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WILLIAM E. MILLER, JR.
Of Counsel

May 1, 2014

VIA EMAIL

Donna Duffy, Esquire
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335

Michael Braymer, Esquire
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335

Omar K. Abuhejleh, Esquire
429 Forbes Avenue, Suite 450
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RE: Hilcorp Energy Company
Docket No. 2013-01
Department of Environmental Protection

Elizabeth Nolan, Esquire
Department of Environmental Protection
400 Market Street, 9th Floor
Harrisburg, PA 17105

Kevin L. Colosimo, Esquire
Daniel P. Craig, Esquire
Burleson LLP
501 Corporate Drive, Suite 105
Canonsburg, PA 15317

Dear Counsel:

I am responding to Mr. Craig's email of yesterday afternoon at 4:09 P.M. I want to outline where this case sits as of right now.

There is an outstanding Petition to Intervene and Answers have been filed by the parties. I am not empowered to make a decision on the Petition to Intervene as the Administrative Rules are quite clear that it is the agency that has the sole ability to grant or deny the Petition in whole or in part (see 1 Pa. Code Sections 35.31(b)). I cannot even consider the Motion for Continuance until the agency, specifically the agency head, has ruled on the Petition to Intervene. I am hopeful given the traveling requirements as outlined in Mr. Craig's letter and the fact that this hearing is scheduled to commence next week that we have a decision on the Petition but I simply don't know when that will occur.

Likewise, I believe that the agency head may also make a determination on the Motion for Continuance in conjunction with the ruling on the Petition to Intervene. If, however, the agency head does not make a decision on the Motion for Continuance, and allows the Petitioners the right to intervene, then I will make an immediate ruling on the Motion for Continuance.

Page 2
May 1, 2014

Consequently, I am asking Ms. Davidson to forward this letter to Secretary Abruzzo so that an appropriate ruling may be made on the Petition to Intervene and the Motion for Continuance if the Secretary deems it appropriate to make a ruling on that as well.

Turning to the procedural question raised in Mr. Craig's letter, the instructions that were provided require those that wish to give oral testimony to provide their name, address, phone number and a brief statement of interest by today. They need not provide me with a written copy of their oral testimony today; rather I must be provided with a copy of their projected oral testimony at the time that they intend to give their oral testimony so I may make that part of the record.

Those interested persons should contact Glenda Davidson themselves if they are acting on their own behalf. If counsel is representing them in any capacity, then certainly counsel can contact them. I think it's really a question of representation at that point but if they intend to give oral testimony on their own, and not through their attorney, then I think it is most appropriate for them to contact Glenda Davidson themselves in accordance with those instructions.

Very truly yours,



Michael L. Bangs

wks

cc: Glenda K. Davidson