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September 20, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Andover Homeowners' Association, Inc. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3003605 et al.; **SUNOCO PIPELINE L.P.'S ANSWER TO THE PRELIMINARY OBJECTIONS OF ANDOVER HOMEOWNERS' ASSOCIATION, INC.**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.'s Answer to the Preliminary Objections of Andover Homeowners' Association, Inc. in the above-referenced proceeding.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for Sunoco Pipeline L.P.

WES/das
Enclosure
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA STATE SENATOR	:	
ANDREW E. DINNIMAN	:	Docket No. C-2018-3001451
	:	
v.	:	P-2018-3001453
	:	
SUNOCO PIPELINE L.P.,	:	
	:	
ANDOVER HOMEOWNERS’	:	
ASSOCIATION, INC.,	:	Docket No. C-2018-3003605
	:	
Petitioner,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
	:	
Respondent.	:	

**SUNOCO PIPELINE L.P.’S ANSWER TO
PRELIMINARY OBJECTIONS OF ANDOVER HOMEOWNERS’ ASSOCIATION, INC.**

Pursuant to 52 Pa. Code § 5.61, Respondent Sunoco Pipeline L.P. (SPLP) answers the Andover Homeowner Association Inc.’s (Andover HOA) Preliminary Objections as follows:

1. This paragraph is denied as a conclusion of law, albeit an erroneous one, to which no response is required. By way of further response, Andover HOA references 52 Pa. Code 5.101(a)(7) as support for its request to strike. However, Andover HOA’s preliminary objections lack even a cursory challenge to “standing of a party to participate in the proceeding” pursuant to 52 Pa. Code 5.101(a)(7). Accordingly, these Preliminary Objections are devoid of legal merit and must therefore be denied.

2. Denied. It is denied that the facts alleged by SPLP in Paragraph 1 are improper. By way of further response, these facts are material and appropriate to the cause of action. *See Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108, 115 (Pa. Cmwlth. 1998). It is further denied that SPLP failed to provide support for the facts alleged, or that SPLP is required in its Answer to Andover HOA's Complaint to provide evidentiary support for each fact asserted. In any event, the facts asserted are supported by the public record and by evidence not yet in the public record. The remaining allegations contained within this paragraph are conclusions of law to which no response is required. To the extent that a response is required, this is a Complaint proceeding, and it is Andover HOA's burden to submit evidence to prove its claims, not a matter for public comment and participation.

3. Denied. It is denied that SPLP is responsible for development and implementation of a "credible notification and evacuation plan" for every person. By way of further response, SPLP does not control local emergency response agencies' response procedures or implementation of those procedures. Moreover, neither 49 CFR section 195.402(e) nor 49 CFR section 195.403 cited by Andover HOA provides that SPLP is responsible for full implementation of a "credible notification and evacuation plan." By way of further response, SPLP is in compliance with those regulations and the Commission cannot arbitrarily penalize SPLP or impose on SPLP additional requirements inconsistent with these regulations. By way of still further response, this paragraph is an improper collateral attack that is contrary to the conclusion of the Commission's August 14, 2018 Order in *Dinniman v. Sunoco Pipeline*, Docket Nos. P-2018-3001453 *et al*, which concluded that SPLP had sufficient information concerning its emergency response and public outreach procedures and plans. It is further denied that SPLP has not provided a credible notification system and evacuation guidance. *See* 52 Pa. Code § 59.33(a) ("Every public utility shall at all times use

every reasonable effort to properly warn and protect the public from danger...”). SPLP performed a robust public outreach program for the ME2/ME2X pipelines which included direct mailings to over 66,000 individuals, including all property owners within one-quarter mile from ME2, emergency responders, schools, and excavating companies. *See* letter from Chairman Brown to Governor Wolf (Feb. 2, 2018) at 2 (provided as Attachment B to SPLP’s Answer to Andover HOA’s Complaint and New Matter). The brochure that SPLP sent directly to homeowners describes how to recognize a pipeline leak and what to do in the event a leak occurs. *See* Important Safety Message For Your Neighborhood (provided as Attachment C to SPLP’s Answer to Andover HOA’s Complaint and New Matter). This brochure is also available publicly online at <http://www.sunocologistics.com/public-awareness-safety/public-awareness/110>.

4. Denied. It is denied that SPLP characterized this complaint as duplicative of the Dinniman complaint. By way of further response, Andover HOA and Senator Dinniman seek substantially different relief in their respective complaints. However, contrary to the misreading advanced in this paragraph, SPLP’s emergency response and public outreach procedures and plans were the subject of the Commission’s August 14, 2018 Order in *Dinniman v. Sunoco Pipeline*, Docket Nos. P-2018-3001453, *et al*, and are not open to collateral attack as to that issue. It is further denied that SPLP has any burden to “shift” regarding its public awareness program or that its public awareness program is inadequate. By way of further response, SPLP incorporates its response to Paragraph 4 above as if set forth in full. The remainder of the allegations in this paragraph are conclusions of law to which no response is required.

WHEREFORE, SPLP respectfully requests the Preliminary Objections of Andover HOA be denied for the reasons stated herein and that the Commission grant such other and further relief as it deems just and proper.

Respectfully submitted,



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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: September 20, 2018

VERIFICATION

I, Matthew Gordon, certify that I am Senior Director, for Sunoco Pipeline LP, and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Sunoco Pipeline LP, expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Matthew Gordon
Senior Director

DATED: 9/20/2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served via overnight mail on the following:

VIA FIRST CLASS AND E-MAIL

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Thomas J. Sniscak, Esq.

Dated: September 20, 2018