

Phone: (215) 569-5720  
Fax: (215) 832-5720  
Email: [MCarter@BlankRome.com](mailto:MCarter@BlankRome.com)

February 6, 2015

**VIA OVERNIGHT FEDERAL EXPRESS**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

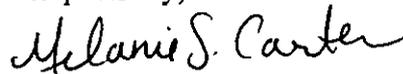
Re: Sunoco Pipeline L.P.'s Petition for Leave to Withdraw Pleadings, Docket Nos. P-2014-2411941, 2411943, 2411944, 2411945, 2411946, 2411948, 2411951, 2411952, 2411953, 2411954, 2411956, 2411957, 2411958, 2411960, 2411961, 2411963, 2411964, 2411965, 2411967, 2411972, 2411974, 2411980

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced matters on this date is Sunoco Pipeline L.P.'s ("SPLP") Petition for Leave to Withdraw Pleadings, namely SPLP's Amended Petitions filed on Docket Nos. P-2014-2411941, 2411943, 2411944, 2411945, 2411946, 2411948, 2411951, 2411952, 2411953, 2411954, 2411956, 2411957, 2411958, 2411960, 2411961, 2411963, 2411964, 2411965, 2411967, 2411972, 2411974, 2411980. Also enclosed is a Certificate of Service evidencing service upon the parties of record in the dockets relevant to SPLP's petition for leave to withdraw.

Thank you for your attention to this matter.

Respectfully,



Melanie S. Carter

MSC/arc  
Enclosures

cc: Certificate of Service List (w/encls.)

**RECEIVED**

FEB - 6 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Sunoco Pipeline L.P., for a : P-2014-2411941, 2411943,  
Finding That The Situation of Structures : 2411944, 2411945, 2411946,  
to Shelter Pump Stations and Valve : 2411948, 2411951, 2411952,  
Control Stations is Reasonably : 2411953, 2411954, 2411956,  
Necessary for the Convenience or : 2411957, 2411958, 2411960,  
Welfare of the Public : 2411961, 2411963, 2411964,  
2411965, 2411967, 2411972,  
2411974, 2411980

(Not Consolidated)

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**SUNOCO PIPELINE L.P.'S PETITION  
FOR LEAVE TO WITHDRAW PLEADINGS**

Sunoco Pipeline L.P. ("SPLP"), by its undersigned counsel and pursuant to 52 Pa. Code § 5.94 of the rules and regulations of the Pennsylvania Public Utility Commission (the "Commission"), hereby submits a petition for leave to withdraw its Amended Petitions in the above-referenced dockets. The Amended Petitions, filed May 8, 2014, requested findings that structures in the named municipalities to shelter pump stations and valve control stations are reasonably necessary for the convenience and welfare of the public and, therefore, exempt from any local zoning pursuant to 53 P.S. § 10619 ("Section 619") of the Municipal Planning Code ("MPC"). In support of its withdrawal request, SPLP submits as follows:

**II. HISTORY OF THE PROCEEDING**

1. On March 21, 2014, SPLP filed its original petition with the Commission requesting a finding that the structures to shelter 18 pump stations and 17 valve control stations for the Mariner East Project are reasonably necessary for the convenience or welfare of the public, and therefore exempt from local zoning ordinances pursuant to Section 619 of the MPC.

2. On May 8, 2014, SPLP filed 31 amended petitions related to each of the 31 townships where SPLP was seeking an exemption pursuant to Section 619 (“Amended Petitions”).

3. On May 28, 2014, the Clean Air Council (“CAC”) filed Preliminary Objections to SPLP’s Amended Petitions.

4. On June 5, 2014, The Delaware Riverkeeper Network (“DRN”) filed Preliminary Objections to the Amended Petitions.

5. On June 9, 2014, the Concerned Citizens of West Goshen Township (“CCWGT”) filed Preliminary Objections to the Amended Petitions.

6. Also on June 9, 2014, the Mountain Watershed Association (“MWA”) adopted the Preliminary Objections of the DRN.

7. On June 10, 2014, the *Environmental Integrity Project* (the “EIP”) and the CAC filed a Joint Protest to the Amended Petitions.

8. SPLP answered the Preliminary Objections on June 9, June 18, and June 19, 2014, respectively.

9. On July 30, 2014, Administrative Law Judges Salapa and Barnes issued an Initial Decision dated July 23, 2014, dismissing SPLP’s Amended Petitions, finding that the Commission lacked jurisdiction.

10. On August 19, 2014, SPLP filed Exceptions to the Initial Decision, and on August 29, 2014, the DRN, MWA, CAC, CCWGT, and West Goshen Township (“WGT”) filed Reply Exceptions.

11. On October 29, 2014, the Commission issued an Order and Opinion that reversed the Initial Decision, dismissed all remaining preliminary objections, and remanded the Amended

Petitions to the Administrative Law Judges for further proceedings. In that Opinion, the Commission held, *inter alia*, that SPLP's existing certificates of public convenience are *prima facie* evidence that SPLP is a public utility corporation. The Commission also ordered that, on remand, the scope of this proceeding concerned "a very narrow question: whether enclosures (walls and a roof) that are built around and over a valve control or pump station should be exempt from municipal zoning regulation."

12. The DRN and CAC filed Answers to the Amended Petitions in the above dockets on November 20, 2014 and December 2, 2014, respectively.

13. On December 1, 2014, Administrative Law Judges Salapa and Barnes issued Prehearing Order #1, which granted the petitions to intervene of Upper Chichester Township, DRN, MWA, CAC, and the EIP in the above dockets. Specifically, this order permitted the following interventions relevant to this petition to withdraw:

- Upper Chichester Township was permitted to intervene in Docket Number P-2014-2411965 (Upper Chichester Township, Delaware County).
- The DRN was permitted to intervene in Docket Numbers P-2411941 (Wallace Township, Chester County); P-2014 2411965 (Upper Chichester Township, Delaware County); and P-2014-2411972 (Spring Township, Berks County).
- The MWA was permitted to intervene in Docket Numbers P-2014-2411954 (Hempfield Township, Westmoreland County) and P-2014-2411956 (Rostraver Township, Westmoreland County).
- The CAC and the EIP were permitted to intervene in all Docket Numbers captioned above.

14. On December 1, 2014, Administrative Law Judges Salapa and Barnes also issued Prehearing Order #2, which scheduled a prehearing conference in the above dockets for February 10, 2015.

### III. REQUEST FOR WITHDRAWAL

15. Section 5.94 of the Commission's regulations provides that a party requesting leave to withdraw its pleadings shall state the reasons for the withdrawal request. SPLP seeks leave to withdraw its Amended Petitions in the following twenty-two (22) dockets because the Amended Petitions in these dockets are now moot:

- 2014-2411941 Wallace Township, Chester County
- 2014-2411943 Lower Swatara Township, Dauphin County
- 2014-2411944 East Wheatfield Township, Indiana County
- 2014-2411945 Fairview Township, York County
- 2014-2411946 North Middleton Township, Cumberland County
- 2014-2411948 Frankstown Township, Blair County
- 2014-2411951 Derry Township, Westmoreland County
- 2014-2411952 Loyalhanna Township, Westmoreland County
- 2014-2411953 Penn Township, Westmoreland County
- 2014-2411954 Hempfield Township, Westmoreland County
- 2014-2411956 Rostraver Township, Westmoreland County
- 2014-2411957 Allegheny Township, Blair County
- 2014-2411958 Union Township, Washington County
- 2014-2411960 North Strabane Township, Washington County
- 2014-2411961 Penn Township, Huntingdon County
- 2014-2411963 Chartiers Township, Washington County
- 2014-2411964 Shirley Township, Huntingdon County
- 2014-2411965 Upper Chichester Township, Delaware County
- 2014-2411967 Toboyne Township, Perry County
- 2014-2411972 Spring Township, Berks County
- 2014-2411974 Hampden Township, Cumberland County
- 2014-2411980 Salem Township, Westmoreland County

16. Since the filing of the Amended Petitions, SPLP has continued to work with the townships listed in the preceding paragraph, as well as all townships implicated in this proceeding, to amicably settle and resolve whatever zoning exemptions and/or requirements might be required.

17. Over the course of the last several months, SPLP has obtained the necessary zoning approvals from the above-listed townships, has determined that zoning exemptions are not required for the above-listed townships, or has elected not to enclose the valve control

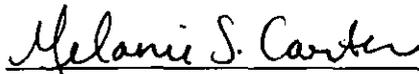
stations that will be erected in those townships, thereby rendering the Amended Petitions in those townships moot.

18. Accordingly, SPLP no longer seeks an exemption from local zoning requirements in the above-listed townships.

19. Withdrawal of the Amended Petitions is in the public interest because, as noted by the Commission, “[t]he public interest would not be served by requiring litigation of a [petition] that has already been resolved. This would result in an unnecessary burden and costs to the parties and the agency which would also not be in the public interest.” *PA Pub. Util. Comm’n v. Northern Lehigh Ambulance Serv., Inc.*, Docket No. C-2012-2318310, Opinion and Order issued October 25, 2013 (Barnes, J.).

WHEREFORE, SPLP respectfully requests that the Commission grant its Petition for Leave to Withdraw its Amended Petitions filed on May 8, 2014 in the above dockets and mark those dockets closed.

**BLANK ROME LLP**



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Christopher A. Lewis, Esq.  
Michael L. Krancer, Esq.  
Frank L. Tamulonis, Esq.  
Melanie S. Carter, Esq.  
One Logan Square  
130 North 18<sup>th</sup> Street  
Philadelphia, PA 19103

*Counsel for Sunoco Pipeline L.P.*

Dated: February 6, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2015, I caused a true copy of Sunoco Pipeline L.P.'s Petition for Leave to Withdraw Pleadings to be served upon the participants listed below by email (where an email address is shown) and first-class U.S. mail, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Honorable David A. Salapa  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
dsalapa@pa.gov

Honorable Elizabeth H. Barnes  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
ebarnes@pa.gov

Tanya McCloskey, Esquire  
Aron J. Beatty, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place – 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1921  
tmccloskey@paoca.org

Johnnie Simms, Esquire  
Bureau of Investigation and Enforcement  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17120  
josimms@pa.gov

Aaron Stemplewicz, Esquire  
925 Canal Street  
Suite 3701  
Bristol, PA 19007  
aaron@delawareriverkeeper.org  
**Representing Delaware River Keeper  
Network**

John R. Evans, Esquire  
Steven Gray, Esquire  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
sgray@pa.gov

Augusta Wilson, Esquire  
Joseph O. Minott, Esquire  
135 S. 19th St  
Ste. 300  
Philadelphia, PA 19103  
awilson@cleanair.org  
**Representing Clean Air Council**

Nick Kennedy, Esquire  
1414-B Indian Creek Valley Road  
PO Box 408  
Melcroft, PA 15462  
nick@mtwatershed.com  
**Representing Mountain Watershed  
Association**

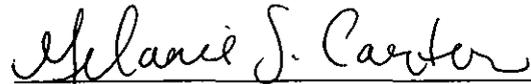
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Francis J. Catania, Esquire  
J. Michael Sheridan, Esquire  
230 N. Monroe Street  
Media, PA 19063  
jmichaelsheridan@gmail.com  
**Representing Upper Chichester Township**

Adam Kron, Esquire  
1000 Vermont Ave. NW  
Suite 1100  
Washington, DC 20005  
akron@environmentalintegrity.org  
**Representing Environmental Integrity  
Project**

  
\_\_\_\_\_  
Counsel to Sunoco Pipeline, L.P.

From: (609) 750-7700  
Melanie Carter  
Blank Rome LLP  
301 Carnegie Center  
3rd Floor  
Princeton, NJ 08540

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BILL SENDER

Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
400 NORTH ST FL 2

HARRISBURG, PA 17120

RELEASE#: 3785346

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