**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Goshen Township :

:

v. : C-2017-2589346

:

Sunoco Pipeline, L.P. :

**ORDER GRANTING LEAVE TO WITHDRAW SUNOCO PIPELINE L.P.’S PETITION FOR AMENDMENT OF INTERIM EMERGENCY ORDER**

On October 19, 2017, Respondent Sunoco Pipeline, L.P. (Sunoco) filed a Petition for Amendment of the Interim Emergency Order Entered on July 24, 2017 at Docket No. C-2017-2589346. On October 26, 2017, the Commission entered an Opinion and Order granting West Goshen Township’s Petition for Interim Emergency Relief and enjoining Sunoco from horizontal directional drilling and other construction activities involving Valve 344 and appurtenant facilities on the Janiec 2 Tract in West Goshen Township until the entry of a final Commission Order ending the instant formal complaint proceeding. The Commission further denied Sunoco’s request that West Goshen Township be directed to post a bond under 52 Pa. Code § 3.8. The Commission referred this matter back to the Office of Administrative Law Judge for further proceedings.

Thereafter, on October 27, 2017, counsel for Sunoco notified the presiding officer and opposing counsel through electronic mail that Sunoco was withdrawing the Petition for Amendment of the Interim Emergency Order as moot. Also on October 27, 2017, counsel for West Goshen Township confirmed that West Goshen Township does not oppose the withdraw of the Petition for Amendment. On October 30, 2017, I asked the Secretary to attach the October 27, 2017 and October 30, 2017 e-mail correspondences to Docket No. C-2017-2589346.

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

officer or Commission. 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. 52 Pa. Code § 5.94(a). Although no formal pleading was filed, the e-mailed notice of a withdrawal is sufficient and shall be treated as a petition for leave to withdraw petition for amendment of the interim emergency order. As it is unopposed by the Township, the Petition for Amendment shall be withdrawn as it is in the public interest. The public interest would not be served by requiring the litigation of a moot petition. This would result in an unnecessary burden and costs to the parties and the agency which also would not be in the public interest.

It is noted that on October 19, 2017, Sunoco filed a separate Motion to Modify the Procedural Schedule in the instant case. Sunoco has not indicated any intention to withdraw its outstanding Motion to Modify Procedural Schedule for which it requested a response within ten (10) days, by Monday, October 30, 2017. However, as parties are normally given twenty (20) days to respond to motions under Section 5.61(a)(1), I am willing to shorten this period to fifteen (15) days, which makes the deadline for a response Friday, November 3, 2017.

**THEREFORE,**

**IT IS ORDERED,**

1. That the Petition for Amendment of the Interim Emergency Order Entered On July 24, 2017 at Docket No. C-2017-2589346 is deemed withdrawn by Sunoco Pipeline, L.P.

1. That West Goshen Township has until November 3, 2017, to file a Response to Sunoco Pipeline LP’s Motion for Modification of Procedural Schedule.

Date: November 1, 2017

Elizabeth Barnes

Administrative Law Judge

**C-2017-2589346 - WEST GOSHEN TOWNSHIP v. SUNOCO PIPELINE L.P.**

***(Revised 11/01/2017)***

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