

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Petitioner,

v.

No. 126 M.D. 2017

GRANT TOWNSHIP OF INDIANA COUNTY  
and THE GRANT TOWNSHIP SUPERVISORS,

Respondents.

**PRAECIPE TO WITHDRAW RESPONDENTS’  
APPLICATION IN THE NATURE OF A MOTION TO DISMISS**

Respondents Grant Township and the Grant Township Supervisors, through undersigned counsel, hereby withdraw their pending Application in the Nature of a Motion to Dismiss Petitioner’s Claims for Mootness and accompanying Memorandum of Law, filed on September 21, 2020.

After Respondents filed their Application, they were sued in federal court on December 9, 2020, by Pennsylvania General Energy Company, LLC (“PGE”), on partially the same state law grounds as in the instant case. The new lawsuit seeks similar relief, *i.e.*, the invalidation of Grant Township’s Home Rule Charter. *See Pennsylvania General Energy Company, LLC v. Grant Township of Indiana County and the Grant Township Board of Supervisors*, No. 1:20-cv-00351-SPB (W.D.Pa. December 19, 2020).

On December 22, 2020, the Pennsylvania Environmental Hearing Board (“EHB”) issued a stay in the permit rescission appeal proceedings pending the outcome of the PGE lawsuit against Grant Township. *See* Order of December 22, 2020, *Pennsylvania General Energy Company, LLC, v. Department of Environmental Protection*, EHB Docket No. 020-046-R.

Due to these intervening events, Respondents respectfully withdraw their Application.

Counsel for Grant Township contacted counsel for the Department, who indicated they do not oppose the instant Praecipe.

Dated: January 19, 2021

Respectfully submitted,

/s/ Karen Hoffmann

Karen Hoffmann, Esq.

PA I.D. No. 323622

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FOR RESPONDENTS GRANT  
TOWNSHIP OF INDIANA COUNTY  
AND THE GRANT TOWNSHIP  
SUPERVISORS

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: January 19, 2021

Respectfully submitted,

/s/ Karen Hoffmann

Karen Hoffmann, Esq.

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