

333 OAK LANE  
BLOOMSBURG, PA 17815  
SCOTT.J.RUBIN@GMAIL.COM

SCOTT J. RUBIN  
ATTORNEY • CONSULTANT

TEL: (570) 387-1893  
FAX: (570) 387-1894  
CELL: (570) 850-9317

August 29, 2014

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg PA 17105-3265

Re: Petition of Sunoco Pipeline, LP, for a Finding That  
The Situation of Structures to Shelter Pump  
Stations and Valve Control Stations is Reasonably  
Necessary for the Convenience or Welfare of the  
Public in West Goshen Township, Chester County,  
Docket No. P-2014-2411966 (consolidated with  
P-2014-2411941, *et al.*

Dear Secretary Chiavetta:

Enclosed for filing please find the Reply Exceptions of Concerned Citizens of West Goshen Township in the above-referenced proceeding. The document was served as required by 52 Pa. Code § 5.42(b), as shown on the attached Certificate of Service.

The document was filed electronically with the Commission on this date.

Sincerely,  


Enclosure

cc: per Certificate of Service  
Administrative Law Judge David Salapa  
Administrative Law Judge Elizabeth Barnes

BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Sunoco Pipeline, LP, for a Finding	:	
That The Situation of Structures to Shelter	:	
Pump Stations and Valve Control Stations is	:	Docket No. P-2014-2411966
Reasonably Necessary for the Convenience or	:	(consolidated with
Welfare of the Public in West Goshen	:	Docket No. P-2014-2411941, <i>et al.</i> )
Township, Chester County	:	

---

REPLY EXCEPTIONS OF  
CONCERNED CITIZENS OF WEST GOSHEN TOWNSHIP

---

Pursuant to 52 Pa. Code § 5.535, Concerned Citizens of West Goshen Township ("CCWGT") files this Reply to the Exceptions filed by Sunoco Pipeline, LP ("SPLP") on August 19, 2014. Those Exceptions ask the Commission to reverse the Initial Decision of Administrative Law Judges David A. Salapa and Elizabeth H. Barnes (issued on July 30, 2014) (cited herein as "I.D."). That Initial Decision granted the Preliminary Objections of CCWGT and others by correctly holding that SPLP is not a "public utility corporation" pursuant to Section 619 of the Municipalities Planning Code ("MPC"), 53 P.S. § 10619, and therefore that the Commission lacked jurisdiction to hear these matters.

**Background**

A. Procedural Status of this Case

At the outset, CCWGT respectfully reminds the Commission of the procedural posture of this case. The Initial Decision was issued based solely on SPLP's Petition and Amended Petition, CCWGT's Preliminary Objections and Further Preliminary Objections, and objections filed by other parties. There is absolutely no factual record in this case. Indeed, pursuant to 52 Pa. Code § 5.101(e), CCWGT has not even filed an Answer to SPLP's petitions because

CCWGT objected to the lack of specificity of the petitions. Thus, CCWGT has neither admitted nor denied any of the factual assertions made in SPLP's petitions.

Despite this lack of any evidentiary record, SPLP's Exceptions contain dozens of pages of alleged "facts" that have not been established in this case. Moreover, many of those alleged "facts" appear with no citation whatever to a pleading of SPLP. CCWGT submits, therefore, that the Commission must disregard the alleged "facts" set forth in SPLP's Exceptions. None of those statements can provide the basis for a Commission decision at this stage of the proceeding.

B. Summary of the Limited Facts that Have Been Established

From the history of this proceeding, and other legal proceedings, only a few facts have been established, but they are extremely important to the question of jurisdiction. We know that when SPLP initiated this proceeding on March 21, 2014, SPLP claimed that it was a "public utility corporation" under the MPC because it owned and operated an interstate petroleum pipeline regulated by the Federal Energy Regulatory Commission ("FERC"). SPLP Petition ¶ 7. SPLP also stated at that time that it would be using that pipeline solely to provide interstate transportation of propane and ethane from points in Pennsylvania to the Marcus Hook Industrial Complex ("MHIC") in Claymont, Delaware. SPLP Petition ¶ 3.

In response to the initial petition, CCWGT filed Preliminary Objections on April 18, 2014, demonstrating that FERC regulated SPLP as a common carrier and not as a public utility. Consequently, SPLP was not regulated "as a public utility" by FERC as required by Section 619 of the MPC and the Business Corporation Law, 15 Pa. C.S. § 1103 (defining a public utility corporation as an enterprise that is "subject to regulation as a public utility by the Pennsylvania Public Utility Commission or an officer or agency of the United States ..."), and the benefits of the MPC were not available to SPLP. CCWGT Preliminary Objections ¶¶ 1-23.

SPLP never provided a substantive answer to CCWGT's Preliminary Objections. Instead, SPLP exercised its right under 52 Pa. Code § 5.91(b) to file an amended pleading. Thus, on May 8, 2014, SPLP filed an Amended Petition where it alleged -- for the first time anywhere -- that it would be providing intrastate transportation of propane from points in Pennsylvania to its sister company's Twin Oaks facility in Delaware County, Pennsylvania. What SPLP acknowledged, however, was that the Twin Oaks facility is operated as part and parcel of MHIC and was directly connected by pipeline to MHIC. SPLP Amended Petition ¶ 2, CCWGT Further Preliminary Objections ¶ 7, and SPLP's Answer to CCWGT's Further Preliminary Objections (dated June 19, 2014). In other words, the newly contrived intrastate purpose of the pipeline is nothing but a subterfuge to obtain Commission jurisdiction -- the propane and ethane will flow as SPLP always intended to the MHIC in Delaware.

Indeed, SPLP's new-found intrastate purpose directly contradicts statements SPLP has been making before FERC, the Securities and Exchange Commission, and the courts since at least 2013. CCWGT Further Preliminary Objections ¶¶ 8-11 and CCWGT Preliminary Objections ¶¶ 14-16. Incredibly, SPLP even told this Commission just a year ago that it would be transporting propane and ethane solely in interstate commerce. Specifically, SPLP stated:

Finally, although SPLP will continue to operate the existing pipeline facilities as part of the Mariner East Pipeline, the Company will no longer require Commission authority to transport shipments along the pipeline route due to the interstate nature of the proposed service. Currently, SPLP uses the existing facilities to provide pipeline transportation service within various points in Pennsylvania and in interstate commerce. Accordingly, SPLP operates the facilities through authority granted by the Commission, with regards to intrastate service, and through service regulated by FERC, with regards to interstate service. As described above, the new Mariner East Pipeline would offer pipeline transportation service from Houston, Pennsylvania, directly to a terminal located in Claymont, Delaware, with no intermediate deliveries. The interstate shipments will remain subject to FERC's exclusive jurisdiction over the interstate transportation of petroleum products, but SPLP will not require PUC tariff authority for any volumes shipped through the Mariner East Pipeline.

*Application of Sunoco Pipeline L.P. for: (I) Issuance of a Certificate of Public Convenience Authorizing the Abandonment of a Portion of Its Petroleum Products Pipeline Transportation Service within Pennsylvania, from: (1) Point Breeze to Eldorado, Delmont, Blawnox, and Pittsburgh; (2) Montello to Eldorado, Delmont, and Blawnox; and (3) Twin Oaks to Icedale, Malvern, Eldorado, Delmont, and Pittsburgh; and (II) All Other Approvals or Certificates Appropriate or Necessary Under the Public Utility Code to Grant the Relief Requested in the Application, Docket No. A-2013-2371789, Application dated July 2, 2013, pp. 6-7 (emphasis added).*<sup>1</sup>

Importantly, SPLP's verified statement to the Commission last July directly contradicts the unverified assertion of SPLP's counsel on page 6 of its Exceptions, where it states: "SPLP's business plan for the Mariner East Project always contemplated *intrastate* transportation of propane for delivery in Pennsylvania." (emphasis in original) Nothing could be further from the truth, as SPLP itself told this Commission last year.

## **Reply to SPLP Exception 1**

### **A. Introduction**

The first issue raised by SPLP is whether the ALJs correctly determined that (1) SPLP did not have the authority from this Commission to transport propane between points in Pennsylvania; (2) SPLP has not made all of the commitments a pipeline must make to be a public utility in Pennsylvania; and (3) SPLP has not alleged facts sufficient to show that it will be transporting propane between points in Pennsylvania.

---

<sup>1</sup> The document is available on the Commission's on-line docketing system at: <http://www.puc.pa.gov/pcdocs/1236913.pdf>.

Initially, CCWGT notes that there is no question that it is possible for a transportation pipeline to obtain a certificate of public convenience and necessity to become a public utility under Pennsylvania law. The Commission's Policy Statement at 52 Pa. Code § 69.1401 and its 2011 decisions in the *Laser* case<sup>2</sup> make that abundantly clear. That principle is firmly established and, contrary to SPLP's Exceptions, that is not the issue in this case.

It is equally true, however, that it is lawful in Pennsylvania for a pipeline company to provide service within the Commonwealth as an entity that is not a public utility. As CCWGT discusses below, the *Laser* case firmly established the law -- and the Commission's intention -- that many pipelines in the state would operate without the obligations of public utilities. Specifically, the Commission stated in that case: " Indeed, the Commission has no intention of seeking to impose economic regulation on gathering and transportation service providers as a general matter." *Application of Laser Northeast Gathering Company, LLC*, Docket No. A-2010-2153371, Opinion and Order (denying reconsideration and granting clarification) (Aug. 25, 2011), p. 19.

In other words, the mere fact that SPLP says it plans to use a small portion of an interstate pipeline for intrastate service (even if it is true) does not automatically make SPLP a public utility. Being a public utility carries with it a series of obligations to the public, as described below. If, and only if, those obligations are met, then a public utility receives certain benefits under the law, including the right to ask this Commission to preempt local zoning and land use requirements under Section 619 of the MPC.

---

<sup>2</sup> *Application of Laser Northeast Gathering Co.*, Docket No. A-2010-2153371, Opinion and Order (May 19, 2011), 2011 Pa PUC LEXIS 6; and Opinion and Order (denying reconsideration and granting clarification) (Aug. 25, 2011), 2011 Pa. PUC LEXIS 1303.

As CCWGT explains below, the ALJs correctly concluded that SPLP has not alleged facts sufficient to show that it will be providing service within Pennsylvania as a public utility.<sup>3</sup> Consequently, the Commission lacks jurisdiction to hear this matter.

B. SPLP's Authority

SPLP previously had authority to transport refined petroleum products from east to west in portions of Pennsylvania. Last year, SPLP abandoned a portion of that service. *Application of Sunoco Pipeline L.P. for a Certificate of Public Convenience to Abandon a Portion of its Petroleum Products Pipeline Transportation Service in Pennsylvania*, Docket No. A-2013-2371789, Opinion and Order (Oct. 19, 2013). The ALJs correctly held that the Commission's abandonment order in that case does not "specifically state whether the service proposed by the Mariner East project would be public utility service." I.D. p. 18. In fact, as explained above, SPLP in that case specifically told the Commission that the Mariner East project would be interstate only and that the Commission would not be asked to certificate or tariff any aspect of the project.

The Initial Decision was signed on July 23, 2014, but was not served on the parties and entered on the Commission's docket until July 30, 2014. In the interim, the Commission issued an order in *Petition of Sunoco Pipeline, L.P. for Amendment of the Order Entered on August 29, 2013*, Docket No. P-2014-2422583, Opinion and Order (July 24, 2014). In that order, the Commission granted SPLP's petition to amend the 2013 abandonment order at Docket No. A-2013-2371789 to set out a procedure for SPLP to reactivate its abandoned authority.

Thus, it appears that while the ALJs were correct when the Initial Decision was written, an intervening event may affect that conclusion. The Commission has issued an order that

---

<sup>3</sup> The question of whether SPLP's status as an interstate common carrier by pipeline allows it to use Section 619 of the MPC is addressed in Exception 2, below.

appears to permit SPLP to provide intrastate propane transportation service, so long as certain conditions are met. It remains unclear, however, whether SPLP has the right to transport propane from west to east along the full length of its pipeline, or if SPLP has agreed to assume the obligations of a public utility as regards that service.

C. SPLP Fails to Meet the Commitments Required for Intrastate Service as a Public Utility

SPLP has not alleged facts sufficient to show that it plans to meet the obligations of a public utility for its alleged planned use the pipeline for intrastate service. Up until May 8, 2014, SPLP consistently stated that it would use the pipeline only for interstate service. The ALJs correctly held (and SPLP agrees; see Exceptions pp. 14 and 28-30) that 90% of the pipeline's capacity already has been committed to interstate service. I.D. p. 19. That is, we know that SPLP will use the pipeline for interstate service (and as explained in response to Exception 2, such service does not qualify SPLP as a "public utility corporation" for purposes of Section 619 of the MPC). The question is whether SPLP has alleged facts sufficient to show that it actually will use the pipeline for intrastate public utility service.

This is an extremely important question. The Commission's Policy Statement (which, in turn, is derived from the relevant judicial precedents) and the *Laser* case set forth exacting criteria that must be met in order for a pipeline to qualify as a public utility. Specifically, the Commission's Order granting clarification in the *Laser* case held as follows:

Our conclusion was based on our review of the record, the applicable law, and the positions of the Parties. June 2011 Order at 23. Based on that review, some of the facts that we considered in reaching our conclusion were the following:

- Laser will be transporting or conveying natural or artificial gas by pipeline or conduit for compensation. June 2011 Order at 24.
- Laser will serve any and all potential customers needing to move gas through the pipeline system. Id. at 25.
- Laser intends to utilize negotiated contracts to secure customers; contracts are not meant to be exclusionary, but rather to establish

- technical requirements, delivery points, and other terms and conditions of service. *Id.* at 26.  
• Laser has made a commitment to expand its capacity, as needed, to meet increased customer demand. *Id.* at 27.

Conversely, where these facts are not present, the proposed service would not qualify as “public utility” service and, thus, would not be subject to economic regulation by the Commission. Indeed, the Commission has no intention of seeking to impose economic regulation on gathering and transportation service providers as a general matter.

*Application of Laser Northeast Gathering Company, LLC*, Docket No. A-2010-2153371, Opinion and Order (denying reconsideration and granting clarification) (Aug. 25, 2011), p. 19 (emphasis added).

The underlined provisions in the *Laser* test are extremely important. The Commission held in *Laser* that pipelines were not automatically public utilities. Indeed, most pipelines would not be public utilities. Only those pipelines that meet the four criteria set out in the August 25, 2011, order would qualify as public utilities.<sup>4</sup>

Even though SPLP quotes this language on page 24 of its Exceptions, it does not acknowledge that it fails to pass the second and fourth tests. SPLP has not made a commitment to "serve any and all [intrastate] customers" and to "expand capacity, as needed, to meet increased customer demand." Instead, SPLP has said that intrastate capacity is limited to no more than 10% of the capacity of the pipeline. That is an absolute upper limit because the other 90% of capacity already is committed to firm interstate shippers. In fact, in its Exceptions, SPLP admits: "in the event that demand exceeds pipeline capacity, committed interstate shippers will be entitled to their full capacity under the agreements executed in the open season, while

---

<sup>4</sup> It is interesting to note that even the Laser pipeline itself later determined that its business would not support these requirements and it informed the Commission that it would not do business as a public utility. *Application of Laser Northeast Gathering Company, LLC*, Docket No. A-2010-2153371, Opinion and Order (granting motion to withdraw) (Dec. 5, 2011), 2011 Pa. PUC LEXIS 536.

capacity for uncommitted shippers will be subject to allocation among all uncommitted shippers." SPLP Exceptions, p. 24. That is, not only will SPLP not serve all intrastate customers and expand capacity to meet intrastate demand, if interstate uncommitted demand exceeds the 10% of capacity not under firm interstate contracts, then both interstate and intrastate shippers will be curtailed.

SPLP attempts to finesse this point by saying it would build a new pipeline "if commercial conditions so permit." SPLP Exceptions, p. 25. In this statement, however, SPLP is referring to total demand on the pipeline, nearly all of which is interstate service. As an example, if the only increase in demand were an increase in intrastate demand from, say, 10% of total pipeline capacity to 15% (resulting in at least one-third of intrastate demand going unserved), SPLP would do nothing. It already has committed 90% of the pipeline to interstate service. If interstate demands do not expand, neither will the pipeline.

Thus, while the ALJs did not specifically discuss the *Laser* standards, they reached the correct decision when they held that SPLP had not shown that it would meet the standards for providing service to the public as a public utility. See I.D. p. 21.

D. SPLP Has Not Alleged Facts Sufficient to Show that it Will Provide Intrastate Service

Finally, the ALJs correctly held that SPLP has not alleged facts sufficient to show that it will even provide intrastate service. The ALJs correctly held that SPLP has stated only that it will ship propane intrastate to its affiliate's Twin Oaks facility and that "the Twin Oaks facilities and the MHIC facility are connected by pipeline and the Twin Oaks terminal is operated 'in conjunction with the MHIC.' Thus, it appears from the averments in the amended petition that the propane could be stored in the Twin Oaks terminal for later processing and export through the Marcus Hook facility ... ." I.D. p. 21.

The ALJs are correct, and SPLP never discusses this finding or takes exception to it. SPLP's Exceptions acknowledge that the Twin Oaks facility is operated "as a part of and in conjunction with" MHIC (the interstate terminus of the pipeline). SPLP Exceptions, p. 13.

SPLP has not alleged facts to show that its so-called "intrastate" service is anything less than a subterfuge to obtain Commission jurisdiction. The alleged delivery point in Pennsylvania is directly connected by pipeline to the real terminus of the pipeline in Delaware and is operated as part and parcel of the same facility.

E. Conclusion

The ALJs correctly ruled, therefore, that SPLP has not alleged facts sufficient to show that it will provide intrastate propane service as a public utility. Rather, SPLP has stated only that it will provide an intermediate delivery point near the Pennsylvania-Delaware border that is directly connected to the main terminus of the pipeline in Delaware. Moreover, SPLP has not made a commitment to serve all intrastate demand and to expand capacity to serve intrastate demand -- both of which are required in order for a pipeline to provide service as a public utility. Instead, SPLP has stated that if intrastate demand exceeds pipeline capacity (and, indeed, even if interstate demand causes pipeline capacity to be exceeded), its solution will be to reduce the availability of the pipeline to all uncommitted shippers, which includes all intrastate shippers. Presumably these restrictions would remain in place until interstate demands are sufficient to support a pipeline expansion. That lack of commitment fails to meet the requirements for public utility service under the standards enunciated by the Commission in the *Laser* case.

The ALJs correctly ruled, therefore, that SPLP will not be providing intrastate public utility service. As a consequence, SPLP does not have the right to seek relief under Section 619 of the MPC and the Commission lacks jurisdiction over this matter.

## Reply to Exception 2

SPLP's second exception addresses its lack of status as a "public utility corporation" due to its regulation as a common carrier by FERC. The Initial Decision correctly held that if SPLP does not qualify as a public utility for intrastate service, then its interstate service as a common carrier does not meet the requirements of Section 619 of the MPC. Specifically, the Initial Decision correctly held: "In its original petitions Sunoco admitted it is regulated by FERC pursuant to the Interstate Commerce Act (ICA) as a common carrier and not as a public utility. ... Sunoco does not meet the definition of a public utility corporation articulated in the Business Corporation Law (BCL) at 15 Pa. C.S. § 1103 ...". I.D., p. 20.

SPLP argues that it is possible for a single pipeline facility to have both an interstate and intrastate component, and indeed such pipelines are common. Neither CCWGT nor the ALJs dispute this point. The issue is not whether a single pipeline could serve interstate and intrastate customers. The issue is if the intrastate service does not qualify as public utility service (as is the case here), can an interstate common carrier pipeline avail itself of the benefits of Section 619 of the MPC. The ALJs correctly held that an interstate common carrier is not "regulated as a public utility" and therefore does not qualify as a "public utility corporation" under the MPC and the Business Corporation Law.

Specifically, the federal component of SPLP's service (which, as discussed above, is at least 90% of the pipeline's capacity) on its own is not sufficient to give the Commission jurisdiction over a Section 619 petition. FERC regulation of petroleum pipelines is regulation as a common carrier, not regulation as a public utility. CCWGT discussed this issue at length in its original Preliminary Objections, ¶¶ 1-23. The ALJs' conclusion is correct. Moreover, SPLP's Exceptions do not dispute this conclusion.

Rather, in Exception No. 2, SPLP goes back to its arguments about its intrastate authority. Those arguments were addressed above in response to Exception No. 1 and will not be repeated here. Suffice it to say that the ALJs held that SPLP's status as a federally regulated common carrier does not grant SPLP any rights under Section 619 of the MPC. That ruling is based on extensive precedent and SPLP has not disputed that ruling.

#### **Reply to Exception 4<sup>5</sup>**

In the event that the Commission finds that it does have jurisdiction (a decision with which CCWGT would respectfully disagree), SPLP's final exception asks the Commission to rule on the preliminary objections that were not addressed by the ALJs because of the ALJs' conclusion that the Commission lacked jurisdiction. The Commission should reject this Exception for two reasons.

First, SPLP's cursory listing of the other preliminary objections is incomplete. It fails to include two of CCWGT's preliminary objections. CCWGT objected to the insufficient specificity of the petition for failure to identify the specific property for which SPLP seeks a zoning exemption. CCWGT Further Preliminary Objections ¶¶ 35-36. Nothing could be more important in a Section 619 petition than correctly identifying the specific parcel of land to which the petition applies. This is vitally important in this case because SPLP owns two parcels of land on Boot Road, one of which is partially developed and one of which is completely undeveloped (both are zoned for residential use). Absent an understanding of what buildings SPLP proposes to construct on which parcel(s) of land, it is not possible for CCWGT to even file an answer to the petition, let alone for the case to proceed to discovery and hearings.

---

<sup>5</sup> CCWGT takes no position on SPLP's Exception No. 3.

SPLP also does not discuss CCWGT's objection to SPLP's failure to identify the specific zoning or land use ordinances from which it is seeking to be exempt. CCWGT Further Preliminary Objections ¶¶ 39-42. SPLP appears to have recognized the need to do so, but claimed in its Amended Petition that it would not provide copies of the ordinances at this time "[d]ue to the number of implicated local ordinances by the Mariner East project." SPLP Amended Petition ¶ 28. CCWGT would note, however, that SPLP has failed to *identify* the ordinances (or provisions of them) from which it seeks exemption. CCWGT does not suggest that copies must be provided with the petition, but the failure to identify the local laws from which an exemption is sought renders the petition incomplete and severely handicaps the ability of CCWGT to file an answer or otherwise participate in the substantive portion of this case, because it is not known what exemptions SPLP is seeking.<sup>6</sup>

Thus, SPLP's Exception No. 4 is incomplete and inaccurate. The Commission should not attempt to rule on the remaining preliminary objections at this time.

Second, the Commission's rules require preliminary objections to be decided by a presiding officer. 52 Pa. Code § 5.101(g). The standard practice at the Commission is that if the Commission reverses an initial decision that found a lack of jurisdiction, the matter is to be remanded to the ALJs to address all other matters in the case, including other preliminary objections. See, for example, *Robinson v. Shrewsbury Borough Municipal Authority*, Docket No. C-2011-2238127, 2011 Pa. PUC LEXIS 154 (Oct. 14, 2011), where the Commission reversed the Initial Decision's finding of no jurisdiction and specifically remanded the other preliminary objections to the ALJ for resolution.

---

<sup>6</sup> Further, SPLP's excuse that the "the Mariner East Project spans approximately 300 miles" and goes through many municipalities (SPLP Amended Petition ¶ 28) is irrelevant. SPLP goes to great pains to ask the Commission to treat each petition as a separate matter and to not consolidate the cases. Yet here, where it serves its purposes to do so, SPLP attempts to relieve itself of an obligation -- and severely prejudice intervening parties -- because of the size and scope of the entire project.

SPLP has not provided any precedent for its request or alleged any compelling reasons why it is necessary to circumvent the normal administrative process in this case. If the Commission finds that it does have jurisdiction, therefore, the matter should be remanded to the Office of Administrative Law Judge for rulings on the remaining preliminary objections and all further proceedings (including conducting discovery, holding hearings, and developing an evidentiary record).

WHEREFORE, the Concerned Citizens of West Goshen Township respectfully request the Commission to (1) deny SPLP's Exceptions 1 and 2, (2) affirm the Initial Decision's holding that the Commission lacks jurisdiction over this matter, and (3) dismiss SPLP's Petition and Amended Petition with prejudice. In the event that the Commission disagrees and finds that it does have jurisdiction, it should deny SPLP's Exception 4 and remand this matter to the Office of Administrative Law Judge for rulings on the remaining preliminary objections and all further proceedings.

Respectfully submitted,



Scott J. Rubin  
333 Oak Lane  
Bloomsburg, PA 17815-2036  
Phone: (570) 387-1893  
Fax: (570) 387-1894  
e-mail: scott.j.rubin@gmail.com  
(Pa. Supreme Court ID: 34536)

Counsel for CCWGT

Dated: August 29, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served this day a true copy of the foregoing document upon the parties listed below by electronic mail (where an email address is shown) and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Christopher Lewis / Michael L Krancer Frank Tamulonis / Melanie Carter Blank Rome LLP One Logan Square Philadelphia, PA 19103 lewis@blankrome.com / carter@blankrome.com ftamulonis@blankrome.com	Margaret A Morris Reger Rizzo & Darnall 2929 Arch Street, 13th Floor Philadelphia, PA 19104 mmorris@regerlaw.com jmotz@regerlaw.com
Hon. Dominic Pileggi Senate of Pennsylvania 350 Main Capitol Harrisburg, PA 17120	Hon. Dan Truitt House Of Representatives PO Box 202156 Harrisburg, PA 17120-2156
Johnnie E. Simms Pa. Public Utility Commission PO Box 3265 Harrisburg, PA 17105-3265 wfreet@pa.gov / sandrade@pa.gov	Aron J Beatty Office of Consumer Advocate 555 Walnut Street, Fifth Floor Harrisburg, PA 17101 abeatty@paoca.org
Anthony Gallagher Steamfitters Local Union 420 14420 Townsend Toad Suite A Philadelphia, PA 19154-1028	Hon. William F Keller House Of Representatives PO Box 202184 Harrisburg, PA 17120-2184
Mayor Gene Taylor / Brian Mercadante Borough of Marcus Hook 10th & Green Streets Marcus Hook, PA 19061	Mary Leitch 526 Reed St Philadelphia, PA 19147 artbymal@live.com
Walker & Carol Tompkins 1245 Victoria Lane West Chester, PA 19380	Craig Hahnen 185 Woodbine Drive Hershey, PA 17033
John & Susan Rapp 1239 Victoria Lane West Chester, PA 19380	Lori & Christian Kier 619 Marydell Drive West Chester, PA 19380
Jody Ross MD 437 Nye Road Hummelstown, PA 17036	Nicholas Kennedy Mountain Watershed Association 1414-B Indian Creek Valley Road Melcroft, PA 15462
Kenneth Myers / Sireen I. Tucker High Swartz LLP 40 East Airy Street Norristown, PA 19401 stucker@highswartz.com	Adam Kron Environmental Integrity Project 1000 Vermont Ave NW, Suite 1101 Washington, DC 20005 akron@environmentalintegrity.org

Bill Holmes, Chairman East Whiteland Township 209 Conestoga Road Frazer, PA 19355-1699	Steven Soles, Chairman West Whiteland Township 101 Commerce Drive Exton, PA 19341
Augusta C. Wilson Clean Air Council 135 S. 19th St., Suite 300 Philadelphia, PA 19103 awilson@cleanair.org	Thomas L. Whiteman Chester County 313 W. Market St. West Chester, PA 19380 twhiteman@chesco.org

Dated: August 29, 2014



Scott J. Rubin  
Counsel for CCWGT