40.536067, -79.51761 ±8m ▲ 378m



Kiski River to BP6
WL_2024.03.18

Installing gate @ 289+50

18 Mar 2024, 12:38:33 PM

EXHIBIT G

EXHIBIT B



Act 127 Pennsylvania Pipeline Operator Annual Registration Form

Please submit completed form by March 31

Registration for Previous Calendar Year Ending: 2024
 Docket Number: A-2012-2295730

- If you need help getting your docket number,
- Go to www.puc.pa.gov > Filing & Resources > Issues, Laws & Regulations > Act 127 (Pipeline Act).
 - On the Act 127 page you will see a link on the lower section of the page under Pipeline Operators Registry.
 - Click on the link to "View Current List of Registered Pipeline Operators."
 - Click on the utility code next to your name; find the Docket Number (A-2012-xxxxxx) under the Docketed Cases.

1. **Registrant (Full name of pipeline operator):** CNX RESOURCES CORPORATION

Comments: If applicable, explain any changes to your company name or legal status (acquisition, merger, etc.) in the past calendar year.

2. **Types of Pipelines and/or Facilities.**
 Please note that natural gas public utilities are not required to file this form.
 Pipelines and/or facilities covered by this form are associated with the following types of facilities and transport the following types of commodities: (select all that apply)

Gas Distribution
 Natural Gas Propane Gas

Gas Transmission
 Natural Gas
 Propane Gas
 Other Gas Define:

Gas Gathering
 Hazardous Liquid
 Other Define:

3. **Main Mailing Address:**
 Provide the address to which the Commission will serve all correspondence relating to this registration.

Street Address/P. O. Box: 1000 HORIZON VUE DR
 City, State, Zip Code: CANONSBURG, PA 15317

4. **Physical Address:**
 Provide the address of your primary Pennsylvania facility. This address is needed by the Commission to perform inspections and onsite visits.
 Do not provide a post office box number.

Street Address: 1000 HORIZON VUE DR
 City, State, Zip Code: CANONSBURG, PA 15317

5. **US DOT Operator ID Number:**
 Provide the number assigned to you by the United States Department of Transportation, Pipeline Hazardous and Materials Safety Administration (PHMSA). 38910

6. **PA L&I Propane Registration Number:**
 Provide your propane registration number with the Pennsylvania Department of Labor and Industry (if applicable).
 If you do not have a number, please enter "N/A".

7.	Regulatory Contact Information: <i>Complete in full with contact information of the person in your company the Commission can contact for questions and other matters pertaining to your registration and operations.</i>
	Name: STANLEY SCHURDAK
	Street Address: 1000 HORIZON VUE DR
	City, State, Zip Code: CANONSBURG, PA 15317
	Email Address: DOTCOMPLIANCE@CNX.COM
	Telephone Number: (724) 761-1646
8.	Assessment Contact Information: <i>Complete in full with contact information of the person in your company who is responsible for receiving the Commission's assessment (billing) invoices and paying the assessment under Act 127.</i>
	Name: STANLEY SCHURDAK
	Street Address: 1000 HORIZON VUE DR
	City, State, Zip Code: CANONSBURG, PA 15317
	Email Address: DOTCOMPLIANCE@CNX.COM
	Telephone Number: (724) 761-1646
9.	Federal EIN Number (if applicable):
10.	Pipeline Emergency (PEMA) Contact Information: <i>Complete in full with contact information of the person in your company who the Commission can call in an emergency situation. This information is critical to the Commission's interactions with the Pennsylvania Emergency Management Authority (PEMA).</i>
	Name: PRODUCTION CONTROL ROOM - EMERGENCY CONTACT
	Street Address: 1000 HORIZON VUE DR
	City, State, Zip Code: CANONSBURG, PA 15317
	Email Address: PCR@CNX.COM
	Telephone Number: (800) 583-3755
11.	Attorney (if applicable): <i>Complete this section only if an attorney is filing this registration form on your company's behalf.</i>
	Name:
	Street Address:
	City, State, Zip Code:
	Email Address:
	Telephone Number:
12.	Operational Information:
Comments: Report any newly installed pipeline, and explain any additions, deletions or variations since your previous year's registration.	
See attachment for YOY mileage variance details	

- Complete Attachments "A" and "B". For each Pennsylvania gas or hazardous liquids pipeline, provide the in-state mileage in operation as of December 31 of the prior year, by class and by county. Mileage should be reported for each individual pipe. Multiple pipelines in one trench are considered individual pipes for reporting purposes. If you have no miles to report on these attachments, check the appropriate block at the top of the form(s).
- Complete Attachment "C" by providing the country of manufacture and mileage data for all tubular steel products installed in the prior calendar year in Pennsylvania for the exploration, gathering or transmission of natural gas or hazardous liquids. If you have no data to report on this attachment, check the appropriate block at the top of the form.

13. Filing Fee:

The filing fee for this Annual Registration Form is \$250, payable to the "Commonwealth of Pennsylvania." The filing fee can either be mailed or electronically paid when eFiling your form with the Commission's eFiling system. ***NOTE: If you are a Propane Distributor registered with the PA L&I or a Borough, you are exempt from paying this filing fee.***

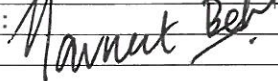
Fee Exemptions (please indicate if either exemption applies):

- Propane Distributor registered with PA L&I
- Borough

14. Verification:

The person responsible (corporate officer or attorney) for filing your Annual Registration Form must affix his or her signature and verify that all information provided on the form is true to the best of his or her knowledge, information and belief. NOTE: Registration Forms that are not verified will not be accepted for filing.

I hereby state that the information in this application is true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Name:	Signature: 
NAVNEET BEHL	
Title:	Date: 3/5/2025
CHEIF OPERATING OFFICER	

15. Registration:

eFiling:

Registration Forms may be eFiled with the PUC. If eFiling your renewal form, go to <http://www.puc.pa.gov> and click on the eFiling link on the bottom of the page under Issues, News & Reports. Please choose "Existing Case" as the type of filing and enter your docket number where indicated.

By mail:

Send original, signed copy of registration form along with attachments and filing fee (if applicable) to:

Secretary, PA Public Utility Commission
Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Reminders:

- It is the responsibility of registrants to keep the Commission notified of any changes to your contact information by providing notice, in writing, to the Commission's Secretary at the above address.
- Incomplete registration forms or those missing any attachments are unacceptable for filing and will be delayed for processing until the required information is sent to the Commission's Secretary's Bureau. If you require assistance or have questions when completing this form, call 717-772-7777.
- Registrations are public records. Accordingly, DO NOT place social security numbers, credit card numbers, bank account numbers or other confidential information on the registration form.

*****PLEASE KEEP A COPY OF YOUR COMPLETED REGISTRATION FORM FOR YOUR RECORDS*****

Additional Comments: Use this section to add any additional information:

Attachment A

Hazardous Liquids Lines
 Calendar Year Ending: 2024
 Pipeline Operator: CNX RESOURCES CORPORATION

Please check here if you have no reportable Hazardous Liquids Lines

Please report mileage to the nearest 1/10th of a mile.

HCA = High Consequence Area

County	Intrastate		Interstate		Total
	Non-HCA	HCA	Non-HCA	HCA	
Adams					0.0
Allegheny					0.0
Armstrong					0.0
Beaver					0.0
Bedford					0.0
Berks					0.0
Blair					0.0
Bradford					0.0
Bucks					0.0
Butler					0.0
Cambria					0.0
Cameron					0.0
Carbon					0.0
Centre					0.0
Chester					0.0
Clarion					0.0
Clearfield					0.0
Clinton					0.0
Columbia					0.0
Crawford					0.0
Cumberland					0.0
Dauphin					0.0
Delaware					0.0
Elk					0.0
Erie					0.0
Fayette					0.0
Forest					0.0
Franklin					0.0
Fulton					0.0
Greene					0.0
Huntingdon					0.0
Indiana					0.0
Jefferson					0.0
Juniata					0.0
Lackawanna					0.0
Lancaster					0.0
Lawrence					0.0
Lebanon					0.0
Lehigh					0.0
Luzerne					0.0
Lycoming					0.0
McKean					0.0
Mercer					0.0
Mifflin					0.0
Monroe					0.0
Montgomery					0.0

Montour					0.0
Northampton					0.0
Northumberland					0.0
Perry					0.0
Philadelphia					0.0
Pike					0.0
Potter					0.0
Schuylkill					0.0
Snyder					0.0
Somerset					0.0
Sullivan					0.0
Susquehanna					0.0
Tioga					0.0
Union					0.0
Venango					0.0
Warren					0.0
Washington					0.0
Wayne					0.0
Westmoreland					0.0
Wyoming					0.0
York					0.0
Total	0.0	0.0	0.0	0.0	0.0

Please check here if you have no miles to report.

Act 127 mileage reporting for this form should not include any pipelines subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

Please report mileage to the nearest 1/10th of a mile.

Gathering, Transmission & Distribution								
County	Number of Farm Taps	Class 1&2 Gathering Type R (Reporting only)	Class 1 Gathering Type C	Class 1 Transmission & Distribution	Class 2 Gathering Transmission & Distribution	Class 3 Gathering Transmission & Distribution	Class 4 Gathering Transmission & Distribution	Total (excluding Farm taps & Type R)
Adams								0.0
Allegheny								0.0
Armstrong		0.3			1.1			0.0
Beaver								0.0
Bedford								0.0
Berks								0.0
Blair								0.0
Bradford								0.0
Bucks								0.0
Butler								0.0
Cambria								0.0
Cameron								0.0
Carbon								0.0
Centre								0.0
Chester								0.0
Clarion								0.0
Clearfield								0.0
Clinton								0.0
Columbia								0.0
Crawford								0.0
Cumberland								0.0
Dauphin								0.0
Delaware								0.0
Elk								0.0
Erie								0.0
Fayette								0.0
Forest								0.0
Franklin								0.0
Fulton								0.0
Greene		9.1	11.9					0.0
Huntingdon								0.0
Indiana		2.1						0.0
Jefferson								0.0
Juniata								0.0
Lackawanna								0.0
Lancaster								0.0
Lawrence								0.0
Lebanon								0.0
Lehigh								0.0
Luzerne								0.0
Lycoming								0.0

McKean								0.0
Mercer								0.0
Mifflin								0.0
Monroe								0.0
Montgomery								0.0
Montour								0.0
Northampton								0.0
Northumberland								0.0
Perry								0.0
Philadelphia								0.0
Pike								0.0
Potter								0.0
Schuylkill								0.0
Snyder								0.0
Somerset								0.0
Sullivan								0.0
Susquehanna								0.0
Tioga								0.0
Union								0.0
Venango								0.0
Warren								0.0
Washington								0.0
Wayne								0.0
Westmoreland		0.7	1.2					0.0
Wyoming								0.0
York								0.0
Total	0.0	12.2	13.1	0.0	1.1	0.0	0.0	14.2

PA Act 127 Variance Report - CY2023 to CY2024 - CNX Resources Corporation

County	Mileage Delta	Description
Greene	-3.54	Removed non-existent/abandoned Type R pipeline
Greene	0.01	Reclassified pipeline from Type R to Type C due to spatial data adjustment