**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Walnut Bank valve control station :

in Wallace Township, Chester County, : P-2014-2411941

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Blairsville pump station :

in Burrell Township, Indiana County, : P-2014-2411942

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Middletown Junction valve control station :

in Lower Swatara Township, Dauphin County, : P-2014-2411943

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Cramer pump station :

in East Wheatfield Township, Indiana County, : P-2014-2411944

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old York Road valve control station :

in Fairview Township, York County, : P-2014-2411945

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Conodoquist River West valve control station :

in North Middleton Township, Cumberland : P-2014-2411946

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Juniata River West valve control station :

in Frankston Township, Blair : P-2014-2411948

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Ebensburg pump station :

in Cambria Township, Cambria County, : P-2014-2411950

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

West Conemaugh River valve control station :

in Derry Township, Westmoreland : P-2014-2411951

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

West Loyalhanna Dam valve control station :

in Loyalhanna Township, Westmoreland : P-2014-2411952

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old Chestnut Lane valve control station :

in Penn Township, Westmoreland : P-2014-2411953

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Old Harmony Road valve control station :

in Hempfield Township, Westmoreland : P-2014-2411954

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Youghiogheny River South valve control station :

in Rostraver Township, Westmoreland : P-2014-2411956

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Hollidaysburg pump station :

in Allegheny Township, Blair County, : P-2014-2411957

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Monongahela River West valve control station :

in Union Township, Washington : P-2014-2411958

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Ross Road valve control station :

in North Strabane Township, Washington : P-2014-2411960

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Marklesburg pump station and :

Raystown Lake West valve control station : P-2014-2411961

in Penn Township, Huntingdon County, :

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Houston-Mark West, Houston-Williams :

and West Pike Street valve control stations :

in Chartiers Township, Washington : P-2014-2411963

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Mount Union pump station :

in Shirley Township, Huntingdon County, : P-2014-2411964

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Twin Oaks pump station :

in Upper Chichester Township, Delaware County, : P-2014-2411965

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Boot pump station :

in West Goshen Township, Chester County, : P-2014-2411966

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Doylesburg pump station :

in Toboyne Township, Perry County, : P-2014-2411967

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Eagle pump station :

in Upper Uwchlan Township, Chester County, : P-2014-2411968

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Beckersville pump station :

in Brecknock Township, Berks County, : P-2014-2411971

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Montello pump station and valve control station :

in Spring Township, Berks County, : P-2014-2411972

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Mechanicsburg pump station :

in Hampden Township, Cumberland County, : P-2014-2411974

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Blainsport pump station :

in West Cocalico Township, Lancaster County, : P-2014-2411975

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Middletown pump station :

in Londonderry Township, Dauphin : P-2014-2411976

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Cornwall pump station :

in West Cornwall Township, Lebanon County, : P-2014-2411977

Pennsylvania is reasonably necessary for the :

convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Plainfield pump station : P-2014-2411979

in Lower Frankford Township, Cumberland :

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Petition of Sunoco Pipeline, L.P. :

for a finding that a building to shelter the :

Delmont pump station : P-2014-2411980

in Salem Township, Westmoreland :

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

**PREHEARING ORDER #1**

**Granting Interventions**

On March 21, 2014, Sunoco Pipeline, L.P. (Sunoco), filed a petition, with the Pennsylvania Public Utility Commission (Commission), pursuant to 52 Pa.Code § 5.41 and 53 P.S. § 10619. The petition contained 31 separate locations in its caption. The Commission’s Secretary treated the petition as 31 separate petitions and assigned 31 docket numbers to the same petition.

These 31 petitions requested that the Commission find that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline were reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. The petitions indicated that the Mariner East pipeline involved the construction of new pipeline facilities and use of existing pipeline facilities to transport ethane and propane. The Mariner East pipeline would originate in Houston, Pennsylvania and terminate in Claymont, Delaware.

The petitions alleged that the purpose of the Mariner East pipeline was to provide additional transportation infrastructure to transport Marcellus Shale resources. According to the petitions, there is a need for additional infrastructure to transport natural gas and associated natural gas liquids.

As part of the construction of the Mariner East pipeline, Sunoco will have to construct pump stations to facilitate the transportation of ethane and propane. In addition, Sunoco would have to construct valve control stations to ensure that the ethane and propane are transported safely. These pump stations and valve control stations will be enclosed in metal buildings. The buildings will protect the electrical, control and communication devices for the pump and valve equipment from the weather. The buildings will lessen the amount of noise from the operation of the pump and valve control equipment that reaches the area surrounding each station.

Notice of Sunoco’s 31 petitions was published in the April 5, 2014 Pennsylvania Bulletin at 44 Pa.B. 2145, specifying a deadline of April 21, 2014, for filing formal protests, comments or petitions to intervene in the proceeding.

Numerous parties filed letters and comments in response to Sunoco’s 31 petitions. Some of these letters and comments were directed to the Commission and not served on Sunoco. Since these letters do not comply with the form and content requirements for petitions to intervene set forth at 52 Pa.Code § 5.73 and were not served on Sunoco or other parties as required by 52 Pa.Code § 5.75, they will not be treated as petitions to intervene but rather as public comments on Sunoco’s petitions.

In addition, some of these letters and comments were filed with the Commission after the deadline of April 21, 2014. Since these letters and comments were filed after the April 21, 2014 deadline, they are untimely as petitions to intervene, pursuant to 52 Pa.Code § 5.74(b)(2). These letters and comments will not be treated as petitions to intervene but rather as public comments on Sunoco’s petitions.

In addition to the numerous letters and comments filed, several entities filed timely petitions to intervene that complied with the form and content requirements for petitions to intervene set forth in 52 Pa.Code § 5.73 and were served on Sunoco, pursuant to 52 Pa.Code 5.75. On April 21, 2014, the Delaware Riverkeeper Network (DRN), the Concerned Citizens of West Goshen Township (CCWGT), West Goshen Township (WGT), East Goshen Township, (EGT) and the Clean Air Council (CAC) all filed protests or petitions to intervene in one or more of Sunoco’s 31 petitions.

The Mountain Watershed Association (MWA), sent a letter dated April 21, 2014, signed by both its executive director and its counsel, to the Commissioners requesting that the Commission grant MWA status as an intervenor, pursuant to 52 Pa.Code §§ 5.71-5.75. There is no indication in the letter that MWA served a copy of the letter on Sunoco. Apparently, the Commissioners forwarded a copy of this letter to the Commission’s Secretary for filing.

MWA’s April 21, 2014 letter does not comply with 52 Pa.Code § 5.73, in that it does not fulfill the general requirements of a petition set forth in 52 Pa.Code § 5.41. However, the regulation at 52 Pa.Code § 1.2(a) provides that the presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties. We will ignore the procedural defects of the Complainant’s request and treat the April 21, 2014 letter as a petition to intervene, filed pursuant to 52 Pa.Code §§ 5.71-5.75, for the reasons outlined below.

On June 9, 2014, MWA filed preliminary objections to all 31 of Sunoco’s amended petitions. MWA’s preliminary objections stated that MWA opposed the Mariner East project, in part because two of the proposed valve control stations were located in the Youghiogheny River watershed which MWA serves, in Rostraver and Hempfield Townships, Westmoreland County. On June 19, 2014 Sunoco filed an answer to MWA’s preliminary objections, stating that MWA lacked standing to participate in the proceedings other than the proceedings regarding the structures located in the Youghiogheny River watershed.

Since MWA served its preliminary objections on Sunoco and Sunoco responded, Sunoco had notice that MWA wished to participate in the proceedings. Sunoco acknowledged that MWA had an interest in the two proposed structures located in the Youghiogheny River watershed. Since Sunoco had notice of MWA’s interest to participate through MWA’s preliminary objections, it had notice of MWA’s desire to intervene in this proceeding expressed in MWA’s April 21, 2014 letter.

We will ignore the procedural defects of the MWA’s April 21, 2014 letter and treat the letter as a petition to intervene, filed pursuant to 52 Pa.Code §§ 5.71-5.75, in order to secure a just, speedy and inexpensive determination of this proceeding pursuant to 52 Pa.Code § 1.2(a). This will not adversely affect Sunoco’s substantive rights, pursuant to 52 Pa.Code § 1.2(c), since it had notice of MWA’s interest in intervening in the proceeding and had an opportunity to respond.

By notice dated May 5, 2014, the Commission notified the parties that it had assigned Sunoco’s 31 petitions to us as motion judges.

On May 8, 2014, Sunoco filed 31 separate amended petitions requesting that the Commission find that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline were reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. The amended petitions alleged that the Mariner East pipeline would originate in Houston, Pennsylvania and deliver propane to the Marcus Hook Industrial Complex and Sunoco’s Twin Oaks facilities, located in Delaware County.

The amended petitions alleged that Sunoco currently holds a certificate of public convenience to provide petroleum products transportation services for the segment of the Mariner East pipeline located west of Mechanicsburg, Cumberland County. A portion of the service on this segment had been discontinued and abandoned pursuant to Commission orders entered August 29, 2013 and October 17, 2013 at A-2013-2371789. According to the amended petitions, Sunoco would be seeking to resume intrastate transportation service along this segment so that it could ship propane by pipeline to the Twin Oaks facilities to allow further distribution to third party storage facilities or distribution terminals.

In addition, the certificate of public convenience to provide petroleum products transportation services for the segment of the Mariner East pipeline located east of Mechanicsburg, Cumberland County had been suspended, pursuant to Commission orders entered August 29, 2013 and October 17, 2013 at P-2013-2371775. The amended petitions asserted that Sunoco would resume service to meet demand for the 2014-2015 winter season and would file a tariff supplement to implement service between Mechanicsburg and its Twin Oaks facilities. This would allow Sunoco to transport approximately 5,000 barrels per day of propane by pipeline from Mechanicsburg to Twin Oaks.

Sunoco would have to construct pump stations to facilitate the transportation of ethane and propane. In addition, Sunoco would have to construct valve control stations to ensure that the ethane and propane were transported safely. These pump stations and valve control stations would be enclosed in metal buildings. The buildings would protect the electrical, control and communication devices for the pump and valve equipment from the weather. The buildings would lessen the amount of noise from the operation of the pump and valve control equipment that would reach the area surrounding each station.

Notice of Sunoco’s 31 amended petitions was published in the May 24, 2014 Pennsylvania Bulletin at 44 Pa.B. 3204-3215, specifying a deadline of June 9, 2014 for filing formal protests, comments or petitions to intervene in the proceeding.

Numerous parties filed letters and comments in response to Sunoco’s 31 amended petitions. Some of these letters and comments were directed to the Commission and not served on Sunoco. Since these letters do not comply with the form and content requirements for petitions to intervene set forth at 52 Pa.Code § 5.73 and were not served on Sunoco or other parties as required by 52 Pa.Code § 5.75, they will not be treated as petitions to intervene but rather as public comments on Sunoco’s petitions.

In addition, some of these letters and comments were filed with the Commission after the deadline of June 9, 2014. Since these letters and comments were filed after the June 9, 2014, deadline, they are untimely as petitions to intervene, pursuant to 52 Pa.Code § 5.74(b)(2). These letters and comments will not be treated as petitions to intervene but rather as public comments on Sunoco’s petitions.

In addition to the numerous letters and comments filed, several entities filed timely petitions to intervene that complied with the form and content requirements for petitions to intervene set forth in 52 Pa.Code § 5.73 and were served on Sunoco, pursuant to 52 Pa.Code 5.75. On June 9, 2014, the Upper Chichester Township (UCT), the Environmental Integrity Project (EIP) and CAC filed all filed protests or petitions to intervene in one or more of Sunoco’s 31 amended petitions.

On June 30, 2014, Sunoco filed answers to the petitions to intervene filed by EIP, UCT and EGT.

On July 30, 2014, we issued an initial decision sustaining the preliminary objections of various parties and dismissing Sunoco’s petitions because we concluded that Sunoco was not a public utility within the meaning of 53 P.S. § 10619 and therefore that the Commission lacked jurisdiction over Sunoco’s petitions. Sunoco filed exceptions to our initial decision.

By order dated October 29, 2014, the Commission granted Sunoco’s exceptions, reversed our initial decision which ruled that the Commission lacked jurisdiction over Sunoco’s amended petitions, denied the other outstanding preliminary objections and remanded the matter to us for further proceedings. The petitions to intervene and protests listed above are ready for disposition. Before addressing the merits of these petitions to intervene and protests, we will set forth the legal standards for granting intervention.

With regard to the petitions to intervene, the Commission’s Rules of Practice and Procedure permit petitions to intervene. 52 Pa.Code §§ 5.71-5.76. The provision at 52 Pa.Code § 5.72 governs what entities are eligible to intervene in a proceeding and states as follows:

#### § 5.72. Eligibility to intervene.

(a)  *Persons.* A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

    (1)  A right conferred by statute of the United States or of the Commonwealth.

(2)  An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

    (3)  Another interest of such nature that participation of the petitioner may be in the public interest.

  (b)  *Commonwealth.* The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to paragraphs (1)—(3).

  (c)  *Supersession.* Subsections (a) and (b) are identical to 1 Pa. Code §  35.28 (relating to eligibility to intervene).

Allowance of intervention is a matter within the discretion of the Commission. City of Pittsburgh v. Pa. Util. Comm’n, 33 A.2d 641(Pa. Super. 1943); N.A.A.C.P., Inc. v. Pa. Pub. Util. Comm’n., 290 A.2d 704(Pa. Cmwlth. 1972)

None of the entities that have filed petitions to intervene are Commonwealth agencies, pursuant to 52 Pa. Code §5.72(b). In addition, a statute of either the United States or the Commonwealth does not confer on any of the entities that have filed petitions to intervene a right to intervene, pursuant to 52 Pa. Code §5.72(a)(1). Therefore, the petitions to intervene of WGT, EGT, UCT, CAC, DRN, CCWGT, MWA and EIP are governed by 52 Pa. Code §5.72(a)(2). Their interests in this proceeding must be of such a nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.

Having set forth the legal standards for granting intervention, we will address the whether the petitions to intervene meet the standards set forth in 52 Pa.Code § 5.72(a).

The Commission has defined the language in 52 Pa. Code §§5.72(a)(2), requiring that an person filing a petition to intervene have an interest which may be directly affected, as equivalent to an interest that is substantial, immediate and direct. Re Equitable Gas Co., 76 Pa. PUC 23 (1992). This is the same requirement that an entity must meet in order to have standing to initiate a proceeding.

Standing to participate in proceedings before an administrative agency is primarily within the discretion of the agency. Pennsylvania National Gas Association v. T.W. Phillips Gas and Oil Co., 75 Pa. PUC 598, 603 (1991). As stated above, the Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. Joint Application of Pennsylvania‑American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co., A‑212285F0046/47 and A‑210870F01 (July 9, 1998); William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Manufacturers’ Association of Erie v. City of Erie - Bureau of Water, 50 Pa. P.U.C. 43 (1976); Waddington v. Pennsylvania Public Utility Commission, 670 A.2d 199 (Pa. Cmwlth. 1995), alloc. denied, 678 A.2d 368 (Pa. 1996). Requiring a person or entity to have a direct, immediate and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. Pennsylvania Public Utility Commission v. National Fuel Gas Distribution Corp., 73 Pa. PUC 552 (1990).

Here, WGT’s, EGT’s, UCT’s, CAC’s DRN’s, CCWGT’s, MWA’s and EIP’s interests in the subject matter of the proceeding are direct if their interests are adversely affected by Sunoco’s petitions, are immediate if there is a close causal nexus between their asserted injury and Sunoco’s petitions, and are substantial if they have discernible interests other than the general interest of all citizens in seeking compliance with the law. Ken R. ex rel. C.R. v. Arthur Z., 682 A.2d 1267 (Pa. 1996); In re El Rancho Grande, Inc., 437 A.2d 1150 (Pa. 1981); William Penn Parking Garage, Inc.; Empire Coal Mining & Development, Inc. v. Department of Environmental Resources, 623 A.2d 897 (Pa. Cmwlth. 1993); Landlord Service Bureau, Inc. Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board, 467 A.2d 311 (Pa. 1983).

Sunoco’s petitions request that the Commission find that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance. WGT’s, EGT’s, UCT’s, CAC’s, DRN’s, CCWGT’s, MWA’s and EIP’s interests are direct since they may be adversely affected by the Commission finding sought by Sunoco. WGT’s, EGT’s, UCT’s, CAC’s, DRN’s, CCWGT’s, MWA’s and EIP’s interests are immediate because they may suffer injury as a result of the Commission finding sought by Sunoco. Their interests are substantial because they have discernible interests other than the general interest of all citizens in seeking compliance with the law. WGT, EGT, UCT, CAC, DRN, CCWGT, MWA and EIP have standing to intervene in this proceeding.

First, their interests in this proceeding are direct. An entity’s interest in the subject matter of a proceeding is direct if its interest is adversely affected by the actions challenged in petitions to intervene.

The building to shelter the Boot pump station that is the subject of the petition at P-2014-2411966 will be constructed in WGT as part of the Mariner East project. WGT alleges that the proposed building does not comply with its zoning ordinance.

EGT alleges that area where Sunoco will construct the proposed building in WGT is contiguous to EGT’s border. It appears that the proposed building may not be compatible with EGT’s zoning ordinance.

The building to shelter the Twin Oaks pump station that is the subject of the petition at P-2014-2411965 will be constructed in in UCT as part of the Mariner East project. UCT alleges that the proposed building does not comply with its zoning ordinance.

CCWGT is an ad hoc association of residential homeowners each of whom owns and resides on property either adjacent to or within approximately 1,000 feet of the location where Sunoco plans to construct the building to shelter the Boot pump station that is the subject of the petition at P-2014-2411966.

CCWGT alleges that the pump station will be noisy, will release air pollutants, will create safety concerns and will harm the environment, all of which will cause direct harm to members of CCWGT by reducing the value of their properties, reducing the enjoyment of their properties and harming the environment in the vicinity of their properties.

CAC is a non-profit organization which has advocated for more than forty years to improve air quality in Pennsylvania. CAC has approximately 8,000 throughout Pennsylvania, including the area where construction of the Mariner East project will take place.

CAC contends that construction of the pump stations and valve control stations for the Mariner East project will result in negative impacts on air quality, water quality wildlife and human health in the areas where the pump stations and valve control stations are located and where some of its members reside. CAC also argues that proposed structures that will shelter the pump stations and valve control stations are not reasonably necessary for the convenience or welfare of the public.

DRN is a non-profit organization established in 1988 to protect and restore the Delaware River, its associated watershed, tributaries and habitats. DRN has approximately 14,000 members.

DRN contends that construction of the pump stations and valve control stations for the Mariner East project will result in negative impacts on the Delaware River watershed. DRN indicates that the pump stations and valve control stations and shelter buildings that are the subjects of the petitions at P-2014-2411941, P-2014-2411965, P-2014-2411966, P-2014-2411968, P-2014-2411971 and P-2014-2411972 are all located in the Delaware River watershed. DRN also argues that proposed structures that will shelter the pump stations and valve control stations are not reasonably necessary for the convenience or welfare of the public.

EIP is a non-profit organization established in 2002 to promote stronger enforcement of anti-pollution laws. EIP’s goal is to protect the environment and reduce pollution by improving compliance with federal environmental laws.

EIP contends that construction of the pump stations and valve control stations for the Mariner East project will result in negative impacts on air quality, water quality and human health in the areas where the pump stations and valve control stations are located and where some of its members reside. EIP also argues that proposed structures that will shelter the pump stations and valve control stations are not reasonably necessary for the convenience or welfare of the public.

MWA is a non-profit organization formed in 1994 to protect and restore the Youghiogheny River watershed. MWA acts as a public advocate for the Youghiogheny River watershed.

MWA contends that construction of the valve control stations for the Mariner East project will result in negative impacts on the Youghiogheny River watershed. DRN indicates that the valve control stations and shelter buildings that are the subjects of the petitions at P-2014-2411954 and P-2014-2411956 are both located in the Youghiogheny River watershed. MWA also argues that proposed structures that will shelter the valve control stations are not reasonably necessary for the convenience or welfare of the public.

The interest of WGT, EGT, and UCT enforcing their zoning ordinances and the interests of CAC, EIP, DRN, MWA and CCWGT and their members in protecting the environment could be adversely affected by the Commission’s finding that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance.

WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT have an immediate interest in the proceeding because they can demonstrate a close causal nexus between the Commission finding that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance and the injuries they may suffer. Such a Commission finding would lead to the construction the buildings sheltering the pump and valve control stations which may not comply with WGT’s, EGT’s, and UCT’s zoning ordinances. Construction of the shelter buildings could lead to alteration of the environment in the areas surrounding the buildings that may adversely affect CAC EIP, DRN and CCWGT and their members.

Finally, WGT, EGT, UCT, CAC EIP, DRN, MWA and CCWGT interests are substantial since they have a discernible interest, other than the concern that Sunoco comply with the applicable statutes and regulations. WGT’s, EGT’s and UCT’s interests in enforcing their zoning ordinances are substantial. Similarly, CAC’s EIP’s, DRN’s, MWA’s and CCWGT’s and their members’ interests in preventing adverse alteration to the environment in the areas surrounding the shelter building is substantial. These interests are beyond a mere concern that Sunoco comply with applicable statutes and regulations.

Since WGT, EGT, UCT, CAC EIP, DRN, MWA and CCWGT all have an interest that is substantial, immediate and direct, they have interests that may be directly affected, pursuant to 52 Pa.Code § 5.72(a)(2).

Having determined that they have an interest that is directly affected, we must next determine whether WGT’s, EGT’s, UCT’s, CAC’s, EIP’s, DRN’s, MWA’s and CCWGT’s interests are not adequately represented by an existing party, pursuant to 52 Pa.Code § 5.72(a)(2). In this proceeding, no other party has an interest in enforcing WGT’s, EGT’s, and UCT’s zoning ordinances. Similarly, no other party has an interest in protecting the environment of the area, similar to CAC’s EIP’s, DRN’s, MWA’s and CCWGT’s and their members. No other party’s interest coincides with these parties’. No other party would have the familiarity with these interests to adequately represent them. We conclude that WGT’s, EGT’s, UCT’s, CAC’s, EIP’s, DRN’s, MWA’s and CCWGT’s interests in these proceeding are not adequately represented by an existing party, pursuant to 52 Pa.Code § 5.72(a)(2).

Having determined that they may be directly affected and are not adequately represented by existing parties, we must determine whether WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT may be bound by the actions of the Commission in this proceeding, pursuant to 52 Pa.Code § 5.72(a)(2). If the Commission makes a finding that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance, such a finding would be binding on WGT, EGT and UCT and prevent them from enforcing any of their zoning requirements.

Similarly, such a Commission finding would allow construction of the shelter buildings and alteration of the landscape in the areas where the shelter buildings would be constructed. This approval would be binding on CAC EIP, DRN, MWA and CCWGT and their members. We conclude that WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT would be bound by a Commission finding that the buildings to shelter 18 pump stations and 17 valve control stations along Sunoco’s proposed Mariner East pipeline are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance.

In conclusion, WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT have demonstrated that they met the standards set forth in 52 Pa.Code § 5.72(a)(2) by demonstrating that they may be directly affected, are not adequately represented by any of the existing parties and may be bound by the actions of the Commission in this proceeding. We will grant the petitions to intervene subject to the limitations set forth in 52 Pa.Code § 5.75.

In granting the petitions to intervene of WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT, we note that some of the concerns expressed in the petitions to intervene concern the Mariner East project and construction of the pump and valve control stations. These concerns are beyond the scope of this proceeding.

In its October 29, 2014 order, the Commission held that we were to determine on remand whether Sunoco had met its burden of proof to show that it was a public utility corporation and that its proposed buildings were necessary for the convenience or welfare of the public and exempt from local zoning ordinances, pursuant to 53 P.S. § 10619. In determining whether Sunoco met its burden of proof to show that it was a public utility corporation, the Commission directed that we decide whether the intervenors had presented evidence to rebut the presumption that Sunoco was a public utility and hence a public utility corporation and whether Sunoco’s proposed service was included within its existing public utility authority.

In determining whether Sunoco met its burden of proof to show that its proposed buildings were necessary for the convenience or welfare of the public and exempt from local zoning ordinances, the Commission directed that we should not address whether it was appropriate to place the valve control and pump stations in certain locations. Rather, we were simply to determine whether Sunoco’s proposed buildings were reasonably necessary for the convenience or welfare of the public. Therefore, the issue is whether the proposed building sites are reasonably necessary for the public convenience or welfare. Sunoco need not prove that the sites are absolutely necessary or that they are the best possible sites, only that they are reasonably necessary for the convenience or welfare of the public.

In addition, the Commission ruled that Sunoco’s compliance with safety and environmental requirements in siting and construction the Mariner East project and the pump and valve control stations were outside the scope of these petitions. Therefore, the interventions of WGT, EGT, UCT, CAC, EIP, DRN, MWA and CCWGT in these proceedings will be limited to issues arising from the shelter buildings.

THEREFORE,

IT IS ORDERED:

1. That the petitions to intervene of the Delaware Riverkeeper Network, the Concerned Citizens of West Goshen Township, West Goshen Township, East Goshen Township, the Clean Air Council, Upper Chichester Township, and the Environmental Integrity Project are granted.

2. That the Concerned Citizens of West Goshen Township, West Goshen Township, East Goshen Township, are admitted as intervenors in the case at 2014-2411966, pursuant to 52 Pa. Code §5.75.

3. That Upper Chichester Township is admitted as an intervenor in the case at 2014-2411965, pursuant to 52 Pa. Code §5.75.

4. That the Delaware Riverkeeper Network is admitted as an intervenor in the cases at P-2014-2411941, P-2014-2411965, P-2014-2411966, P-2014-2411968, P-2014-2411971 and P-2014-2411972, pursuant to 52 Pa. Code §5.75.

5. That the Mountain Watershed Association is admitted as an intervenor in the cases at P-2014-2411954 and P-2014-2411956, pursuant to 52 Pa. Code §5.75.

6. That the Clean Air Council and the Environmental Integrity Project are admitted as intervenors in the cases captioned above, pursuant to 52 Pa. Code §5.75.

7. That admission of the Delaware Riverkeeper Network, the Concerned Citizens of West Goshen Township, West Goshen Township, East Goshen Township, the Clean Air Council, Upper Chichester Township, and the Environmental Integrity Project as intervenors will not be construed as recognition by the Pennsylvania Public Utility Commission that they have a direct interest in the proceeding or might be aggrieved by an order of the Commission in the proceeding, pursuant to 52 Pa. Code §5.75(c).

8. That the Delaware Riverkeeper Network, the Concerned Citizens of West Goshen Township, West Goshen Township, East Goshen Township, the Clean Air Council, Upper Chichester Township, and the Environmental Integrity Project be added as intervenors to the service list in the above-captioned proceeding.

Dated: December 1, 2014 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

David A. Salapa

Administrative Law Judge

Elizabeth H. Barnes

Administrative Law Judge

**Petition of Sunoco Pipeline L.P. 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**

*(Revised 12/1/14)*

P-2014-2411941 - Wallace Township, Chester County

P-2014-2411942 - Burrell Township, Indiana County

P-2014-2411943 - Lower Swatara Township, Dauphin County

P-2014-2411944 - East Wheatfield Township, Indiana County

P-2014-2411945 - Fairview Township, York County

P-2014-2411946 - North Middleton Township, Cumberland County

P-2014-2411948 - Frankstown Township, Blair County

P-2014-2411950 - Cambria Township, Cambria County

P-2014-2411951 - Derry Township, Westmoreland County

P-2014-2411952 - Loyalhanna Township, Westmoreland County

P-2014-2411953 - Penn Township, Westmoreland County

P-2014-2411954 - Hempfield Township, Westmoreland County

P-2014-2411956 - Rostraver Township, Westmoreland County

P-2014-2411957 - Allegheny Township, Blair County

P-2014-2411958 - Union Township, Washington County

P-2014-2411960 – North Strabane Township, Washington County

P-2014-2411961 – Penn Township, Huntingdon County

P-2014-2411963 – Chartiers Township, Washington County

P-2014-2411964 – Shirley Township, Huntingdon County

P-2014-2411965 – Upper Chichester Township, Delaware County

P-2014-2411966 - West Goshen Township, Chester County

P-2014-2411967 - Toboyne Township, Perry County

P-2014-2411968 - Upper Uwchlan Township, Chester County

P-2014-2411971 - Brecknock Township, Berks County

P-2014-2411972 - Spring Township, Berks County

P-2014-2411974 – Hampden Township, Cumberland County

P-2014-2411975 – West Cocalico Township, Lancaster County

P-2014-2411976 - Londonderry Township, Dauphin County

P-2014-2411977 - West Cornwall Township, Lebanon County

P-2014-2411979 – Lower Frankford Township, Cumberland County

P-2014-2411980 - Salem Township, Westmoreland County

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