



April 21, 2014

Robert F. Powelson, Chairman
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Re: Docket Number P-2014-2411966 ET AL. Mountain Watershed Association's Petition to Intervene and Opposition

Chairman Powelson, Vice Chairman Coleman, Commissioner Brown, Commissioner Cawley, Commissioner Witmer:

Mountain Watershed Association (MWA) hereby submits its petition to intervene, and its formal opposition to Sunoco Logistics, L.P.'s petition to be designated as a public utility corporation and exempted from local zoning rules. MWA requests that the Pennsylvania Public Utility Commission grant MWA status as an intervenor pursuant to 52 Pa. Code §§5.71-75. MWA serves areas that will be affected by Sunoco's proposed project, and is therefore uniquely situated to comment on its significance.

To begin with, Sunoco is not a public utility corporation under the Pennsylvania Municipalities Planning Code. The strained logic it uses in its petition to expand the meaning of that status does not hide the fact that Sunoco is first and foremost a for profit corporation. Simply being regulated as a common carrier under FERC is not sufficient as common carriers are not deemed to be public utilities.

Even if Sunoco is deemed to be a public utility corporation, it has to show that it meets the requirements of Section 619 under the MPC in order to be entitled to zoning exemptions. In its petition, Sunoco does not demonstrate that the proposed pipeline and pump and valve stations are reasonably necessary for the convenience or welfare of the public. Sunoco devotes pages to discussing the benefits of the new construction projects it would undertake with the exemptions. However, the benefits it mentions are primarily focused on those to the pipeline project itself, with no substance regarding how Pennsylvanians will be benefitted. It is important to note as well that the project's end point is out of state and it will serve international markets. Furthermore, when analyzing the convenience and welfare of the public, there must be due consideration given to the environmental rights of the public as recently reaffirmed in the Pennsylvania Supreme Court's *Robinson Township* decision. That decision made clear the importance of zoning in protecting the rights of Pennsylvanians. It also reaffirmed the obligation of the Commonwealth to consider those rights as part of the decision-making process and to not infringe upon them. Sunoco's petition does not consider those rights, and what little attention it



pays to benefits to the public is entirely focused on resource extraction. Therefore, it is a deficient showing and should be denied.

In conclusion, MWA hereby requests that Sunoco's petition be denied because it is not a public utility corporation and is not entitled to zoning exemptions under Section 619 of the MPC, and that MWA be granted intervenor status.

Respectfully submitted by:

Beverly Braverman

Executive Director

Mountain Watershed Association

Nick Kennedy, Esq.

Community Advocate

Mountain Watershed Association