



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

December 13, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Sunoco Pipeline, L.P. a/k/a Energy Transfer
Partners
Docket No. C-2018-

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Formal Complaint on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Wimer", is positioned above the typed name of Stephanie M. Wimer.

Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Enclosures

cc: As per Certificate of Service

Pennsylvania Public Utility
Commission, Bureau of
Investigation and Enforcement,
Complainant

v.

Sunoco Pipeline, L.P. a/k/a
Energy Transfer Partners,
Respondent

Docket No. C-2018-

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Stephanie M. Wimer, Senior Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the civil penalty and other requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty within twenty (20) days and performing the corrective actions set forth in the requested relief. A certified check, cashier's check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violations and an agreement to cease and desist from committing further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the civil penalty and granting the requested relief as set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will proceed before the assigned presiding Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-8714.

Pennsylvania Public Utility
Commission, Bureau of
Investigation and Enforcement,
Complainant

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Docket No. C-2018-

Sunoco Pipeline, L.P. a/k/a
Energy Transfer Partners,
Respondent

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against Sunoco Pipeline, L.P. (“SPLP”) a/k/a Energy Transfer Partners (“ETP”) (collectively referred to as “SPLP,” “Company,” or “Respondent”) alleging violations of the United States Code, Code of Federal Regulations and Pennsylvania Code, which were discovered in connection with the investigation of an ethane and propane leak that occurred on April 1, 2017, in Morgantown, Berks County, Pennsylvania. In support of its Complaint, I&E respectfully avers as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”).

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant’s prosecuting attorneys are as follows:

Stephanie M. Wimer
Senior Prosecutor
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
mswindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, with a principal place of business at 525 Fritztown Road, Sinking Spring, PA 19608. SPLP also

maintains an office at 212 North Third Street, Suite 201, Harrisburg, PA 17101, Attention Curtis Stambaugh, Esquire.

5. SPLP is a jurisdictional “public utility,” having received a Certificate of Public Convenience at A-140111, that is engaged in, *inter alia*, the intrastate transportation of hazardous liquids.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

8. Pursuant to Section 59.33(b) of the Commission’s regulations, 52 Pa. Code § 59.33(b), I&E’s Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101-60503 and as implemented at 49 CFR Parts 191-193, 195 and 199. The Federal pipeline safety laws and regulations set forth the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

9. Violations of Federal pipeline safety laws and regulations pertaining to the transportation of hazardous liquids by pipeline are subject to a civil penalty of up to Two Hundred Thousand Dollars (\$200,000) per violation for each day that the violation persists, except that the maximum civil penalty for a related series of violations shall not exceed Two Million Dollars (\$2,000,000). 49 U.S.C.A. §§ 60122(a)(1) and 60118(a).

10. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74, § 701, 129 Stat. 599, 28 U.S.C.A. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most recent adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on November 27, 2018 and revises the maximum civil penalty to Two Hundred Thirteen Thousand, Two Hundred Sixty-Eight Dollars (\$213,268) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Thirty-Two Thousand, Six Hundred Seventy-Nine Dollars (\$2,132,679) for a related series of violations. 83 Fed. Reg. 228 (November 27, 2018).

11. Respondent, in providing the transportation of hazardous liquids to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

12. Pursuant to the provisions of the applicable Commonwealth and Federal statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of Respondent related thereto.

II. Background

A. Background of Pipeline

13. SPLP operates a pipeline, Mariner East-1 (“ME1” or “pipeline”), which traverses the Commonwealth from the Mark West Houston processing plant in Washington, PA to the Marcus Hook facility in Delaware County. ME1 is approximately 300 miles long and consists primarily of eight (8) inch bare steel with wall thicknesses of 0.312 and 0.322 inches. ME1 was originally installed in or about 1931.

14. The pipeline has multiple line identification numbers,¹ which, running from west to east, are as follows: 12120, 12124, 11190, 11045 and 11192. In addition, SPLP has assigned station numbers across ME1 to delineate specific locations on the pipeline.

15. The pipeline has seventeen (17) pumping stations state-wide.

16. In the late 1980s, SPLP acquired the pipeline from Atlantic Richfield and at the time of acquisition, the line had a cathodic protection system.²

17. In 2013, SPLP made preparations to convert ME1 from being a pipeline transporting refined petroleum products to a pipeline transporting highly volatile liquids (“HVL”). ME1 currently transports HVLs.

B. The April 1, 2017 Leak

18. On April 1, 2017, at 3:57 PM, the ME1 pipeline segment identified as Twin Oaks to Montello with an identification number of 11190 experienced a leak at station

¹ The Company identifies specific segments of ME1 by using line identification numbers.

² Cathodic protection is a method of controlling corrosion on the surface of a metal pipeline by making the pipeline a cathode.

2449+12 near 5530 Morgantown Road, Morgantown, Berks County, Pennsylvania. The pipeline was carrying ethane and propane at the time of the leak.

19. A resident first noticed the leak by observing product “bubbling” out of the ground. The resident informed SPLP who dispatched a technician to the site shortly thereafter. The technician arrived at 5:04 PM on April 1, 2017, and confirmed the leak.

20. At the time of the accident, the pipeline was operating in excess of 1,000 Pounds per Square Inch (“PSI”) and, therefore, was considered to be high pressure. Pursuant to Section 195.50(b) of the Federal pipeline safety regulations, 49 CFR § 195.50(b) (relating to reporting accidents in which there is a release of five (5) gallons or more of hazardous liquids), SPLP filed an accident report with PHMSA and reported a total product loss of twenty (20) barrels³ from the leak.

21. The leak occurred between the Beckersville pumping station and the Elverson block valve and was isolated by shutting down the pumping station and block valve. The distance between the Beckersville pumping station and the Elverson block valve is approximately seven (7) miles.

22. On April 1, 2017 at approximately 6:30 PM, SPLP notified I&E’s Safety Division of the leak by making a telephone call to the manager of the Safety Division.

23. On April 2, 2017, an I&E Safety Division pipeline safety inspector visited the leak site, but was unable to inspect the facility because the pipeline was still being purged of the product.

³ One barrel is approximately forty-two (42) gallons. The total product loss was 840 gallons.

24. On April 3, 2017, I&E Safety Division pipeline safety inspectors visited the site again to examine the affected pipeline.

25. SPLP crews excavated and exposed the pipeline, which was then cleaned. Visual examination of the pipe demonstrated localized corrosion at the bottom of the pipe in the six (6) o'clock position.

26. SPLP cut out a portion of the pipe and an eight (8) foot section of this portion was sent to a laboratory for analysis. Laboratory analysis of this section of the pipeline attributed the failure to corrosion.

27. SPLP then repaired the pipeline by first hydrostatically testing eighty-three (83) feet of new pipe and welding that section into the existing pipeline replacing the portion of ME1 that had been removed. The new section of pipe consists of eight (8) inch coated steel with a wall thickness of 0.322 inches.

C. I&E's Investigation Following the Leak

28. Following I&E's preliminary investigation at the site of the leak, the I&E Safety Division conducted an in-depth investigation of SPLP's corrosion control practices. The I&E Safety Division's investigation took place between April 2017 and May 2018, and consisted of data requests and review of data request responses, and numerous meetings and inspections. The investigation included a review of SPLP's operations and maintenance procedures, corrosion control procedures, maintenance records, corrosion control records and integrity management program, which were in existence at the time of the April 2017 leak. SPLP's procedures have since been revised.

29. In the area of the leak, SPLP operates a twelve (12) inch pipeline in the same common right-of-way as the above-described eight (8) inch pipeline. The eight (8) inch pipeline and twelve (12) inch pipeline are electrically bonded in the same impressed current system. Current flows from multiple rectifiers ground beds to the surface area of both pipelines. Thus, any testing related to the adequacy of cathodic protection must consider the eight (8) inch and twelve (12) inch pipelines because they are located in the same right-of-way.

30. At station 2459+00, which is approximately 1,030 feet from the leak, SPLP's records indicated cathodic protection readings of -628 millivolts ("mV") in 2016 and -739 mV in 2015. Adequate cathodic protection is achieved at a negative cathodic potential of *at least* -850 mV.⁴

31. SPLP has to achieve a standard *greater* than a negative cathodic potential of -850 mV. The laboratory analysis of the leak concluded that microbiologic induced corrosion may have contributed to the corrosion that was observed. *See* NACE SP0169-2007 at § 6.2.2.2.2 (providing that the presence of sulfides, bacteria, elevated temperatures, acid environments and dissimilar metals may render a negative cathodic potential reading of at least -850 mV to be insufficient).

32. In addition to the cathodic protection readings, SPLP performed side drain measurements at station 2459+00. The side drain measurements involved taking cell-to-

⁴ *See* 49 CFR § 195.3, citing the standard of the National Association of Corrosion Engineers ("NACE") SP0169-2007 at § 6.2.2.1.1. NACE SP0169-2007 is incorporated, by reference, in the Federal pipeline safety regulations. *See* 49 CFR § 195.3.

cell readings ten (10) feet left and right of the pipeline for a distance of one hundred (100) feet upstream and downstream of the station, with the measurements spaced five (5) feet apart on each side of the station, parallel to the pipeline.

33. While the magnitudes of the side drain measurements varied, several of the measurements between the eight (8) inch pipeline and twelve (12) inch pipeline indicated that current was flowing *away* from the pipeline, which is a sign of corrosion.

34. SPLP inappropriately relied on these side drain measurements to ensure the accuracy of cathodic protection. However, pursuant to NACE standards, side drain measurements should not be used in a multiple pipe right-of-way due to interference of the current magnitudes and direction of flow for each pipe.⁵ Side drain measurements are also ineffective for locating localized corrosion cells due to the spacing of the measurements.

35. SPLP's records concerning close interval potential surveys ("CIPS") of ME1, which were performed in 2009, 2013 and 2017, demonstrate that only "on" potentials were measured.⁶ Moreover, the CIPS do not contain accurate and reliable data needed to assess cathodic protection on the pipeline in that the CIPS do not align with footages and test station points. Furthermore, certain features, such as rectifiers, areas with parallel pipelines and overhead power lines are not identified in the records where such information is critical in the determination of the validity and accuracy of the test

⁵ See the precautionary note in NACE SP0169-2007 at § 6.2.2.3.1, which provides that an earth current technique is often meaningless in multiple pipe rights of way.

⁶ An "on" potential is a measurement taken at a position on the ground surface of a pipeline where the rectifier or current source remains "on" as opposed to being interrupted.

results.

36. SPLP's records also indicate that in 2016, SPLP conducted an inspection using an In-Line Inspection ("ILI") tool to detect anomalies in the pipeline and measure corrosion. This ILI inspection was performed between the Twin Oaks and Montello segment of ME1, which includes Morgantown. However, the ILI tool failed and no data was available from the 2016 inspection. SPLP conducted another ILI inspection for the Twin Oaks to Montello segment in July 2017. The results of the 2017 ILI inspection indicated metal loss on maintenance reports. However, corrosion is not noted or mentioned anywhere in SPLP's reports regarding the 2017 ILI inspection. Thus, SPLP made no record of the existence of corrosion on ME1 even though the presence of metal loss on ME1 also signifies the presence of corrosion.

37. The Safety Division examined SPLP's procedures pertaining to corrosion control that were effective in April 2017, at the time of the leak in Morgantown. SPLP's procedure at § 195.573,⁷ regarding Monitoring External Corrosion Control, was identical to NACE SP0169-2007 at § 10.1.1.3 in that it listed the five CIPS metrics, which set forth the reasons for performing CIPS.⁸ However, SPLP's procedure did not explain how the metrics would be obtained, evaluated and accomplished.

38. SPLP's procedure at § 195.571, which related to the criteria used to

⁷ SPLP's procedures were numbered to mirror the numbering of the applicable Federal pipeline safety regulation.

⁸ NACE SP0169-2007 at § 10.1.1.3 provides that a detailed CIPS should be conducted to: (1) assess the effectiveness of the cathodic protection system; (2) provide base-line operating data; (3) locate areas of inadequate protection levels; (4) identify locations likely to be adversely affected by construction, stray currents or other unusual environmental conditions; or (5) select areas to be monitored periodically.

determine the adequacy of cathodic protection,⁹ did not state any applications of or limitations on the criteria listed, nor did it incorporate the precautionary notes of NACE SP0169-2007 at § 6.2.2.3 regarding the use of earth current techniques in multiple pipe rights-of-way. SPLP's procedure at § 195.571 also did not require documentation.

39. While the data reviewed was largely specific to the site of the leak, SPLP's procedures and overall application of corrosion control and cathodic protection practices are relevant to all of ME1 and, thus, I&E alleges that there is a statewide concern with SPLP's corrosion control program and the soundness of SPLP's engineering practices with respect to cathodic protection.

III. Violations

Counts 1-5

40. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to demonstrate adequate cathodic protection at test station 2459+00 in that: (a) the pipe-to-soil potentials did not meet at least -850 mV; (b) the Company utilized side drain measurements without considering the precautionary note in NACE SP0169-2007 at § 6.2.2.3.1 concerning earth-current techniques in multiple pipe rights-of-way; (c) SPLP did not perform ILI testing on an annual basis when SPLP relied on ILI for its cathodic protection program; (d) SPLP did not use any other criteria to determine the adequacy of cathodic protection; and (e) SPLP did not

⁹ The criteria, which have been shortened for brevity, are as follows: (1) a negative cathodic potential of -850mV with the cathodic protection applied (-850 mV); (2) a negative polarized potential of at least -850 mV (-850 mV polarization); (3) a minimum 100 mV of cathodic polarization (100 mV polarization); (4) on bare or ineffectively coated pipelines where long-line corrosion activity is a concern, the measurement of a net protective current at predetermined current discharge points from the electrolyte to the pipe surface, as measured by an earth current technique (net protective current); and (5) alternative analysis techniques such as ILI, corrosion coupons, historical corrosion rates, measured corrosion rates, net protective current measurements, soil resistivity, historical performance of corrosion control measures and other techniques based on sound engineering practices may be used in conjunction with or in lieu of the other criteria.

document its analysis for determining that it achieved adequate cathodic protection.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.571 (related to the criteria used to determine the adequacy of cathodic protection) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 6-9

41. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP's procedures pertaining to corrosion control that were in effect at the time of the leak were deficient in that: (a) SPLP did not provide for any application of or limitation on the criteria used to determine the adequacy of cathodic protection nor did the procedures incorporate the precautionary notes of NACE SP0169-2007; (b) SPLP's procedures did not require documentation considering the Company's analysis for any determination that it achieved adequate cathodic protection; (c) SPLP's procedures did not include any detail on how to accomplish the five CIPS metrics; and (d) SPLP did not have procedures for designing, operating, maintaining or testing rectifiers and rectifier ground beds, which are critical to the operation of cathodic protection systems.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.402 (related to preparing and following a manual of written procedures for operations, maintenance and emergencies) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 10-11

42. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to adequately monitor external corrosion control in that: (a) it did not conduct tests on protected pipeline at least once each calendar year, but with intervals not exceeding fifteen (15) months; and (b) it failed to identify the circumstances in which a CIPS or comparable technology is

practicable and necessary within two (2) years after installing cathodic protection.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.573(a) (related to monitoring external corrosion control on protected pipelines) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 12-13

43. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to correct an identified deficiency in corrosion control when: (a) the 2015 and 2016 pipe-to-soil potentials readings demonstrate that adequate cathodic protection was not achieved; and (b) the results of the 2017 ILI inspection indicated metal loss.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.573(e) (related to monitoring external corrosion control – corrective action) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Count 14

44. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey and test performed in sufficient detail and for a period of at least five (5) years to demonstrate the adequacy of corrosion control measures.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.589(c) (related to maintaining corrosion control information) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities).

Count 15

45. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

In failing to demonstrate the adequacy of SPLP's cathodic protection system on ME1, SPLP failed to demonstrate that it operates ME1 at a level of safety required by Federal pipeline safety regulations.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.401(a) (prohibiting pipeline operators from maintaining a pipeline system at a level of safety lower than what is required) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities).

IV. Requested Relief

46. I&E proposes that SPLP pay a civil penalty of Fifteen Thousand Dollars (\$15,000) for each of the fifteen (15) counts set forth in this Complaint for a total civil penalty of Two Hundred Twenty-Five Thousand Dollars (\$225,000) pursuant to 49 U.S.C.A. § 60122(a)(1) and 52 Pa. Code § 59.33(b).

47. In addition to the civil penalty, I&E proposes that SPLP perform the following corrective actions:

- (a) Conduct a "remaining life study" of ME1 to determine the forecasted retirement age of ME1. The study should consider the forecasted retirement age by coating type and age of the pipeline, and the results of the study should be integrated into SPLP's Integrity Management Program;
- (b) Increase the frequency of ILI inspections to occur at least once per calendar year on all SPLP bare steel and poorly coated pipelines in Pennsylvania;

- (c) If not already completed, revise SPLP's corrosion control procedures to include separate provisions for determining the adequacy of coated steel pipelines and bare steel pipelines. The revised procedures should be consistent with NACE SP0169-2007;
- (d) If not already performed, develop procedures to determine the adequacy of cathodic protection through testing and performance methods. The new procedures should include establishing a baseline of IR free potentials using CIPS. The new procedures should also include the operation and maintenance of rectifiers and rectifier ground beds; and
- (e) Implement the new and revised cathodic protection procedures and perform all cathodic protection measurements within one (1) year. If the results of the cathodic protection measurements indicate low IR free potentials or inadequate depolarization, then SPLP shall replace the impacted sections of bare or inadequately coated steel pipe on ME 1.

48. I&E proposes that the Commission order such other remedy as the Commission may deem to be appropriate.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Respondent to be in violation of the United States Code, the Code of Federal Regulations and the Pennsylvania Code for each of the fifteen (15) counts set forth herein; (2) impose a civil penalty upon Respondent in the amount of Two Hundred Twenty-Five Thousand Dollars (\$225,000); (3) direct Respondent to perform each of the corrective actions detailed in this Complaint; and (4) order such other remedies as the Commission may deem to be appropriate.

Respectfully submitted,



Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: December 13, 2018

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Docket No. C-2018-

VERIFICATION

I, Sunil R. Patel, Fixed Utility Valuation Engineer ("FUVE") III, Safety Division, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 13, 2018



Sunil R. Patel
FUVE III, Safety Division
PA Public Utility Commission
Bureau of Investigation and Enforcement
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Harrisburg, PA 17105-3265

Pennsylvania Public Utility
Commission, Bureau of
Investigation and Enforcement,
Complainant

v.

Sunoco Pipeline, L.P. a/k/a
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Respondent

Docket No. C-2018-

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

Curtis N. Stambaugh, Esquire
Assistant General Counsel
Energy Transfer Partners
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Harrisburg, PA 17101
curtis.stambaugh@energytransfer.com



Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

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