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November 17, 2014

**Via Electronic Filing**

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

**Re: Amended Petition of SPLP, LP, for a Finding that the  
Situation of Structures to Shelter Pump Stations and Valve  
Control Stations is Reasonably Necessary for the  
Convenience or Welfare of the Public in West Goshen  
Township, Chester County  
Docket No. P-2014-2411966 (Main Docket: P-2014-2411941)**

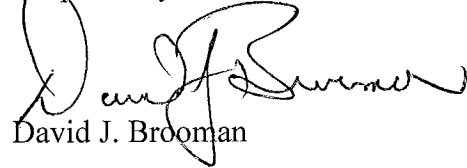
Dear Secretary Chiavetta:

Enclosed for electronic filing with the Pennsylvania Public Utility Commission is West Goshen Township's Answer and New Matter in the above-referenced matter, with Certificate of Service attached.

If you have any questions regarding the above, please contact me.

Thank you.

Respectfully,



David J. Brooman

Enclosures

cc: Certificate of Service (via email and/or U.S. Mail)  
Kristen Camp, Esquire (w/enc)  
Kenneth R. Myers, Esquire  
Sireen I. Tucker, Esquire

**BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

Amended Petition of SPLP, LP, for a Finding that :  
the Situation of Structures to Shelter Pump :  
Stations and Valve Control Stations is Reasonably : Docket No. P-2014-2411966  
Necessary for the Convenience or Welfare of the : (Main Docket: P-2014-2411941)  
Public in West Goshen Township, Chester :  
County :

**ANSWER WITH NEW MATTER OF WEST GOSHEN TOWNSHIP TO SUNOCO  
PIPELINE, LP'S AMENDED PETITION PURSUANT TO 53 P.S. § 10619**

Pursuant to 52 Pa. Code §§ 5.61 and 5.101(e), West Goshen Township ("West Goshen") files this Answer to the Amended Petition filed by Sunoco Pipeline, LP ("SPLP") on May 8, 2014.

1. Denied. It is denied that SPLP is a public utility corporation and strict proof thereof is demanded. In addition, the paragraph contains legal conclusions to which no answer is required.

2. Denied. West Goshen lacks sufficient information or knowledge as to the nature of the Mariner East project, use of the existing pipeline infrastructure and its planned extension of facilities, and strict proof thereof is demanded.

3. Denied. It is specifically denied that SPLP holds a certificate of public convenience to provide petroleum product or refined petroleum product transportation service for a segment of its pipeline infrastructure from Mechanicsburg to Twin Oaks or to third-party storage facilities or distribution terminals in southeastern Pennsylvania. West Goshen lacks sufficient information or knowledge of any heightened demand for intrastate transportation of propane or supply shortages of propane, and strict proof thereof is demanded.

4. Denied. West Goshen lacks sufficient information or knowledge in regard to SPLP's plans to install new pump and valve stations at various segments along the pipeline, and strict proof

thereof is demanded. The remainder of paragraph 4 are legal conclusions to which no answer is required.

5. Denied. West Goshen lacks sufficient information or knowledge concerning the reasons for SPLP's plan to house equipment, and strict proof thereof is demanded. The remainder of paragraph 5 are legal conclusions to which no answer is required.

6. Admitted.

7. Admitted.

8. Denied. It is specifically denied that SPLP is a public utility as to the service it intends to provide using the proposed building and facilities in West Goshen Township, and strict proof thereof is demanded. In addition, paragraph 8 contains legal conclusions to which no answer is required.

9. Admitted.

10. Denied. West Goshen lacks sufficient information or knowledge in regard to SPLP's certificates of public convenience and prior Orders of the Commission, and strict proof thereof is demanded. In addition, paragraph 10 contains legal conclusions to which no answer is required.

11. Denied. West Goshen lacks sufficient information or knowledge of SPLP's specific assets used in its system, and strict proof thereof is demanded.

12. Denied. West Goshen lacks sufficient information or knowledge concerning SPLP's plans for the transportation of various products between various locations, and strict proof thereof is demanded.

13. Denied. West Goshen lacks sufficient information or knowledge concerning SPLP's current use of pipeline assets west of Delmont, Pennsylvania, and strict proof thereof is demanded.

14. Denied. West Goshen lacks sufficient information or knowledge concerning the reasons why SPLP filed an application in 2013 to abandon service along portions of its pipeline, and

strict proof thereof is demanded. The remainder of paragraph 14 is a legal conclusion to which no answer is required.

15. This paragraph is a legal conclusion to which no answer is required.

16. This paragraph is a legal conclusion to which no answer is required.

17. This paragraph is a legal conclusion to which no answer is required.

18. This paragraph is a legal conclusion to which no answer is required.

19. Denied. West Goshen lacks sufficient information or knowledge concerning SPLP's planning and engineering for the project, the alleged shortage of propane in retail markets in Pennsylvania, and the expressions of interest by shippers to transport propane within Pennsylvania. West Goshen also lacks sufficient information or knowledge to admit or deny that the proposed use of the pipeline in West Goshen Township would have an effect on the availability of propane in retail markets in Pennsylvania, and strict proof thereof is demanded.

20. Admitted in part and denied in part. It is admitted that SPLP planned the project to be solely for the interstate transportation of petroleum products. It is denied that SPLP changed that plan. It is further denied that if SPLP did change its plan that the change was due to shipper demand and/or the public interest, and strict proof thereof is demanded.

21. Admitted only that SPLP's intended to file a tariff supplement. West Goshen further lacks sufficient information or knowledge as to whether SPLP will be able to begin providing intrastate transportation propane during the 2014 – 2015 winter, the quantity of propane SPLP plans to deliver, or the alleged safety benefits of transportation of propane by pipeline, and strict proof thereof is demanded.

22. Denied. West Goshen lacks sufficient information or knowledge in regard to SPLP's intent to amend the abandonment order or the application to provide pipeline service in a portion of Washington County. It is denied that SPLP plans to offer intrastate deliveries of propane using the

facilities or proposed facilities in West Goshen Township, or that it has legal authority to do so, and strict proof thereof is demanded.

23. Denied. West Goshen lacks sufficient information or knowledge concerning any of the alleged benefits of the project, and strict proof thereof is demanded.

24. This paragraph is a legal conclusion to which no answer is required.

25. This paragraph is a legal conclusion to which no answer is required.

26. This paragraph is a legal conclusion to which no answer is required.

27. This paragraph is a legal conclusion to which no answer is required.

28. Denied. West Goshen lacks sufficient information or knowledge concerning SPLP's reasons for failing to include copies of the relevant ordinances of West Goshen Township with its amended petition, but states that SPLP must specify what ordinances or requirements are to be overridden by Commission action in this case.

29. Denied as stated. West Goshen lacks sufficient information or knowledge in regard to SPLP's work with other townships and whether one or more municipalities will seek to prevent SPLP from constructing structures they seek to construct. By way of further answer, SPLP filed with the West Goshen Zoning Hearing Board an application for approval to construct facilities in West Goshen Township but withdrew its application after the proceeding commenced, but before hearings concluded.

30. Denied. West Goshen lacks sufficient information or knowledge concerning the necessity for the pump station in West Goshen or SPLP's plans to construct other pump stations, and strict proof thereof is demanded.

31. Denied. It is denied that pump station in West Goshen Township is a necessary part of SPLP's project, and strict proof thereof is demanded. West Goshen lacks sufficient information or knowledge concerning the necessity to site pump stations at specific locations and strict proof thereof is demanded.

32. Denied. West Goshen lacks sufficient information or knowledge as to safety enhancements or the operation of valve control stations, and strict proof thereof is demanded.

33. Denied. West Goshen lacks sufficient information or knowledge concerning the specific facilities SPLP plans to construct in West Goshen Township, and/or which of those facilities would constitute “buildings,” and strict proof thereof is demanded. To the extent paragraph 33 constitutes a legal conclusion, no answer is required.

34. Denied. West Goshen lacks sufficient information or knowledge concerning the valve control stations and power distribution centers that SPLP plans to construct in West Goshen Township, and which of those facilities would constitute “buildings,” and strict proof thereof is demanded.

35. This paragraph is a legal conclusion to which no answer is required.

36. Denied. West Goshen denies that the location of the West Goshen pump station is reasonably necessary to ensure efficient and safe operation of the pipeline, and strict proof thereof is demanded.

37. Denied. It is denied that the approval of abandonment of service includes a finding of public benefits from a future service not before the Commission for any action in that proceeding, and strict proof thereof is demanded. Further, paragraph 37 contains a legal conclusion to which no answer is required.

38. Denied. It is denied that SPLP’s location of a pump station or valve control stations in West Goshen Township is reasonably necessary for the convenience and welfare of the public, and strict proof thereof is demanded.

WHEREFORE, West Goshen Township respectfully requests that the Pennsylvania Public Utility Commission deny SPLP’s Amended Petition. West Goshen Township also respectfully requests that the Pennsylvania Public Utility Commission refer this matter to an Administrative Law Judge for discovery,

the receipt of testimony (including testimony at a public input hearing in West Goshen Township), cross-examination of witnesses, and such other process as is required.

### **NEW MATTER**

39. SPLP never applied for or received a certificate of public convenience or other authorization to transport refined petroleum products or ethane or propane in facilities located east of Mechanicsburg, including facilities in or proposed to be located in West Goshen Township.

40. SPLP never applied for or received a certificate of public convenience or other authorization to transport petroleum products or refined petroleum products to the refineries or other facilities at Marcus Hook or Twin Oaks.

41. The service proposed by SPLP and the facilities to provide that service are not public utility facilities within the meaning of Pennsylvania law, and no provision exists for this Commission to authorize SPLP to undertake construction in West Goshen Township that does not conform to the zoning and land use provisions of the ordinances of the Township.

42. SPLP operates an 8-inch diameter petroleum pipeline across West Goshen Township, portions of which are over 80 years old.

43. Segments of that petroleum pipeline have required replacement from time to time due to corrosion and other factors jeopardizing the integrity of the pipeline, which West Goshen believes is a reflection of the age and condition of the pipeline.

44. SPLP, in order to transport the volumes of propane and ethane it has projected through the 8-inch pipeline, will need to increase by approximately 1,000 pounds per square inch the pressure at which that pipeline has operated.

45. The pipeline is subject to federal minimum pipeline safety standards that apply to all petroleum pipelines.

46. Propane and Ethane are “highly volatile liquids” which must meet stricter standards than the federal minimums, because of the high risk of fire and explosion in case of a release of those products.

47. The areas of West Goshen Township traversed by the pipeline are “high consequence areas” in which the impact of any potential release is greater because of the risk to life and property.

48. SPLP is responsible to determine what higher levels of safety will need to be observed to meet the requirements of federal regulations, taking into account the nature of the materials transported and the high consequence of a potential release.

49. SPLP does not disclose the higher levels, if any, that it has adopted for the Mariner East project.

50. The site for the pump station proposed by SPLP in West Goshen Township lies immediately adjacent to high density residential areas of West Goshen Township.

51. The said site lies within an area zoned Residential pursuant to West Goshen Township Zoning Ordinance.

52. SPLP has not adequately explained why it cannot locate its pump station and associated facilities in nearby areas zoned for industrial development.

53. Installing the pump station and “repurposing” the pipeline to operate at a higher pressure with highly volatile liquids in a residential neighborhood needlessly exposes people to personal and environmental injury, and exposes people and West Goshen to property damage.

54. SPLP’s repurposing the pipeline, and installation of a pump station and valve station in residential areas of West Goshen Township, violates the Environmental Rights Amendment, Article I, Section 27, to the Pennsylvania Constitution.

55. By failing to file an application for a certificate of public convenience or amendment to a certificate for the new services within and across West Goshen Township, SPLP deprives the



Commission, West Goshen and the public of the opportunity to fully consider the safety, location, environmental protection and other public interest issues pertaining to the Mariner East projects.

WHEREFORE, West Goshen Township respectfully requests that SPLP's Amended Petition be denied.

Respectfully submitted,

HIGH SWARTZ-LLP

By: 

David J. Brooman (ID #36571)

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Attorneys for West Goshen Township

Date: 11/17/14

**VERIFICATION**

I, CASEY LaLONDE, Township Manager of West Goshen Township, hereby verify that the facts set forth in the forgoing Answer with New Matter are true and correct to the best of my knowledge, information and belief.

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: 11/17/14



\_\_\_\_\_  
Name: Casey LaLonde  
Title: Township Manager

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Amended Petition of SPLP, LP, for a Finding that :  
the Situation of Structures to Shelter Pump Stations :  
and Valve Control Stations is Reasonably Necessary : Docket No. P-2014-2411966  
for the Convenience or Welfare of the Public in : (Main Docket: P-2014-2411941)  
West Goshen Township, Chester County :

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of November, 2014, I served a true copy of West Goshen Township's Answer with New Matter to Sunoco Pipeline, LP's Amended Petition, filed electronically on the Commission's electronic service system, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL**

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Respectfully submitted,

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Date: November 17, 2014