



# Borough of Paxtang

MUNICIPAL BUILDING - 3423 DERRY STREET  
PAXTANG, PENNSYLVANIA 17111

OFFICE OF THE SECRETARY  
PHONE: 564-4770  
FAX: 561-2020

August 19<sup>th</sup>, 2014

Public Utility Commission  
400 North Street  
Keystone Building  
Harrisburg, PA 17120

P-2014-2411941

To Whom It May Concern,

Attached please find a copy of Resolution 9-14 of the Borough of Paxtang, a resolution by Borough Council opposing the designation of the Sunoco Pipeline as a public utility by the Public Utility Commission. Borough Council trusts that you accept this document and take whatever action you deem necessary to represent Paxtang Borough's interests in this process.

Please feel free to call me with any questions and we thank you, in advance, for your interest and cooperation.

Sincerely Yours,

Kenneth E. Beard  
Borough Manager

KEB/abm

EC: file

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**RESOLUTION 9-14**

**A RESOLUTION OF THE BOROUGH OF PAXTANG OPPOSING THE REQUEST OF SUNOCO PIPELINE TO BE DESIGNATED A UTILITY BY THE PUBLIC UTILITY COMMISSION**

**WHEREAS**, the Pennsylvania Municipalities Planning Code Act 247 of 1968, as reenacted and amended, allows and authorizes local government entities to exercise an important role: that of land use planning and designing their municipalities based on the needs of their community;

**AND WHEREAS**, the Capital Region Council of Governments affirms that the local governments have planned their communities with consideration of fairness and in an equitable manner;

**AND WHEREAS**, a local government's zoning ordinance continues to be an effective way for municipalities to plan their communities using smart growth and allow for the classification of all land uses, taking consideration of the unique needs and goals of each community;

**AND WHEREAS**, the Pennsylvania Supreme Court in a 2013 ruling noted: "The impact on the quality, quantity, and well-being of our natural resources cannot reasonably be assessed on the basis of a statewide average. Protection of environmental values, in this respect, is a quintessential local issue that must be tailored to local conditions." Also noted in this decision by the Pennsylvania Supreme Court was the affirmation that local governments have the right to regulate pipelines, affiliated pumping and valve stations, and all other oil and gas operations;

**AND WHEREAS**, the complete disregard of a local government's zoning ordinance would disable and frustrate the municipality's legal ability to ensure desired, proper and planned land use in accordance with the PA Municipalities Planning Code and local and county comprehensive plans;

**AND WHEREAS**, the power of Eminent Domain requested to be afforded Sunoco Pipeline in order for it to implement its own design will ignore and disrupt the plans of local communities and municipalities already in place and interfere with their planning goals in the future;

**AND WHEREAS**, the designation of Sunoco Pipeline as a public utility corporation, under PUC rules and regulations, would afford Sunoco Pipeline undue and unchecked power in disregard of local government zoning and allow it to utilize Eminent Domain in acquiring various lands for its use;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Borough of Paxtang, Dauphin County, urges the Pennsylvania General Assembly and the Pennsylvania Public Utility Commission, in the strongest possible manner, to oppose the request of Sunoco Pipeline for status as a public utility corporation under PUC regulations.

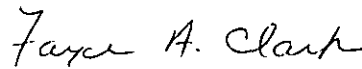
**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution shall be executed and forwarded to members of the State Legislative delegation, the PUC and the Governor of Pennsylvania.

Adopted this 19<sup>th</sup> day of August, 2014.

ATTEST



E. Denny Beaver, Council President



Faye A. Clark, Secretary

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