

June 7, 2021

Via Electronic Filing

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

**Re: Docket Nos. P-2018-3006117, C-2018-3006116, C-2018-3005025,
C-2019-3006898, C-2019-3006905, and C-2018-3003605
Meghan Flynn, et al. v. Sunoco Pipeline, L.P.**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is Chester County's Exception to the April 9, 2021 Initial Decision in the above-referenced matter.

A copy of the attached has been forwarded in the manner indicated on the Certificate of Service.

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

Sincerely,



Mark L. Freed
For CURTIN & HEEFNER LLP

MLF
Enclosures
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Flynn, Rosemary Fuller,	:	
Michael Walsh, Nancy Harkins,	:	
Gerald McMullen, Caroline Hughes,	:	Docket No. P-2018-3006117
and Melissa Haines,	:	Docket No. C-2018-3006116
<i>Complainants,</i>	:	Docket No. C-2018-3005025
v.	:	Docket No. C-2019-3006898
	:	Docket No. C-2019-3006905
Sunoco Pipeline, L.P.,	:	Docket No. C-2018-3003605
<i>Respondents.</i>	:	

EXCEPTION OF INTERVENOR CHESTER COUNTY

Intervenor, Chester County, respectfully submits this Exception to the April 9, 2021 Initial Decision pursuant to the correspondence of Secretary Rosemary Chiavetta to all parties dated April 23, 2021, and in accordance with 52 Pa. Code §5.533.

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Dated: June 7, 2021

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I. INTRODUCTION

On April 9, 2021, the Honorable Elizabeth H. Barnes issued the Initial Decision in the above-captioned matter.¹ As set forth more fully in its Post-Hearing Brief, Intervenor Chester County, which provides for the health, safety and welfare of its residents, has expended its time, energy and resources to intervene in this action due to its concern over the lack of essential, clear and useful public safety and public awareness information and tools from Sunoco, and the grave consequences that could result from such lack of information and tools. Chester County is not alone in these concerns. As the list of parties to this action attests, residents, municipalities, school districts, principals, and first responders, among others, consistently complain that they do not have the information from Sunoco that they need to prepare and to properly protect themselves and their constituents in the event of a pipeline leak. Chester County has sought relief for the benefit of its residents placed at risk as a result of Sunoco's pipeline operations. The Initial Decision appropriately identifies and orders a number of well-reasoned and enforceable measures which markedly increase the safety to the public.

Chester County takes one exception to the Initial Decision. Paragraph 13 of the Order, at page 199 of the Initial Decision, provides:

That pursuant to any non-disclosure agreements Sunoco Pipeline, L.P. deems necessary to protect its confidential security information, Sunoco Pipeline, L.P. is directed to share the results of any geophysical test reports, inspection and evaluation reports assessing the condition of its pipelines located in East Goshen Township or Middletown Township to Township Supervisors or their designee engineering consultants at least on an annual basis and more frequently while construction is ongoing.

Chester County respectfully requests that these geophysical test reports be made public. In addition, Chester County respectfully requests that sharing the results of any geophysical test

¹ All references in this submission refer to the non-proprietary version of the Initial Decision.

reports, inspection and evaluation reports assessing the condition of its pipelines not be limited to two townships, but that Sunoco also be directed to share the results of any geophysical test reports, inspection and evaluation reports assessing the condition of its pipelines located in Chester County with the County Commissioners and the Supervisors in the townships through which the Sunoco Pipelines traverse, or their designee engineering consultants, at least on an annual basis and more frequently while construction is ongoing. The rationale for sharing these geophysical reports with the two townships is equally applicable to the County and its other impacted municipalities. See, e.g.,

- Initial Decision Findings of Fact 196: “Geophysical evaluations are used to identify and evaluate subsurface geophysical conditions and any anomalies that could potentially cause inadvertent returns or subsidence during the HDD construction, or to evaluate any earth features after it developed during construction. SPLP St. No. 7, Bechtel Rebuttal Test. at 6-9.”
- Initial Decision Findings of Fact 199: “At the various locations in Chester and Delaware Counties where there were concerns about earth features, geophysical testing was performed and SPLP’s plans mitigate the risk of subsidence at HDD sites. SPLP St. No. 7, Bechtel Rebuttal Test. at 9, 10. SPLP St. No. 8, McKelvey Rebuttal Test. at 5.”

The results of adopting this exception and modifying the Initial Decision will be the increased safety and security of Chester County communities.

II. EXCEPTIONS

A. Exception 1

Chester County respectfully requests that the geophysical test reports identified in Ordering Paragraph 13, at page 199 of the Initial Decision, be made public. Chester County further

requests that sharing the results of any geophysical test reports, inspection and evaluation reports assessing the condition of its pipelines not be limited to two townships, but that Sunoco also be directed to share the results of any geophysical test reports, inspection and evaluation reports assessing the condition of its pipelines located in Chester County with the County Commissioners and the Supervisors in the townships through which the Sunoco Pipelines traverse, or their designee engineering consultants, at least on an annual basis and more frequently while construction is ongoing. The record is replete with the necessity of accurate information already developed by Sunoco and the usefulness of geophysical information (Initial Decision, Findings of Fact 194, 202). There would be no harm in making the geophysical test reports available, as these geophysical reports deal only with the characteristics of the land and not the pipelines themselves, and, in any event, were a matter of public record until February 26, 2020. The rationale for sharing these geophysical reports with the two townships is equally applicable to the County and its other impacted municipalities. (Initial Decision, Findings of Fact 196, 199).

III. CONCLUSION

Intervenor Chester County respectfully requests that these additional, yet simple, safety measures round out and make more impactful the relief ordered in Ordering Paragraph 13 of the Initial Decision. They are not inconsistent with any other provisions of the Initial Decision, and

are a natural extension of the safety measures so appropriately nurtured by that Initial Decision.
The Initial Decision should be amended to include them.

Respectfully submitted,

CURTIN & HEEFNER LLP

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing filing upon parties identified below via email, unless otherwise indicated:

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