

June 9, 2014

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building, 2 North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. P-2014-2411966  
Amended Petition of Sunoco Pipeline LP  
Protest of the Board of Supervisors of West Goshen Township**

Dear Secretary Chiavetta:

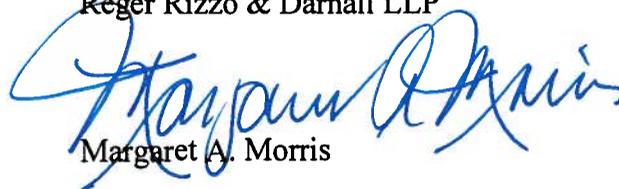
Attached for filing is the Protest of the Board of Supervisors of West Goshen Township (West Goshen) in the above captioned proceedings.

As indicated on the attached Certificate of Service, a copy of West Goshen's Protest has been provided to the service list in the manner indicated.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm  
Enclosure

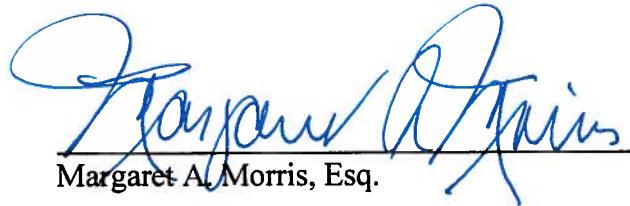
cc: Casey LaLonde, Manager, West Goshen Township [w/enc.]  
Solicitor Kristin S. Camp, Esq. Buckley Brion McGuire & Morris LLP [w/enc.]

**Re: Docket No. P-2014-2411966  
Amended Petition of Sunoco Pipeline LP  
Protest of the Board of Supervisors of West Goshen Township**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons on the attached service list, in the manner indicated, in accordance with the requirements of §1.54 (relating to service by a participant).

Dated: June 9, 2014

  
Margaret A. Morris, Esq.

**Re: Docket No. P-2014-2411966  
Amended Petition of Sunoco Pipeline LP  
Protest of West Goshen Township**

**SERVICE LIST**

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Amended Petition of Sunoco Pipeline LP for a	:	
Finding For a Finding that the Situation of	:	West Goshen Township, Chester County
Structures To Shelter Pump Stations and	:	(Docket No. P-2014-2411966)
Valve Control Is Reasonably	:	
Necessary for the Convenience Or Welfare	:	
of the Public	:	

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**PROTEST OF  
THE BOARD OF SUPERVISORS OF WEST GOSHEN TOWNSHIP  
TO THE AMENDED PETITION OF SUNOCO PIPELINE, L.P.**

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The Board of Supervisors of West Goshen Township (WGT), by and through its undersigned attorneys, pursuant to 52 Pa. Code §§ 5.51 and in accordance with the Notice published in the *Pennsylvania Bulletin* at 44 Pa.B. 3214 (May 24, 2014), hereby files this Protest in the above-captioned consolidated proceedings.

**I. Introduction**

On March 21, 2014, Sunoco Pipeline LP (Sunoco) filed a Petition at the above-consolidated proceedings, including in relevant part, Docket No. P-2014-2411966, requesting a finding that: 1) Petitioner is a public utility corporation; and 2) the situation of Sunoco's buildings to shelter pump stations and valve control stations in 31 Pennsylvania municipalities is reasonably necessary for the convenience and welfare of the public and therefore, that the buildings are exempt from any local zoning, subdivision and land development regulations (Petition).

On May 8, 2014, Sunoco filed an Amended Petition requesting, *inter alia*, a finding that a structure to shelter a pump station in West Goshen Township, Chester County is reasonably necessary for the convenience and welfare of the public and exempt from local zoning, subdivision and land development pursuant to Section 619 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10619 (Amended Petition).

Sunoco proposes as part of its pipeline project, Mariner East,<sup>1</sup> to construct a pump station at 1261 Boot Road, West Goshen Township (Boot Road Station)<sup>2</sup> to inject energy into the flow of ethane and propane moving through the pipeline. *See*, Exhibit C of Amended Petition. Sunoco avers that it will construct a structure to house the equipment associated with the Boot Road Pump Station.

## **II. WGT's Interest and Standing to Intervene**

In support of this Petition to Intervene, WGT provides the following additional information:

1. The instant intervenor is the Board of Supervisors of West Goshen Township, Chester County, Pennsylvania. The Amended Petition has identified West Goshen Township as a proposed location for the construction of the Boot Road Station to serve Mariner East.

2. The intervenor's attorney in this proceeding is:

Margaret A. Morris, Esq.  
Reger Rizzo & Darnall LLP  
2929 Arch Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19104  
(215) 495-6524 tel.  
(215) 495-6600 fax  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

3. Counsel for intervenor is authorized to accept service on behalf of WGT in this proceeding. WGT requests that the Commission and all parties of record serve copies of all documents (including but not limited to correspondence, discovery requests and answers, commission orders, pleadings and testimony) electronically on its counsel of record as well as by hard copy.

4. Sunoco is seeking to locate and to operate a public utility facility in WGT in an area currently zoned R-3 Residential. The interest of WGT and its citizenry will be directly

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<sup>1</sup>Mariner East project is an approximately 300-mile project that will make use of Sunoco's existing pipeline infrastructure, supplemented by construction of an additional 51-mile extension from Houston, Pennsylvania to Delmont Pennsylvania, to ship natural energy from the Marcellus Shale in Pennsylvania to the Marcus Hook refinery complex in Claymont Delaware.

<sup>2</sup>The property is a 4.42-acre parcel of property located entirely in West Goshen Township, Chester County, Pennsylvania; Tax Parcel 52-1-10.1, which is currently zoned as R-3 Residential.

affected by Sunoco's proposed construction at the Boot Road Station and no other participant can adequately represent those interests.

5. Based on information and belief, WGT opposes the Amended Petition for the following reasons:

**(1) The Boot Road Station is not reasonably necessary for the convenience or welfare of the public.**

The proposed site for the Boot Road Station is not reasonable and its construction and operation is contrary to the welfare of the citizens of West Goshen Township. WGT's highest priority is the safety of all of its residents. The Amended Petition does not address the potential safety issues affecting the residents of WGT, let also those residents who reside in close proximity to the proposed site. The Amended Petition is also silent as to the potential air and environmental impacts of the proposed facilities.

WGT has a significant and real concern that the property values of the residential properties in close proximity to the Boot Road Station will be negatively impacted as a result of the proposed construction and operation of the Boot Road Station. Moreover, WGT avers that those residents residing in close proximity to the proposed Boot Road Station will also experience a reduced quality of life and use of their outdoor space.

**(2) The Boot Road Station is inconsistent with WGT's Comprehensive Plan.<sup>3</sup>**

The proposed site for the Boot Road Station is zoned R-3 Residential; the construction and operation of the proposed facilities is incompatible with the character and nature of the surrounding residential uses and the purpose statement in the R-3 Residential District. Furthermore, WGT avers the proposed Boot Road Station is inconsistent with its Comprehensive Plan, specifically Chapter 3, Section 2. As stated in its Policy Statement, Local Land-Use Plans and Ordinances,<sup>4</sup> the Commission will consider the impact of its decision upon local comprehensive plans when a utility seeks an exemption under Section 619 of the MPC. The Amended Petition does not address how the proposed facilities are consistent with WGT's goals

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<sup>3</sup> WGT's Comprehensive Plan was updated September 2004.

<sup>4</sup> 52 Pa. Code § 69.1101.

and objectives to maintain its residential neighborhoods while encouraging development in an efficient and logical manner.<sup>5</sup>

6. WGT reserves the right to revise its position after it has had the opportunity to evaluate Sunoco's further filings, conduct discovery and review any additional information that may be provided, and to raise and/or address additional issues that may be identified by other parties.

7. As a result of Sunoco's proposal to locate its facilities at the Boot Road Station, which is entirely located within West Goshen Township, WGT satisfies the standard for intervention pursuant to 52 Pa. Code § 5.72(b).

### **III. Conclusion**

WHEREFORE, the Board of Supervisors of West Goshen Township respectfully requests that the Commission and the presiding Administrative Law Judges grant its Protest and issue full-party status in the consolidated proceedings.

Respectfully submitted,

Dated: June 9, 2014



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Attorney for the Board of Supervisors of West  
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<sup>5</sup> The Amended Petition states that Sunoco is "committed to working" with WGT to coordinate aesthetic concerns but no specific information was provided.

Amended  
Petition of Sunoco Pipeline LP for a Finding : West Goshen Township, Chester County  
For a Finding that the Situation of Structures : (Docket No. P-2014-2411966)  
To Shelter Pump Stations and Valve Control :  
Is Reasonably Necessary for the Convenience :  
Or Welfare of the Public :

**VERIFICATION**

I, Casey LaLonde, Manager for West Goshen Township, hereby state that the facts in the foregoing document(s) are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

Dated: June 9, 2014

  
\_\_\_\_\_  
Casey LaLonde  
Manager  
West Goshen Township