

Vincent M. Pompo
Voice: 610.430.8000
Fax: 610.692.6210
vpompo@lambmcerlane.com

May 1, 2018

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

Re: In Re: Sunoco Pipeline, L.P. a/k/a/ Energy Transfer Partners
Petition of the Bureau of Investigation and Enforcement of the Pennsylvania
Public Utility Commission For the Issuance of An Ex Parte Emergency Order
Docket Number: P-2018-3000281

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find an Emergency Petition to Intervene of West Whiteland Township with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Very Truly Yours,

Lamb McErlane, PC

By: /s/ Vincent M. Pompo

Vincent M. Pompo

Solicitor for West Whiteland Township

VMP/ajb
Enclosures
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Sunoco Pipeline, L.P. a/k/a : Application Docket
Energy Transfer Partners : No. P-2018-300281
:
Petition of the Bureau of Investigation :
And Enforcement of the Pennsylvania :
Public Utility Commission For the Issuance :
of An Ex Parte Emergency Order :

EMERGENCY PETITION TO INTERVENE OF WEST WHITELAND TOWNSHIP

Pursuant to 52 Pa. Code §5.71, *et seq.*, West Whiteland Township, Chester County (“West Whiteland”) hereby petitions to intervene in the above-captioned proceeding. In support thereof, West Whiteland Township submits as follows:

1. West Whiteland Township, Chester County, is a Township of the Second Class organized and existing pursuant to the Second Class Township Code, 53 P.S. §65101 *et seq.*, and is a political subdivision of the Commonwealth, with an address of 101 Commerce Drive, Exton PA 19341 and a telephone number of 610-363-9525.

2. West Whiteland’s attorneys are Vincent M. Pompo, Pennsylvania attorney identification number 37714 and Alex J. Baumler, Pennsylvania attorney identification number 315760 of the firm of Lamb McErlane PC, with an address of 24 E. Market Street, P. O. Box 565, West Chester, PA 19381-0565 and a telephone number of 610-430-8000.

3. On March 7, 2018, The Public Utility Commission’s Bureau of Investigation and Enforcement (“I & E”) petitioned the Public Utility Commission (“PUC”) for an *ex parte* emergency order pursuant to 52 Pa. Code. § 3.2 to require Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners (“Sunoco”) to suspend operation of its Mariner East 1 Pipeline (“Mariner 1”).

4. I & E has alleged that three sinkholes have opened along Sunoco's pipeline in West Whiteland Township, within 550 feet of Mariner 1.

5. The sinkholes appeared starting in November of 2017, as Sunoco has been installing two new pipelines located in the Mariner 1 right-of-way, which are referred to as the Mariner East 2 and Mariner East 2X pipelines (collectively the "Mariner 2").

6. Sunoco discovered the first sinkhole in November 2017 and two more sinkholes on March 2 and March 3, 2017.

7. In response, Sunoco filled the two sinkholes with a specialty concrete.

8. In response to a citizen's communication to the PUC dated March 3, 2018, I & E inspectors discovered that sinkholes had formed in the area of Lisa Drive in West Whiteland Township in the path of the Mariner 1 pipeline and the Mariner 2 construction area.

9. On or about March 7, 2018 the PUC Commission granted the above-captioned Emergency Order whereby Sunoco was to immediately suspend hazardous liquid transportation service through the Mariner 1 pipeline and to conduct testing and analysis.

10. West Whiteland has an interest in this matter related to consistency with its local land use plans, zoning and zoning approvals, other ordinances, use of its roads including Lisa Drive, and its obligation to protect the health, safety and welfare of its citizens, that is unique, and not represented by any other party in the proceeding as the municipality in which the subject sinkholes are physically located. 52. Pa. Code §69.1101.

11. West Whiteland has a direct, substantial and immediate interest in this proceeding as a trustee of the natural resources contained within the Township pursuant to PA. CONST. art. I, § 27 (Natural resources and the public estate), commonly referred to as the Environmental

Rights Amendment, in protecting the natural resources, environment and the quality of life in its jurisdiction.

12. Participation by West Whiteland in this proceeding is in the public interest.

13. No other party to this proceeding possesses an interest identical to that of West Whiteland Township.

14. West Whiteland Township possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.

15. West Whiteland seeks intervention to request the following relief:

a. That the Commission order Sunoco to perform continued and ongoing line inspection and geophysical testing and analysis in the areas of West Whiteland Township where the Mariner 1 and Mariner 2 pipelines are operating and are in the process of construction.

b. That Sunoco be prohibited from reinstating transportation services on the Mariner 1 pipeline until the results of said continued and ongoing testing and analysis are determined by I & E and the PHMSA to remove any further risk to properties within West Whiteland Township; that Sunoco performs all necessary corrective actions; and acquires approval of I & E and PHMSA prior to receiving Commission approval to resume operation and construction.

c. Such further relief as may become available during the proceedings on this Application.

WHEREFORE, West Whiteland Township respectfully requests that this Honorable Commission grant this petition to intervene, providing West Whiteland Township with full-party status in this proceeding.

Respectfully submitted,

LAMB MCERLANE PC

Dated May 1, 2018

By: /s/ Vincent M. Pompo
Vincent M. Pompo
Attorney I.D. # 37714
vpompo@lambmcerlane.com
Alex J. Baumler
Attorney I.D. # 315760
abaumler@lambmcerlane.com
24 E. Market Street
P.O. Box 565
West Chester, PA 19381-0565
(610) 430-8000
Attorneys for Intervenor
West Whiteland Township

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of West Whiteland Township's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

Via First Class Mail

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

Thomas J. Sniscak
Hawke McKeon & Snisack, LLP
100 North Tenth Street
Harrisburg, PA 17101

Nels J. Taber
Senior Litigation Counsel
Department of Environmental Protection
Office of Chief Counsel
400 Market Street, 9th Floor
Harrisburg, PA 17101

Robert Burroughs
PHMSA Eastern Region
820 Bear Tavern Road
Suite 103
West Trenton, NJ 08628

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Office of Small Business Advocate
300 North Second Street
Suite 1102
Harrisburg, PA 17101

Mark L. Freed
Curtin & Heefner, LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18091

Dated: May 1, 2018

/s/ Vincent M. Pompo
Vincent M. Pompo, Esq.

VERIFICATION

I, Vincent M. Pompo, hereby state that I am the Solicitor of West Whiteland Township, Chester County, Pennsylvania and am duly authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Intervene 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).

Dated: May 1, 2018

/s/Vincent M. Pompo
Vincent M. Pompo
LAMB MCERLANE, PC
24 E. Market Street
P.O. Box 565
West Chester, PA 19381-0565
(610) 430-8000
vpompo@lambmcerlane.com