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November 21, 2017

BY ELECTRONIC FILING

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

Re: West Goshen Township and Concerned Citizens of West Goshen Township v. Sunoco Pipeline L.P.; Docket No. C-2017-2589346; **SUNOCO PIPELINE L.P. PETITION TO RESCIND OR DISCONTINUE THE OCTOBER 26, 2017 COMMISSION ORDER**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.'s ("SPLP") Petition to Rescind or Discontinue the October 26, 2017 Commission Order Enjoining Construction of Valve 344 and Construction and Drilling Related to Valve 344 in West Goshen Township. Copies of this letter and filing have been served in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder

Counsel for Sunoco Pipeline L.P.

TJS/WES/das
Enclosure

cc: Honorable Elizabeth H. Barnes (courtesy copy)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Goshen Township and	:	
Concerned Citizens of West	:	
Goshen Township	:	
Complainant,	:	Docket No. C-2017-2589346
	:	
v.	:	
	:	
Sunoco Pipeline L.P.,	:	
Respondent.	:	
	:	

**PETITION OF SUNOCO PIPELINE L.P. TO RESCIND OR DISCONTINUE THE
OCTOBER 26, 2017 COMMISSION ORDER
ENJOINING CONSTRUCTION OF VALVE 344 AND CONSTRUCTION AND
DRILLING RELATED TO VALVE 344 IN WEST GOSHEN TOWNSHIP**

Sunoco Pipeline L.P. (SPLP), by its counsel, and pursuant to Section 703(g) of the Public Utility Code, 66 Pa. C.S. § 703(g), respectfully submits this petition to rescind or discontinue the interim injunction imposed by the Commission’s October 26, 2017 Order for the reasons set forth below.

I. BACKGROUND

1. West Goshen Township (WGT) filed at the above-captioned docket a first amended formal complaint on March 30, 2017, the gravamen of which was that SPLP should not locate Valve 344 for Mariner East 2 Pipeline (ME2) on a tract of property owned by SPLP known as Janiec 2.

2. On July 24, 2017, the Administrative Law Judge (ALJ) assigned to the matter granted an interim emergency order requested by WGT enjoining SPLP from constructing Valve 344 on Janiec 2.

3. In support of the emergency order, WGT has asserted that its residents are “very concerned about keeping SPLP’s facilities contained to one area,” and that WGT therefore “desire[s] “to maintain all of Sunoco's facilities in the Township on a single site, rather than spread out throughout the Township.” (WGT Proposed Findings of Fact and Conclusions of Law ¶¶ 33, 37 (filed July 24, 2017).)

4. On October 26, 2017, this Commission entered an Order in this proceeding, which in ordering paragraph 3 provided as follows:

3. That Sunoco is enjoined from beginning and shall cease and desist from the following: (1) constructing Valve 344 on the Janiec 2 Tract; (2) constructing appurtenant facilities to Valve 344 on the Janiec 2 Tract; (3) horizontal directional drilling activities related to Valve 344 on the Janiec 2 Tract; and (4) constructing Valve 344 at a location that is in dispute under the Settlement Agreement until the entry of a final Commission Order ending the formal amended complaint proceeding at Docket No. C-2017-2589346. (Emphasis added).

II. BASIS FOR RELIEF

5. Since entry of the October 26, 2017 Order, SPLP has reevaluated Valve 344 in light of WGT’s representations regarding the concerns of its residents relating to the proposed installation and has now decided that the valve can be eliminated and need not be located at the Janiec 2 tract nor anywhere in WGT. Specifically, SPLP has concluded that such valve in such location is neither needed operationally nor required by any applicable code or regulation. Therefore, as a matter of managerial and construction judgment and discretion, SPLP no longer plans to locate and construct any such valve on the Janiec 2 Tract or anywhere else within the municipal limits of WGT.

6. Consequently, there no longer is any construction or activity to enjoin relative to Valve 344, and thus no need for the continuation of enjoining such construction or activities which were the subject of the Commission's October 26, 2017 Order.

III. RELIEF REQUESTED

7. The courts have repeatedly held that the Commission under Section 703(g) may at any time after notice and an opportunity to be heard rescind an order that no longer is necessary, and that the Commission may do so even without new evidence being presented.¹

8. Granting this request to rescind or discontinue the injunction will conserve the time and resources of this Commission and the parties on the now moot issue of locating Valve 344 on the Janiec 2 Tract.

9. As a condition of approval of this petition and the relief requested SPLP is willing to accept it being conditioned upon not locating Valve 344 (or any such Valve) for the ME2 line on Janiec 2 or elsewhere in WGT.

WHEREFORE, SPLP respectfully requests that the Commission enter an order immediately or as soon as possible so as not to delay SPLPs work on ME2 due a situation or dispute that no longer exists, as follows:

1. The October 26, 2017 order (specifically Ordering paragraph 3) is rescinded or discontinued.

¹ *Pittsburgh & Lake Erie R. Co. v. Pennsylvania Public Utility Commission*, 445 A.2d 851 (Cmwlth Ct. 1982) (“The statute does not require that new evidence be presented before the PUC may rescind or amend a prior order. . . . [T]he unambiguous wording of Section 703(g) . . . requires only notice and an opportunity to be heard”) (citations omitted); *Tranter v. Pennsylvania Public Utility Commission*, 288 A.2d 837 (1972) (similar interpretation of predecessor to 66 Pa. C.S. § 706(g)).

2. SPLP will: (a) not locate for the ME2 line Valve 344 on the Janiec 2 Tract and conduct the activities relative to Valve 344 which were the subject of the injunction as specified in the October 26, 2017 Order Ordering paragraph 3; and, (b) not locate such a valve for the ME2 line anywhere in West Goshen Township.

Respectfully submitted,



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DATED: November 21, 2017

Attorneys for Sunoco Pipeline L.P.

VERIFICATION

I, Harry J. Alexander, on behalf of Sunoco Pipeline L.P., hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

SUNOCO PIPELINE L.P.

By: Sunoco Logistics Partners Operations GP L.L.C.,
its general partner



Harry J. Alexander
Vice President

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

This document has been filed electronically on the Commission's electronic filing system.

VIA EMAIL AND FIRST CLASS MAIL

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Dated this 21st day of November, 2017.