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File #: 173537

August 24, 2018

VIA ELECTRONIC FILING

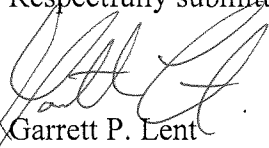
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.
Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum of Range Resources – Appalachia LLC in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Garrett P. Lent

GPL/skr
Enclosure

cc: Certificate of Service
Honorable Elizabeth Barnes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

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Exton, PA 19341

Date: August 24, 2018


Garrett P. Lent

**THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania State Senator	:	
Andrew E. Dinniman,	:	
	:	
Petitioner,	:	
	:	Docket No. C-2018-3001451
v.	:	Docket No. P-2018-3001453
	:	
Sunoco Pipeline L.P.,	:	
	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM OF
RANGE RESOURCES – APPALACHIA, LLC**

TO THE ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

Pursuant to 52 Pa. Code § 5.224(c) and the July 20, 2018 Prehearing Conference Order, Range Resources – Appalachia, LLC (“Range”) hereby submits this Prehearing Conference Memorandum.

I. SERVICE OF DOCUMENTS

1. Range requests that all documents be served on:

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2. Range agrees to receive service of documents electronically in this proceeding.

Further, to the extent that materials are available electronically, it is requested that copies be

served upon Anthony D. Kanagy at akanagy@postschell.com and Erin McDowell at emcdowell@rangeresources.com.

II. PROCEDURAL HISTORY

3. On March 7, 2018, the Commission's Bureau of Investigation and Enforcement ("I&E") filed a Petition for Issuance of an *Ex Parte* Emergency Order that asserted the area proximate to ME1 in West Whiteland Township had developed soil subsidence issues and requested the Commission issue an emergency order immediately suspending the transportation services on Sunoco Pipeline L.P.'s ("Sunoco") Mariner East 1 pipeline ("ME1"). Subsequently, on March 7, 2018, Commission Chairman Gladys M. Brown granted the Petition, and issued an *Ex Parte* Emergency Order ("*March Emergency Order*"), which was ratified at the March 15, 2018, public meeting.

4. Under the terms of the *March Emergency Order*, on April 27, 2018, SPLP filed a Petition for Lift of *Ex Parte* Emergency Order and Request for Expedited Treatment. Also, on April 27, 2018, I&E filed a Statement of the Bureau of Investigation and Enforcement Concurring with the Request of Sunoco Pipeline L.P. A/K/A Energy Transfer Partners for Reinstatement of Transportation Service on its Mariner East 1 Pipeline ("I&E Statement").

5. Relying upon I&E's review of ME1, on May 3, 2018, all five Commissioners approved an Order lifting the suspension of operations on ME1. *Petition of the Bureau of Investigation and Enforcement of the Pa. Pub. Util. Comm'n for the Issuance of an Ex Parte Emergency Order*, Docket No. P-2018-3000281 (Order entered May 3, 2018) (the "*Commission's Unanimous Order Reinstating ME1*").

6. Concurrent with the Commission's review and resolution of the *March Emergency Order*, this proceeding was initiated on April 25, 2018, when Pennsylvania State Senator Andrew E. Dinniman ("Complainant") filed the above captioned Formal Complaint and

an associated Petition for Interim Emergency Relief with the Pennsylvania Public Utility Commission (“Commission”). Simultaneously therewith, Complainant filed Petition for Interim Emergency Relief regarding the continued construction of the Mariner East 2 pipeline (“ME2”).

7. Complainant filed an Amended Complaint and Amended Petition for Interim Emergency Relief on May 1, 2018, at the consolidated Docket Nos. C-2018-3001451 and P-2018-3001453.

8. On May 4, 2018, Clean Air Council (“CAC”) and Ms. Virginia Marcille-Kerslake filed Petitions to Intervene.

9. On May 16, 2018, Sunoco, the Complainant, CAC and Ms. Marcille-Kerslake filed briefs regarding the Amended Petition for Interim Emergency Relief.

10. Sunoco filed an Answer and New Matter to the Amended Formal Complaint and Preliminary Objections on May 21, 2018.

11. On May 21, 2018, the ALJ issued an Interim Emergency Order granting the relief requested by the Complainant, and certified the granting of relief by the order to the Commission as a material question requiring interlocutory review.

12. On May 23, 2018, Andover Homeowner’s Association, Inc. (“Andover”) filed a Petition to Intervene.

13. On May 31, 2018, Range filed a Petition to Intervene and an *Amicus Curiae* Brief in Opposition to the Interim Order Granting Emergency Relief.

14. Sunoco, Complainant, CAC and Ms. Kerslake all also filed briefs regarding the Interim Order Granting Emergency Relief on May 31, 2018.

15. On June 8, 2018, Sunoco filed a Motion to Strike Complainant’s Preliminary Objections to Sunoco’s Preliminary Objections.

16. On June 11, 2018, Complainant filed a Reply to Sunoco's New Matter.
17. On June 12, 2018, Complainant filed a Response to Sunoco's Motion to Strike Complainant's Preliminary Objections to Sunoco's Preliminary Objections.
18. Complainant also filed Preliminary Objections and an Answer to Sunoco's Preliminary Objections on May 31, 2018.
19. On June 15, 2018, the Commission issued an Opinion and Order, granting in part and denying in part the May 24, 2018 Interim Order issued by the ALJ. Pursuant to the June 15 Order, Sunoco was permitted restart all current operations on ME1, but was enjoined from restarting construction activities with respect to ME2.
20. On June 20, 2018, Complainant filed an Answer to Range's Petition to Intervene.
21. On June 22, 2018, Sunoco submitted a Compliance Filing and associated exhibits pursuant to the June 15 Order.
22. On June 25, 2018, Sunoco filed a Motion for Certification of the Commission's June 15 Order for Interlocutory Appeal.
23. On June 29, 2018, West Whiteland Township ("WWT") filed a Petition to Intervene.
24. On July 2, 2018, Complainant and CAC filed individual responses to Sunoco's June 22 Compliance Filing.
25. On July 6, 2018, the Complainant filed an Answer to Sunoco's Motion for Certification of the Commission's June 15 Order for Interlocutory Appeal.
26. On July 16, 2018, the ALJ issued an Order Denying Sunoco's Preliminary Objections to the Amended Complaint. The ALJ subsequently issued an errata to correct a typographical error in the July 16 Order.

27. A Prehearing Conference Notice was issued on July 17, 2018.
28. On July 18, 2018, Sunoco filed an Answer to WWT's Petition to Intervene.
29. On July 20, 2018, the ALJ issued two Prehearing Conference Orders. The first set the date for the Prehearing Conference and directed the parties to file prehearing conference memoranda. The second granted intervenor status to Range, Andover, and WWT in this proceeding.
30. On July 24, 2018, Andover filed a Formal Complaint at Docket No. C-2018-3003605 and a Motion to Consolidate its Formal Complaint with the above-captioned proceedings.
31. On July 25, 2018, the Commission granted in part and denied in part Sunoco's Motion for Certification of the Commission's June 15 Order for Interlocutory Appeal, by notational vote.
32. On August 2, 2018, the Commission issued an Order Approving Sunoco's June 22, 2018 Compliance Filing. The August 2 Order lifted the injunction issued by the June 15 Order with respect to eight locations on the ME2 and ME2 pipelines in West Whiteland Township and left the injunction in effect with respect to four locations on the ME2 and ME2 pipelines in West Whiteland Township.
33. On August 13, 2018, Sunoco filed an Answer opposing Andover's Motion to Consolidate its Formal Complaint at Docket No. C-2018-3003605 with the above-captioned proceedings.
34. Pursuant to 52 Pa. Code § 5.224(c) and the July 20, 2018 Prehearing Conference Order, Range hereby submits this Prehearing Conference Memorandum.

III. ISSUES

35. Range produces natural gas liquids, such as ethane, propane and butane, from certain portions of its Pennsylvania acreage. ME1 is a key downstream pipeline transporting a significant portion of the natural gas liquids produced by Range. Range has committed to transport 40,000 barrels per day of natural gas liquids on ME1.

36. Range supports the continued and safe operation of ME1.

37. Range intends to demonstrate that the Amended Complaint fails to consider the considerable economic harm that will result to shippers and Range if the requested relief is granted.

38. In addition, Range intends to demonstrate that the relief requested by the Amended Complaint should be denied.

39. The aforementioned items represent Range's preliminary determination of the potential issues in this proceeding. Range reserves the right to address other issues, as it deems appropriate if any such relevant issues arise.

IV. WITNESSES

40. At this time, Range is still evaluating whether or not to present testimony in this matter. Range reserves the right to call witnesses, as necessary to address issues that may arise during the course of this proceeding and will provide the ALJ as well as the other parties in this matter reasonable notice if necessary. Range also reserves its right to add additional witnesses or change the identity of its witnesses at any time upon appropriate notice to the ALJ and the parties.

V. DISCOVERY

41. To date, no party has served discovery requests upon Range and Range has not served any discovery requests on any other party. At this time, Range does not believe that any

modifications to the Commission regulations applicable to discovery, 52 Pa. Code §§ 5.321 et seq., are necessary.

VI. LITIGATION SCHEDULE

42. Range joins Sunoco in proposing the following procedural schedule:

Complainant and Complainant Aligned Intervenor Direct Testimony	December 7, 2018
Respondent and Respondent Aligned Intervenor Rebuttal	March 5, 2019
Complainant and Complainant Aligned Intervenor Surrebuttal	April 8, 2019
Respondent and Respondent Aligned Intervenor Rejoinder Outlines	May 8, 2019
Evidentiary Hearings	June 10-14, 2019
Main Briefs	July 26, 2019
Reply Briefs	August 16, 2019

VII. PUBLIC INPUT HEARINGS

43. Range does not believe that public input hearings are necessary in this matter.

VIII. SETTLEMENT

44. As of this time, no settlement discussions have been held. Range remains open and available for settlement discussions with the other parties and would support initiatives to begin settlement discussions at the earliest possible date.

Respectfully submitted,

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Date: August 24, 2018

*Counsel for Range Resources - Appalachia,
LLC*