

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Sunoco Pipeline, L.P. a/k/a :  
Energy Transfer Partners : Docket No. P-2018-3000281  
 :  
Petition of the Bureau of Investigation and :  
Enforcement of the Pennsylvania :  
Public Utility Commission For the Issuance of :  
An Ex Parte Emergency Order :

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**PETITION TO INTERVENE OF  
THORNBURY TOWNSHIP, DELAWARE COUNTY**

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Pursuant to 52 Pa. Code § 5.71, et seq., Thornbury Township, Delaware County, hereby petitions to intervene in the above-captioned proceeding. In support thereof, Thornbury Township submits as follows:

1. The name and contact information of the petitioner is as follows:

Thornbury Township  
6 Township Drive  
Cheyney, PA 19319

2. Thornbury Township attorneys in this matter and all documents should be served upon:

James J. Byrne, Esq.  
1223 N. Providence Road  
Media, PA 19063  
[jjbyrne@mbmlawoffice.com](mailto:jjbyrne@mbmlawoffice.com)

3. On March 7, 2018, the Public Utility Commission’s Bureau of Investigation and Enforcement (“BIE”) petitioned the Public Utility Commission (“Commission”) for an *ex parte* emergency order under 52 Pa. Code § 3.2 to require Sunoco Pipeline, L.P. a/k/a Energy Transfer partners (“Sunoco”) to suspend operations on its Mariner East 1 pipeline (“ME1”).

4. BIE alleged that three sinkholes had opened up along Sunoco's ME1 pipeline in West Whiteland Township, within 550 of ME1, which is an 8" active Natural Gas Liquids ("NGL") pipeline that has been in operation since approximately 1931.

5. BIE's Petition asserts that the emergence of these sinkholes coincides with Sunoco's construction of the Mariner East 2 (ME2) and Mariner East 2X (ME2X) pipelines. The ME2 and ME2X pipelines are generally routed adjacent and parallel to the ME1 pipeline and "high consequence area" ("HCA") rights of way throughout the Commonwealth.

6. An Emergency Ex Parte Order was granted on March 7, 2018 by Chairman Gladys M. Brown. The Emergency Ex Parte Order specifically provides that "permitting the continued flow of hazardous liquids through the ME1 pipeline without the proper steps to ensure the integrity of the pipeline could have catastrophic results impacting the public."

6. On March 15, 2018, the Ex Parte Emergency Order was ratified by the full Public Utility Commission at a public meeting.

#### **THORNBURY TOWNSHIP, DELAWARE COUNTY'S INTEREST**

7. Thornbury Township, Delaware County is a second class township located in Delaware County.

8. The ME1 pipeline and HCA right of way traverses Thornbury Township, Delaware County.

9. Sunoco intends to utilize horizontal directional drilling ("HDD") for the construction and installation of the ME2 and ME2X in Thornbury Township, Delaware County. The areas in which Sunoco maintains the ME1 HCA and pipeline and owns the ME2 and ME2X rights of way in Thornbury Township, Delaware County abut residential areas.

10. Thornbury Township, Delaware County and its residents are directly and immediately affected by the March 15, 2018 Ratified Order of the PUC.

11. In the fall of 2017, Sunoco experienced one (1) failed directional drilling, followed by one (1) failed intercept drilling and then a third (3<sup>rd</sup>) directional drilling attempt with a new hole was finally completed in Thornbury Township, Delaware County.

12. To date, Sunoco's HDD for the ME2 and ME2X pipeline in Thornbury Township, Delaware County has resulted in four (4) inadvertent returns. The Township further believes and therefore avers that to date, Sunoco's HDD for the ME2 and ME2X pipeline in adjacent Edgmont Township, Delaware County has resulted in two (2) inadvertent returns.

13. Section 5.72 of the Public Utility Commission's regulations govern eligibility of parties to intervene in PUC proceedings.

14. A petition to intervene in a proceeding is permitted for "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 proceedings." 52 Pa. Code § 5.72(a)(2).

15. The existing ME1 pipeline traverses Thornbury Township, Delaware County and is located in close proximity to residential dwellings and commercial establishments. The proposed ME2 and ME2X pipeline are also located in close proximity to residential dwellings and commercial establishments.

16. Thornbury Township, Delaware County and its residents will be irreparably harmed if Sunoco does not ensure the integrity of the ME1 pipeline and future HDD of the ME2 and ME2X pipeline.

17. Based on the allegations that Sunoco failed to promptly notify the appropriate authorities when it experienced sinkholes along the pathway of the ME1 pipeline in West Whiteland Township, Chester County, Intervenor Thornbury Township, Delaware County holds a valid concern that Sunoco might fail to promptly notify the appropriate authorities if it experiences any sinkholes or other failures along the ME1 pipeline located in Thornbury Township, Delaware County.

18. Based on Sunoco's failure to report the formation of sinkholes in West Whiteland for several months, Thornbury Township has no assurance that Sunoco will report integrity threats to ME1 in Thornbury Township, Delaware County.

19. Thornbury Township, Delaware County requests that the Commission require Sunoco run at least one (1) line inspection through the portions of ME1 that traverse Thornbury Township and conduct geophysical testing and analysis in the areas of Thornbury Township where HDD is being conducted.

20. Thornbury Township, Delaware County further requests that Sunoco be prohibited from reinstating transportation services on ME1 until the results of said testing and analysis are reviewed and approved by the Bureau of Inspection and Enforcement and Pipeline Safety Staff, that Sunoco take all necessary corrective actions to the satisfaction, review and approval of the Commission.

21. Thornbury Township, Delaware County's interest is direct and substantial and its interest cannot be adequately represented by any other party and accordingly the Township respectfully submits that it is eligible to intervene in the pending matter.

22. Thornbury Township seeks to intervene in this proceeding, and any subsequent

hearing and conferences related to the testing and analysis of ME1, proposals and implementation of corrective actions, and any request for reinstatement of the hazardous liquids transportation service on ME1.

23. Based on Sunoco's failure to report the formation of sinkholes in West Whiteland Township for several months, Thornbury Township has no assurance that Sunoco will report integrity threats to ME1 in Thornbury Township.

24. Thornbury Township requests the Commission order that Sunoco run at least one line inspection through the portion of ME1 that traverses Thornbury Township and conduct geophysical testing and analysis in the areas of Thornbury Township where HDD is being conducted.

25. Thornbury Township further requests that Sunoco be prohibited from reinstating transportation services on ME1 until the results of said testing and analysis are reviewed and approved by BIE/Pipeline Safety staff, Sunoco takes all necessary corrective actions to the satisfaction of BIE/Pipeline Safety staff and BIE/Pipeline Safety approves reinstatement of transportation services, subject to Commission review and approval.

26. Thornbury Township's interests in this proceedings are direct, immediate and substantial and are not adequately represented by any other parties that may seek to intervene.

27. Thornbury Township satisfies the standards for intervention under Section 5.72 of the Commission's regulations. 52 Pa. Code § 5.72.

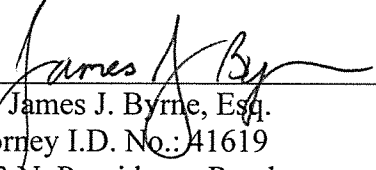
28. Participation by Thornbury Township will not harm the public interest, but rather, will help "ensure the integrity of the pipeline" and avoid the "catastrophic results impacting the public" that the Commission recognized in the March 7, 2018 Order. Order at 2.

29. Pursuant to 52 Pa. Code § 1.54(b)(3), the undersigned counsel consent to the

electronic service of all documents at the email address shown above.

**WHEREFORE**, Thornbury Township respectfully requests that the Commission grant this Petition to Intervene, providing the Township with full-party status in this proceeding and any hearings or conferences held, and with ability to comment.

Respectfully Submitted,  
MCNICHOL, BYRNE & MATLAWSKI, P.C.

  
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By: James J. Byrne, Esq.  
Attorney I.D. No.: 41619  
1223 N. Providence Road  
Media, PA 19063


Dated: March 27, 2018

**VERIFICATION**

I, Jeff Seagraves, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Thornbury Township, Delaware County to be able to prove the same at a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 Pa. C.S. 4904.

3/27/18  
\_\_\_\_\_

Date

  
\_\_\_\_\_  
Jeff Seagraves, Township Manager  
Thornbury Township, Delaware County

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Sunoco Pipeline L.P. a/k/a/ :  
Energy Transfer Partners :  
 : Docket No. P-2018-3000281  
Petition of the Bureau of Investigation and :  
Enforcement of the Pennsylvania Public :  
Utility Commission For the Issuance of an :  
*Ex Parte* Emergency Order :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Petition to Intervene upon the parties of record in this proceeding in accordance with the requirements of 52 Pa. Code 1.54 (relating to service by a participant), in the manner listed below upon the persons listed below.

*Via E- Filing:*

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
PO Box 3265  
Harrisburg, PA 17105-3265

Curtis N. Stambaugh  
Assistant General Counsel  
Sunoco Logistics Partners LP  
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*Via First Class Mail:*

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Honorable Carolyn Comitta  
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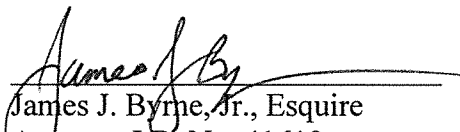
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Respectfully Submitted,

March 27, 2018

  
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