

**COMMONWEALTH COURT OF PENNSYLVANIA**

**PENNSYLVANIA ENVIRONMENTAL** :  
**DEFENSE FOUNDATION,** :  
**Petitioner** :  
 :  
**v.** : **No. 228 M.D. 2012**  
**COMMONWEALTH OF PENNSYLVANIA,** :  
**And** :  
**GOVERNOR OF PENNSYLVANIA,** :  
**THOMAS W. CORBETT, Jr., in his official** :  
**capacity as GOVERNOR,** :  
**Respondents** :

---

**PETITIONER’S FIRST SET  
OF INTERROGATORIES TO  
INTERVENORS REPUBLICAN CAUCUSES OF  
PENNSYLVANIA HOUSE AND SENATE**

---

To:

David J. Porter	Thomas G. Collins
Kevin Lucas	Buchanan Ingersoll & Rooney PC
Buchanan Ingersoll & Rooney PC	409 North Second Street, Suite 500
301 Grant Street, 20 <sup>th</sup> Floor	Harrisburg, Pa. 17101
Pittsburgh, Pa. 15219	
Attorneys for Intervenors Republican Caucuses of House and Senate	

Please take notice that, pursuant to Pennsylvania Rules of Civil Procedure, Rules 4005 and 4006, as amended, you are hereby required to serve upon the undersigned your answers and objections, if any, in writing and under oath to the following interrogatories within 30 days after service of these interrogatories.

The answers shall be inserted in the spaces provided. If there is insufficient space to answer an interrogatory, the remainder of the answer shall follow on a supplemental sheet.

DEFINITIONS:

1. The term “document” unless otherwise indicated by the context of a request for production, means, without limitation, the following items, whether printed or recorded or reproduced by mechanical, electro mechanical, electronic, or similar processes, or written or produced by hand: any and all reports and drafts thereof, written testimony and drafts thereof, and other submissions, communications, correspondence, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations, summaries or records of meetings, conferences, interviews, graphs, reports, notebooks, accountings or books of accounts, marginal comments appearing on any documents, and any and all other writings.
2. The terms “Offices of the Republican Caucuses for both the House and Senate” includes the elected and/or appointed leaders of the caucuses, their staff and special assistants, and each and all of the members therein.
3. The term “Office of the Governor” includes the Governor, the Governor’s Chief of Staff, special assistants to the Governor, the Secretary for Legislative Affairs, Director of Communications, the Secretary for Policy and Planning and support staff, Governor’s General Counsel and their support Staff.
4. The term “Office of the Budget” includes the Secretary of the Budget, the Executive, Administrative and Special Administrative Assistants to the Secretary, the Legal Counsel to the Secretary, the Director of the Governor’s Budget Office including the Legislative coordinator, Directors of the Bureau of Budget Administration, Bureau of Budget Analysis, Bureau of Revenue, Capital and Debt, Bureau of Planning and Management, Bureau of Financial Management, and their support staff.
5. The term “Department of Conservation and Natural Resources” (DCNR) includes the Secretary and the Executive Office, the Conservation and Natural Resources Advisory Council, the Chief Counsel, the Office of Comptroller’s Operations, the Deputy Secretary for Parks and Forests and the Bureaus of Forestry and Parks, the Bureau of Topographic and Geologic Survey, and their support staff.
6. The term “General Assembly” includes members of the Senate and House Leadership, the Senate and House Committees for Appropriations and Environmental Resources and Energy, and their support staff.
7. When asked to identify a “person”, state for that person the full name, the present or last known address, present or last known employer or business affiliation, and any telephone numbers known by the Respondents at which the person can be contacted.
8. These interrogatories are addressed to the Respondent as a party to this action, and to all agents, employees, representatives, attorneys or others who work for or on behalf of the Respondent.
9. These interrogatories shall be deemed to be continuing requests. Respondents shall be required to supplement their responses to these interrogatories in the

event they or anyone acting on their behalf acquire additional or supplemental information or documents not previously provided in the original responses to these requests.

**INTERROGATORIES:**

1. Identify by name and job position all persons who are the appointed or elected leaders and representatives of the Republican Caucuses for both the House and Senate.

**ANSWER**

2. At or before the time the Governor in 2009 submitted a proposed balanced budget to the General Assembly suggesting the transfer of monies from the Oil and Gas Lease Fund to the General Fund, as stated in Paragraph 16 of the Respondents' Answer to the Amended Petition, did the Republican Caucuses ask the Governor's Office if there would be any impacts to DCNR regarding the possible transfer of the monies from the Oil and Gas Lease Fund to the General Fund?

**ANSWER**

3. Identify the persons within the Republican Caucuses who related with the Governor's Office regarding the transfer of monies from the Oil and Gas lease Fund at or before the time the Governor submitted a proposed budget in 2009 suggesting the transfer, including regarding potential impacts cited above.

**ANSWER.**

4. Was there any communication between the Office of the Governor or the Office of the Budget and the Republican caucuses about the adoption of the amendments to the Fiscal Code, Section 1601 through 1605-E, relating to oil and gas wells, as stated in Paragraph 16 of the Respondents' Answer prior to their enactment?

**ANSWER.**

5. If so, identify the persons who communicated, the nature of the communication, and any documents that relate to the communication.

ANSWER

6. Was there any communication between the Republican Caucuses and the Department of Conservation and Natural Resources, either directly or indirectly, about the adoption of the Amendments to the Fiscal Code, Section 1601-E through 1605-E, relating to oil and gas wells, prior to the adoption of the amendments?

ANSWER

If so, please identify the persons who communicated, the nature of the communication, and any documents that reflect that communication.

ANSWER

7. Prior to participating in the enactment into law of the Oil and Gas Amendments to the Fiscal Code, 72 P.S. §§ 1601-E to 1607-E, enacted October 9, 2009, did the Republican Caucuses participate in or evaluate the possible or actual impact on DCNR's ability to protect and conserve the natural resources of our State Parks and Forests; or the impact to those natural resources, of:
  - a. § 1602 of the Amendments, which states, "Notwithstanding any other provision of law (the Oil and Gas Lease Fund Act), and as except as provided in section 1602-E, no money from the Fund, (Oil and Gas Lease Fund, see §1601-E), may be expended unless appropriated by the General Assembly."

ANSWER

- b. If the answer to Interrogatory 7.a. is yes, identify who conducted the evaluation, identify any documents that resulted from the evaluation, describe the evaluation, and its results.

ANSWER

- c. §1603 of the Amendments, which states, “Subject to the availability of money in the Fund, (Oil and Gas Lease Fund), up to \$50,000,000 from the fund from royalties shall be appropriated to the department (DCNR) to carry out the purposes set forth in the act...”

ANSWER

- d. If the answer to Interrogatory 7.c. is yes, identify who conducted the evaluation, identify any documents that resulted from the evaluation, describe the evaluation, and its results.

ANSWER

- e. §1604 of the Amendments, which states, “Notwithstanding section 1603-E or any other provision of law, in fiscal year 2009-2010 the amount of \$60,000,000 shall be transferred from the Fund (Oil and Gas Lease Fund), to the General Fund.”

ANSWER

- f. If the answer to Interrogatory 7.e. is yes, identify who conducted the evaluation, identify any documents that resulted from the evaluation, describe the evaluation, and its results.

ANSWER

- g. §1605 of the Amendments, which states, “Notwithstanding section 1603-E or any other provision of law, in fiscal year 2010-2011 the amount of \$180,000,000 shall be transferred from the Fund (Oil and Gas Lease Fund), to the General Fund.”

ANSWER

- h. If the answer to Interrogatory 7.g is yes, identify who conducted the evaluation, identify any documents that resulted from the evaluation, describe the evaluation, and its results.

ANSWER

John E. Childe  
Attorney for Petitioner  
I.D. No. 19221  
1847 Center Street  
Camp Hill, Pa. 17011  
717-743-9811  
[childeje@aol.com](mailto:childeje@aol.com)

**CERTIFICATE OF SERVICE**

I, John E. Childe, Esquire, hereby certify that on August 30, 2013, I served an original and two copies by personal delivery of the enclosed Interrogatories to the Intervenors Republican Caucuses of the Pennsylvania House and Senate to:

Thomas G. Collins  
Buchanan Ingersoll & Rooney PC  
409 North Second Street, Suite 500  
Harrisburg, Pa. 17101

And Regular mail to:

David J. Porter  
Kevin Lucas  
Buchanan Ingersoll & Rooney PC  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh, Pa. 15219

And a copy by personal delivery to:

Kevin P. Schmidt  
Counsel for the Governor  
Deputy General Counsel  
Office of General Counsel  
333 Market Street, 17<sup>th</sup> Floor  
Harrisburg, Pa. 17101

Howard G. Hopkirk  
Counsel for the Respondent Commonwealth  
Senior Deputy Attorney General  
Office of Attorney General  
Civil Litigation Section  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

John E. Childe  
Attorney for Petitioner  
I.D. No. 19221  
1847 Center Street  
Camp Hill, Pa. 17011  
717-743-9811  
[childeje@aol.com](mailto:childeje@aol.com)