**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 County, : P-2014-2411948

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 County, : P-2014-2411951

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 County, : P-2014-2411953

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 County, : P-2014-2411954

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 County, : P-2014-2411956

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 County, : P-2014-2411958

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 County, : P-2014-2411960

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 County, : P-2014-2411963

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 County, : 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 in : P-2014-2411979

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 in : P-2014-2411980

Salem Township, Westmoreland County, :

Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

**INITIAL DECISION GRANTING REQUEST FOR LEAVE TO WITHDRAW PETITION TO INTERVENE OF THE ENVIRONMENTAL INTEGRITY PROJECT**

Before

David A. Salapa

Administrative Law Judge

Elizabeth H. Barnes

Administrative Law Judge

INTRODUCTION

An environmental advocacy group intervened in amended petitions filed by a public utility seeking a Commission determination that buildings it wished to construct were reasonably necessary for the convenience or welfare of the public and therefore exempt from local zoning ordinances. This decision grants the request of the environmental advocacy group to withdraw its petition to intervene in the proceedings.

HISTORY OF THE PROCEEDING

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.

Several entities filed preliminary objections to Sunoco’s petitions, contending that the Commission lacked jurisdiction over Sunoco’s petitions.

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.

On June 9, 2014, the Environmental Integrity Project (EIP) filed a petition to intervene in Sunoco’s 31 amended petitions.

Several entities filed preliminary objections to Sunoco’s amended petitions, contending that the Commission lacked jurisdiction over Sunoco’s petitions.

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.

By notice dated December 1, 2014, the Commission scheduled an initial prehearing conference for this matter on February 10, 2015, at 9:00 a.m. in Hearing Room 3, Commonwealth Keystone Building in Harrisburg.

By order dated December 1, 2014, we granted EIP’s petition to intervene in the 31 amended petitions subject to the limitations set forth in 52 Pa.Code § 5.75. In granting EIP’s petition to intervene, we noted that the Commission, in its October 29, 2014 order, ruled that Sunoco’s compliance with safety and environmental requirements in the siting and construction of the Mariner East project and the pump and valve control stations was outside the scope of the amended petitions. We therefore, limited the intervention of EIP in the 31 amended petitions to issues arising from the shelter buildings.

On February 5, 2015, EIP filed a petition for leave to withdraw its petition to intervene, pursuant to 52 Pa.Code § 5.94. The petition states that following its intervention, EIP has reviewed filings and orders in these proceedings. The petition asserts that, while EIP has concerns regarding Sunoco’s proposed project, other matter have arisen since EIP’s intervention that will not allow it to participate in these proceedings. According to the petition, other intervenors will adequately address EIP’s concerns regarding Sunoco’s project. The petition requests that the Commission grant its leave to withdraw EIP’s petition to intervene.

As of the date of this decision, none of the parties to these proceedings has filed an answer objecting to EIP’s petition for leave to withdraw its petition to intervene. EIP’s petition for leave to withdraw is ready for decision. For the reasons set forth below, we will grant the petition for leave to withdraw.

FINDINGS OF FACT

1. On March 21, 2014, Sunoco filed a petition with the Commission, pursuant to 52 Pa.Code § 5.41 and 53 P.S. § 10619.

2. On May 8, 2014, Sunoco filed 31 separate amended petitions

3. On June 9, 2014, EIP filed a petition to intervene in Sunoco’s 31 amended petitions.

4. By order dated December 1, 2014, EIP’s petition to intervene in the 31 amended petitions was granted subject to the limitations set forth in 52 Pa.Code § 5.75.

5. On February 5, 2015, EIP filed a petition for leave to withdraw its petition to intervene, pursuant to 52 Pa.Code § 5.94.

6. None of the parties to these proceedings has filed an answer objecting to EIP’s petition for leave to withdraw its petition to intervene.

DISCUSSION

The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by a petition for leave to withdraw the pleading. The petition is granted only by permission of the presiding officer or the Commission. The presiding officer or Commission must consider the petition, any objections thereto and the public interest in determining whether to permit withdrawal of the pleading.

Turning first to EIP’s request to withdraw its June 9, 2014 petition to intervene, the February 5, 2015 petition to withdraw states that other matter have arisen since EIP’s intervention that will not allow it to participate in these proceedings. The Commission has no interest in mandating that EIP continue litigation where it no longer has the resources to do so.

Turning next to any objections to the withdrawal of the June 9, 2014 petition to intervene, none of the other parties to these proceedings has filed an answer to EIP’s petition for leave to withdraw. Therefore, there are no objections to EIP’s petition for leave to withdraw.

Turning finally to the public interest, EIP’s petition to intervene raises concerns regarding the negative impacts that Sunoco’s project may have on water and air quality and human health. Adverse impact on water and air quality and human health would impact the public interest. However, the petition for leave to withdraw states that other intervenors will adequately address EIP’s concerns regarding Sunoco’s project. Since there are other intervenors that can adequately address EIP’s concerns in these proceedings, the public interest will not be negatively impacted by grating EIP’s petition for leave to withdraw.

Having reviewed the petition to withdraw, any objections to the petition and the public interest, we conclude that the petition to withdraw should be granted. Granting the petition to withdraw will terminate EIP’s participation in the litigation, saving it the costs in time and money it would otherwise incur litigating the case. Granting the petition to withdraw will not negatively impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding.

2. The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest.

4. The public interest will not be harmed by granting EIP’s petition for leave to withdraw.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition for leave to withdraw the June 9, 2014 petition to intervene of the Environmental Integrity Project filed in the cases captioned above on February 5, 2015, is granted.

2. That the petition to intervene of the Environmental Integrity Project filed June 9, 2014, in the cases captioned above, is withdrawn.

3. That the Environmental Integrity Project be removed from the service list in the cases captioned above.

Date: February 17, 2015 /s/

David A. Salapa

Administrative Law Judge

/s/

Elizabeth H. Barnes

Administrative Law Judge