

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

BOWFIN KEYCON HOLDINGS, LLC; CHIEF : No. 80 MAP 2022
POWER FINANCE II, LLC; CHIEF POWER :
TRANSFER PARENT, LLC; KEYCON : Appeal from the Order of the
POWER HOLDINGS, LLC; GENON : Commonwealth Court at No. 247
HOLDINGS, INC.; PENNSYLVANIA COAL : MD 2022 dated July 8, 2022
ALLIANCE; UNITED MINE WORKERS OF :
AMERICA; INTERNATIONAL :
BROTHERHOOD OF ELECTRICAL :
WORKERS; AND INTERNATIONAL :
BROTHERHOOD OF BOILERMAKERS, :
IRON SHIP BUILDERS, BLACKSMITHS, :
FORGERS AND HELPERS, :

Appellees

v.

PENNSYLVANIA DEPARTMENT OF :
ENVIRONMENTAL PROTECTION AND :
PENNSYLVANIA ENVIRONMENTAL :
QUALITY BOARD, :

Appellants

BOWFIN KEYCON HOLDINGS, LLC; CHIEF : No. 86 MAP 2022
POWER FINANCE II, LLC; CHIEF POWER :
TRANSFER PARENT, LLC; KEYCON : Appeal from the Order of the
POWER HOLDINGS, LLC; GENON : Commonwealth Court at No. 247
HOLDINGS, INC.; PENNSYLVANIA COAL : MD 2022 dated June 28, 2022
ALLIANCE; UNITED MINE WORKERS OF :
AMERICA; INTERNATIONAL :
BROTHERHOOD OF ELECTRICAL :
WORKERS; AND INTERNATIONAL :
BROTHERHOOD OF BOILERMAKERS, :
IRON SHIP BUILDERS, BLACKSMITHS, :
FORGERS AND HELPERS :

v.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD

APPEAL OF: CITIZENS FOR PENNSYLVANIA'S FUTURE, SIERRA CLUB, CLEAN AIR COUNCIL, AND ENVIRONMENTAL DEFENSE FUND,

Possible Intervenors

BOWFIN KEYCON HOLDINGS, LLC; CHIEF POWER FINANCE II, LLC; CHIEF POWER TRANSFER PARENT, LLC; KEYCON POWER HOLDINGS, LLC; GENON HOLDINGS, INC.; PENNSYLVANIA COAL ALLIANCE; UNITED MINE WORKERS OF AMERICA; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS; AND INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

v.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD

APPEAL OF: CITIZENS FOR PENNSYLVANIA'S FUTURE, SIERRA CLUB, CLEAN AIR COUNCIL, AND ENVIRONMENTAL DEFENSE FUND,

Possible Intervenors

No. 88 MAP 2022
Appeal from the Order of the Commonwealth Court at No. 247 MD 2022 dated July 8, 2022

Form of a Motion to Quash the appeal docketed at 88 MAP 2022 is **DENIED**. The appeal docketed at 86 MAP 2022 is submitted on the briefs. In the appeal docketed at 89 MAP 2022, the Court being unable to reach consensus, the Order of the Commonwealth Court imposing a bond as required by Pa.R.Civ.P. 1531(b)(1) is **AFFIRMED**.

Justice Donohue files a concurring statement in which Justice Dougherty joins.

Justice Wecht files a concurring statement.

Justice Mundy files a concurring and dissenting statement in which Justice Brobson joins.