**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Walnut Bank valve control station :

in Wallace Township, Chester County, : P-2014-2411941

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Middletown Junction valve control station :

in Lower Swatara Township, Dauphin County, : P-2014-2411943

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Cramer pump station in East Wheatfield Township, :

Indiana County, Pennsylvania : P-2014-2411944

is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old York Road valve control station :

in Fairview Township, York County, : P-2014-2411945

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Conodoquist River West valve control station in :

North Middleton Township, Cumberland County, : P-2014-2411946

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Juniata River West valve control station :

in Frankston Township, Blair County, : P-2014-2411948

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

West Conemaugh River valve control station :

in Derry Township, Westmoreland County, : P-2014-2411951

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

West Loyalhanna Dam valve control station in :

Loyalhanna Township, Westmoreland County, : P-2014-2411952

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old Chestnut Lane valve control station :

in Penn Township, Westmoreland County, : P-2014-2411953

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old Harmony Road valve control station in :

Hempfield Township, Westmoreland County, : P-2014-2411954

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Youghiogheny River South valve control station :

in Rostraver Township, Westmoreland County, : P-2014-2411956

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Hollidaysburg pump station in :

Allegheny Township, Blair County, : P-2014-2411957

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Monongahela River West valve control station :

in Union Township, Washington County, : P-2014-2411958

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Ross Road valve control station in :

North Strabane Township, Washington County, : P-2014-2411960

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Marklesburg pump station and :

Raystown Lake West valve control station : P-2014-2411961

in Penn Township, Huntingdon County, :

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Houston-Mark West, Houston-Williams :

and West Pike Street valve control stations :

in Chartiers Township, Washington County, : P-2014-2411963

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Mount Union pump station :

in Shirley Township, Huntingdon County, : P-2014-2411964

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Twin Oaks pump station in :

Upper Chichester Township, Delaware County, : P-2014-2411965

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Doylesburg pump station in :

Toboyne Township, Perry County, : P-2014-2411967

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Montello pump station and valve control station :

in Spring Township, Berks County, : P-2014-2411972

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Mechanicsburg pump station in :

Hampden Township, Cumberland County, : P-2014-2411974

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Delmont pump station in : P-2014-2411980

Salem Township, Westmoreland County, :

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

**INITIAL DECISION GRANTING REQUEST FOR LEAVE TO WITHDRAW**

**AMENDED PETITIONS OF SUNOCO PIPELINE, L.P.**

Before

David A. Salapa

Administrative Law Judge

Elizabeth H. Barnes

Administrative Law Judge

INTRODUCTION

Sunoco Pipeline, L.P. (Sunoco) filed 31 amended petitions seeking a Commission determination that buildings it wished to construct to shelter pump stations and valve control stations were reasonably necessary for the convenience or welfare of the public and therefore exempt from local zoning ordinances. There being no objection by any intervenor, this decision grants Sunoco’s request to withdraw 22 of its amended petitions.

HISTORY OF THE PROCEEDING

On March 21, 2014, Sunoco filed a petition with the Pennsylvania Public Utility Commission (Commission), pursuant to 52 Pa.Code § 5.41 and 53 P.S. § 10619. The petition contained 31 separate locations in its caption. The Commission’s Secretary treated the petition as 31 separate petitions and assigned 31 docket numbers to the same petition.

These 31 petitions requested that the Commission find that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline were reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. The petitions indicated that the Mariner East pipeline involved the construction of new pipeline facilities and use of existing pipeline facilities to transport ethane and propane. The Mariner East pipeline would originate in Houston, Pennsylvania and terminate in Claymont, Delaware.

The petitions alleged that the purpose of the Mariner East pipeline was to provide additional transportation infrastructure to transport Marcellus Shale resources. According to the petitions, there is a need for additional infrastructure to transport natural gas and associated natural gas liquids.

As part of the construction of the Mariner East pipeline, Sunoco contends that it must construct pump stations in order to facilitate the transportation of ethane and propane. Additionally, Sunoco must construct valve control stations to ensure that the ethane and propane are transported safely. These pump stations and valve control stations will be enclosed in metal buildings. The buildings will protect the electrical, control, and communication devices for the pump and valve equipment from the weather. The buildings will lessen the amount of noise from the operation of the pump and valve control equipment that reaches the area surrounding each station.

Notice of Sunoco’s 31 petitions was published in the April 5, 2014 Pennsylvania Bulletin at 44 Pa.B. 2145, specifying a deadline of April 21, 2014, for filing formal protests, comments or petitions to intervene in the proceeding.

Several entities filed preliminary objections to Sunoco’s petitions, contending that the Commission lacked jurisdiction over Sunoco’s petitions.

By notice dated May 5, 2014, the Commission notified the parties that it had assigned Sunoco’s 31 petitions to us as motion judges.

On May 8, 2014, Sunoco filed 31 separate amended petitions requesting that the Commission find that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline were reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. The amended petitions alleged that the Mariner East pipeline would originate in Houston, Pennsylvania and deliver propane to the Marcus Hook Industrial Complex and Sunoco’s Twin Oaks facilities, located in Delaware County.

The amended petitions alleged that Sunoco currently holds a certificate of public convenience to provide petroleum products transportation services for the segment of the Mariner East pipeline located west of Mechanicsburg, Cumberland County. A portion of the service on this segment had been discontinued and abandoned pursuant to Commission orders entered August 29, 2013 and October 17, 2013 at A-2013-2371789. According to the amended petitions, Sunoco would be seeking to resume intrastate transportation service along this segment so that it could ship propane by pipeline to the Twin Oaks facilities to allow further distribution to third party storage facilities or distribution terminals.

In addition, the certificate of public convenience to provide petroleum products transportation services for the segment of the Mariner East pipeline located east of Mechanicsburg, Cumberland County had been suspended, pursuant to Commission orders entered August 29, 2013 and October 17, 2013 at P-2013-2371775. The amended petitions asserted that Sunoco would resume service to meet demand for the 2014-2015 winter season and would file a tariff supplement to implement service between Mechanicsburg and its Twin Oaks facilities. This would allow Sunoco to transport approximately 5,000 barrels per day of propane by pipeline from Mechanicsburg to Twin Oaks.

Sunoco would have to construct pump stations to facilitate the transportation of ethane and propane. In addition, Sunoco would have to construct valve control stations to ensure that the ethane and propane were transported safely. These pump stations and valve control stations would be enclosed in metal buildings. The buildings would protect the electrical, control and communication devices for the pump and valve equipment from the weather. The buildings would lessen the amount of noise from the operation of the pump and valve control equipment that would reach the area surrounding each station.

Notice of Sunoco’s 31 amended petitions was published in the May 24, 2014 Pennsylvania Bulletin at 44 Pa.B. 3204-3215, specifying a deadline of June 9, 2014 for filing formal protests, comments, or petitions to intervene in the proceeding.

Several entities filed preliminary objections to Sunoco’s amended petitions, contending that the Commission lacked jurisdiction over Sunoco’s petitions.

On July 30, 2014, we issued an initial decision sustaining the preliminary objections of various parties and dismissing Sunoco’s petitions because we concluded that Sunoco was not a public utility within the meaning of 53 P.S. § 10619 and therefore that the Commission lacked jurisdiction over Sunoco’s petitions. Sunoco filed exceptions to our initial decision.

By order dated October 29, 2014, the Commission granted Sunoco’s exceptions, reversed our initial decision which ruled that the Commission lacked jurisdiction over Sunoco’s amended petitions, denied the other outstanding preliminary objections and remanded the matter to us for further proceedings.

By notice dated December 1, 2014, the Commission scheduled an initial prehearing conference for this matter on February 10, 2015, at 9:00 a.m. in Hearing Room 3, Commonwealth Keystone Building in Harrisburg.

On February 6, 2015, Sunoco petitions for leave to withdraw 22 of its amended petitions, pursuant to 52 Pa.Code §5.94. The 22 petitions are as follows:

P-2014-2411941 Wallace Township, Chester County

P-2014-2411943 Lower Swatara Township, Dauphin County

P-2014-2411944 East Wheatfield Township, Indiana County

P-2014-2411945 Fairview Township, York County

P-2014-2411946 North Middleton Township, Cumberland County

P-2014-2411948 Frankstown Township, Blair County

P-2014-2411951 Derry Township, Westmoreland County

P-2014-2411952 Loyalhanna Township, Westmoreland County

P-2014-2411953 Penn Township, Westmoreland County

P-2014-2411954 Hempfield Township, Westmoreland County

P-2014-2411956 Rostraver Township, Westmoreland County

P-2014-2411957 Allegheny Township, Blair County

P-2014-2411958 Union Township, Washington County

P-2014-2411960 North Strabane Township, Washington County

P-2014-2411961 Penn Township, Huntingdon County

P-2014-2411963 Chartiers Township, Washington County

P-2014-2411964 Shirley Township, Huntingdon County

P-2014-2411965 Upper Chichester Township, Delaware County

P-2014-2411967 Toboyne Township, Perry County

P-2014-2411972 Spring Township, Berks County

P-2014-2411974 Hampden Township, Cumberland County

P-2014-2411980 Salem Township, Westmoreland County

The petition for leave to withdraw states that Sunoco has continued to work with the townships listed above to settle and resolve the issues presented in the amended petitions. The petition for leave to withdraw avers that Sunoco has obtained zoning approvals from some of the townships, determined that zoning exemptions are not required for some of the townships, or has elected not to enclose the valve control stations in some of the townships. According to Sunoco, its actions have rendered some of its amended petitions moot. Since the amended petitions listed above have been rendered as moot, Sunoco no longer seeks an exemption from local zoning requirements in the above-listed townships. The petition requests that the Commission grant Sunoco’s petition for leave to withdraw its amended petitions.

As of the date of this decision, none of the intervenors in these proceedings has filed an answer objecting to Sunoco’s petition for leave to withdraw 22 of its amended petitions. Sunoco’s petition for leave to withdraw is ready for decision. For the reasons set forth below, we will grant the petition for leave to withdraw.

FINDINGS OF FACT

1. On March 21, 2014, Sunoco filed a petition, with the Commission, pursuant to 52 Pa.Code § 5.41 and 53 P.S. § 10619.

2. On May 8, 2014, Sunoco filed 31 separate amended petitions.

3. On February 6, 2015, Sunoco filed a petition for leave to withdraw 22 of its amended petitions, pursuant to 52 Pa.Code §5.94.

4. None of the intervenors in these 22 proceedings has objected to Sunoco’s petition for leave to withdraw its amended petitions.

DISCUSSION

The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by a petition for leave to withdraw the pleading. The petition is granted only by permission of the presiding officer or the Commission. The presiding officer or Commission must consider the petition, any objections thereto, and the public interest in determining whether to permit withdrawal of the pleading.

Turning first to Sunoco’s request to withdraw 22 of its May 8, 2014 amended petitions, the February 6, 2015 petition to withdraw states Sunoco has resolved the issues raised in the 22 petition, rendering the amended petitions moot. Commission policy promotes settlements. 52 Pa. Code §5.231. The Commission has no interest in mandating that Sunoco continue litigation where it is no longer necessary to do so.

Turning next to any objections to the withdrawal of 22 of the May 8, 2014 amended petitions, none of the other parties to these proceedings has filed an answer to Sunoco’s petition for leave to withdraw. Therefore, there are no objections to Sunoco’s petition for leave to withdraw.

Turning finally to the public interest, Sunoco’s amended petitions request a determination that buildings that it wishes to construct are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. An exemption from local zoning ordinances could have an impact on land use planning, local comprehensive plans, and zoning ordinances which would impact the public interest. However, the petition for leave to withdraw states that Sunoco has obtained zoning approvals from some of the townships, determined that zoning exemptions are not required for some of the townships or has elected not to enclose the valve control stations in some of the townships, rendering its amended petitions moot. To the extent that Sunoco has received authorization from local zoning boards and is complying with municipal ordinances and comprehensive plans, the public interest will not be negatively impacted by granting Sunoco’s petition for leave to withdraw.

Having reviewed the petition to withdraw, any objections to the petition and the public interest, we conclude that the petition to withdraw should be granted. Granting the petition to withdraw will terminate litigation in 22 of the amended petitions, saving the parties the costs in time and money they would otherwise incur litigating the cases. Granting the petition to withdraw will not negatively impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding.

2. The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition for leave to withdraw 22 of the May 8, 2014 amended petitions of Sunoco Pipeline, L.P. filed in the cases captioned above on February 6, 2015, is granted.

2. That the 22 amended petitions of Sunoco Pipeline, L.P. filed May 8, 2014 in the cases captioned above, are withdrawn.

3. That the dockets at the following are marked closed:

P-2014-2411941 Wallace Township, Chester County

P-2014-2411943 Lower Swatara Township, Dauphin County

P-2014-2411944 East Wheatfield Township, Indiana County

P-2014-2411945 Fairview Township, York County

P-2014-2411946 North Middleton Township, Cumberland County

P-2014-2411948 Frankstown Township, Blair County

P-2014-2411951 Derry Township, Westmoreland County

P-2014-2411952 Loyalhanna Township, Westmoreland County

P-2014-2411953 Penn Township, Westmoreland County

P-2014-2411954 Hempfield Township, Westmoreland County

P-2014-2411956 Rostraver Township, Westmoreland County

P-2014-2411957 Allegheny Township, Blair County

P-2014-2411958 Union Township, Washington County

P-2014-2411960 North Strabane Township, Washington County

P-2014-2411961 Penn Township, Huntingdon County

P-2014-2411963 Chartiers Township, Washington County

P-2014-2411964 Shirley Township, Huntingdon County

P-2014-2411965 Upper Chichester Township, Delaware County

P-2014-2411967 Toboyne Township, Perry County

P-2014-2411972 Spring Township, Berks County

P-2014-2411974 Hampden Township, Cumberland County

P-2014-2411980 Salem Township, Westmoreland County

Date: February 23, 2015 /s/

David A. Salapa

Administrative Law Judge

/s/

Elizabeth H. Barnes

Administrative Law Judge