

UNRUH TURNER
BURKE & FREES
ATTORNEYS AT LAW

April 19, 2019

Via Electronic Filing

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

Re: In Re: Meghan Flynn, et al. v. Sunoco Pipeline, L.P.
Docket Numbers: C-2018-3006116; P-2018-3006117

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Prehearing Conference Memorandum of West Chester Area School District, Intervenor with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

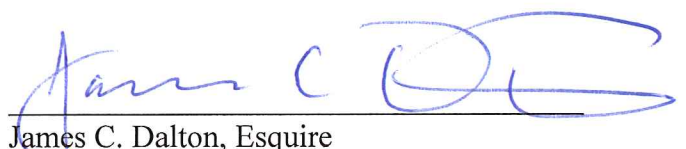
Thank you very much for your cooperation and assistance.

Respectfully,

UNRUH, TURNER, BURKE & FREES, P.C.

Date: 4/18/2019

By:


James C. Dalton, Esquire
P.O. Box 515
West Chester, PA 19381-0515
Attorney I.D. No. 45150

JCD
Enclosures
cc: Per Certificate of Service

In Re: Meghan Flynn, Rosemary Fuller :
Michael Walsh, Nancy Harkins, Gerald McMullen : Docket No. C-2018-3006116
Caroline Hughes and Melissa Haines :
 : Docket No. P-2018-3006117
Petitioner, :
 :
v. :
 :
 :
Sunoco Pipeline, L.P., :
 :
Respondent. :

The West Chester Area School District (“WCASD” or “School District”), in accordance with the Prehearing Conference Order dated March 20, 2019, hereby submits, by and through their undersigned counsel, the following Prehearing Conference Memorandum pursuant to 52 Pa. Code § 5.222 in the above-captioned proceeding

James C. Dalton
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B. Settlement

West Chester Area School District is willing to discuss possible settlement of all or part of the proceedings with the other parties in this proceeding.

C. Discovery Schedule

West Chester Area School District is in agreement with the discovery schedule proposed by counsel for Complainants, and suggests that a period of six months from this date will be necessary to complete discovery in this matter due the number of parties and complexity of litigation involved.

D. Other Proposed Orders with Respect to Discovery

West Chester Area School District does not propose any additional orders with respect to discovery.

E. Site Visit

West Chester Area School District believes that a site visit of the School District's facilities relative to the Mariner Pipelines is necessary. A visual identification of the pipelines and their stations and facilities relative to the School District's facilities would serve to illustrate the dire need for detection, warning, education and emergency planning programs specific to the School District.

F. Litigation Schedule

West Chester Area School District is in agreement with the litigation schedule proposed by counsel for Complainants. WCASD also respectfully requests that all parties discuss at the prehearing conference the logistical issues involved in this matter as to the Hearing Room size and location and the number of attorneys that should be permitted to conduct cross-examination and/or the allotted time frames to conduct the same.

G. Witnesses

West Chester Area School District intends to offer the testimony of the following persons:

James R. Scanlon, Ph.D.
Superintendent of West Chester Area School District
782 Springdale Drive
Exton, PA 19341
(610) 269-8460

Dr. Scanlon will provide testimony in support of the School District's position that Sunoco has failed to provide sufficient information tailored to provide proper detection, warning, education and emergency response protocols in place specific to the School District. Dr. Scanlon will also offer testimony as to the specific logistical challenges the pipelines present to the School District, its staff and its children.

Kevin Campbell
West Chester Area School District Director of Facilities and Operations
782 Springdale Drive
Exton, PA 19341
(484) 266-1255

Kevin Campbell will provide testimony in support of the School District's position that Sunoco has not provided WCASD with the information necessary to conduct proper emergency preparedness or respond to emergency incidents attributable to the pipelines. Mr. Campbell will also offer his expert testimony as to the unique risks posed to the School District's facilities, students, staff and community stemming from the close proximity of the Mariner pipelines.

WCASD also plans to call an expert witness who has yet to be identified at this time. It is anticipated this expert witness will provide expert testimony regarding the standards and regulations applicable to Sunoco's facilities located in close proximity to the School District's facilities and the need for detection, warning and emergency notification procedures and

equipment. WCASD agrees to provide Administrative Law Judge Barnes and the parties with the name and proposed testimony of the expert witness when that person has been identified.

WCASD also reserves the right to call additional witnesses as necessary, including any additional experts or witnesses so identified by any other party to this proceeding, and agrees to notify Administrative Law Judge Barnes and the parties promptly should the School District determine that additional witnesses will be called.

H. Presently Identified Issues

West Chester Area School District, Intervenor, incorporates the issues asserted in Complainants' First Amended Complaint herein, and identifies the following issues as specifically related to Intervenor's interests herein:

- (1) Sunoco's performance on the ongoing line inspection and geophysical testing and analysis in the areas of the School District's schools and facilities where the ME pipeline is operating and/or is under construction;
- (2) Sunoco's timely provision to the School District of the results of its continued and ongoing line inspection and geophysical testing;
- (3) Sunoco's development and submission of testing and inspection protocols appropriate to ensure safe operation and maintenance of ME pipelines in close proximity to the School District's schools and facilities;
- (4) Sunoco's development and installation of a Mass Early Warning notification system to all potentially affected School District schools and facilities which would provide immediate notice of a leak, potential explosion, or other failure in the pipeline system;

(5) Sunoco's provision to the School District of a School District-specific public education/awareness plan designed to inform and educate the students, families, and District staff regarding proper and effective disaster prevention and response.

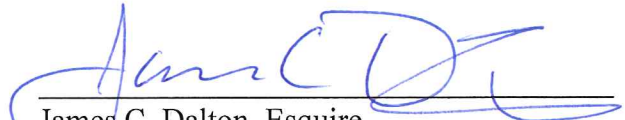
Respectfully submitted,

UNRUH, TURNER, BURKE & FREES, P.C.

Date:

4/18/2019

By:



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Attorney I.D. No. 318729

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Attorneys for Intervenor,

West Chester Area School District

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 § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served on the following:

VIA ELECTRONIC AND FIRST CLASS

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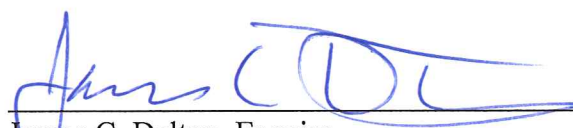
Counsel for Sunoco Pipeline, LP

UNRUH, TURNER, BURKE & FREES, P.C.

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