**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn :

Rosemary Fuller :

Michael Walsh :

Nancy Harkins : C-2018-3006116

Gerald McMullen : P-2018-3006117

Caroline Hughes and :

Melissa Haines :

:

:

v. :

:

:

Sunoco Pipeline, L.P. :

Melissa DiBernardino :

:

v. :  C-2018-3005025

:

Sunoco Pipeline, L.P. :

Rebecca Britton :

:

v. : C-2019-3006898

:

Sunoco Pipeline, L.P. :

Laura Obenski :

:

v. : C-2019-3006905

:

Sunoco Pipeline, L.P. :

**PREHEARING ORDER**

Pursuant to the Procedural Order issued on June 6, 2019, an initial in-person hearing for lay witnesses in the above-captioned consolidated proceeding is scheduled for **9:00 a.m. on Wednesday, October 23, 2019 and 9:00 a.m. on Thursday, October 24, 2019 in Courtroom No. 1 at the West Chester Historic Court House, 21 West Market Street, West Chester, Pennsylvania**. All attendees should enter the Historic Courthouse through doors on Market Street. The GPS address for the Court House may be listed as 2 North High Street, West Chester. Parking is available at the Bicentennial Parking Facility, 20 South High Street, West Chester; Chester County Justice Center Parking Garage, 220 Market Street, West Chester, or Chestnut Street Garage, 14 East Chestnut Street, West Chester. All attendees should allow sufficient additional time for parking and security checks. Bottled water is permitted in the Courtroom, but no food or other beverages. Seating is limited to approximately 260.

The parties are directed to comply with the following requirements:

1. Complainants and Complainant-Aligned Intervenors are directed to serve the presiding officer, Respondent, and Respondent-Aligned Intervenor with a list of lay witness names, addresses, and brief summaries of the subject matter to which they are expected to testify at the October hearing on or before **August 20, 2019**.

2. Respondent and Respondent-Aligned Intervenor are directed to serve the presiding officer, Complainants, and Complainant-Aligned Intervenors with a list of lay witness names, addresses and brief summaries of the subject matter to which they are expected to testify at the October hearing on or before **September 2, 2019**,

3. All witnesses will be subject to cross-examination by all parties at the hearing.

4. Complainants’ and Complainant-Aligned Intervenors’ lay witnesses may either testify at the hearing in October, or through direct written testimony submitted to the presiding officer and other parties by January 15, 2020 as set forth in the Procedural Order.

5. Respondent’s and Respondent-Aligned Intervenor’s lay witnesses may either testify at the hearing in October, or through written rebuttal testimony due April 14, 2020.

6. Lay witnesses are permitted to testify in person at the October hearing or through written direct or rebuttal testimony, but not both. Testimony should not be overly repetitive or cumulative. 52 Pa. Code 5.401. (b)(1). Witnesses may state that they agree with other witnesses in the interest of efficiency.

7. Complainants’/Complainant-aligned Intervenors’ expert direct testimony must be served upon the parties and the presiding officer in writing by January 15, 2020 together with any exhibits. The testimony should not be filed with the Secretary, just served upon the parties and presiding officer.

8. Respondent’s/Respondent-aligned Intervenor rebuttal written testimony should be served to all parties and the presiding officer on or before April 14, 2020 together with exhibits.

9. At the October 23-24, 2019 hearing, if you intend to present any documents for my consideration, you must bring one copy for the other parties, one copy for me and two copies for the court reporter to the hearing. Note that attachments to your Complaint are not admitted into the record unless submitted separately in accordance with this paragraph.

10. If you are an individual, you may either represent yourself or have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you. However, if you are a partnership, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall comply with the Commission’s appearance requirements. 52 Pa. Code § 1.24(b).

11. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). The requesting party must contact the other parties to determine whether there is agreement to the change prior to contacting the presiding officer. Requests for changes of initial hearings must be sent to me with copies to all parties of record. *Changes are granted only in rare situations where sufficient cause exists.*

12. A copy of anything filed with the Secretary or submitted shall be sent directly to the presiding officer. The correct address is: Administrative Law Judge Elizabeth H. Barnes, Office of Administrative Law Judge, 400 North Street, Harrisburg PA 17120, [ebarnes@pa.gov](mailto:ebarnes@pa.gov). Pro-se Complainants/Intervenors may just e-mail the presiding officer, without a hard copy.

13. This hearing is a formal proceeding and will be conducted in accordance with the Commission’s rules of practice and procedure. 52 Pa. Code Chapters 1, 3 and 5.

14. **Commission policy is to encourage settlements. 52 Pa. Code § 5.231(a). Sunoco Pipeline, L.P. is *required* to contact Complainants to discuss informally the possible settlement of this consolidated case as soon as possible but no later than at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.**

15. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days’ notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

16. The utility is put on notice that a finding of a violation of a Commission Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

17. An informal phone conference will be held at 2:00 p.m. on September 5, 2019 to discuss any prehearing procedural matters. The call in conference number is 877-931-1680, Passcode Participant Number 55872942.

Date: August 2, 2019 /s/

Elizabeth Barnes

Administrative Law Judge

**C-2018-3006116 et. al.- MEGHAN FLYNN et. al. v. SUNOCO PIPELINE LP**

*(Revised 6.6.19)*

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