

May 21, 2018



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

Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.
Consolidated Docket Nos. C-2018-3001451 and P-2018-3001453

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission in the above-captioned proceeding please find Clean Air Council's Response to Respondent Sunoco Pipeline, L.P.'s Objection to Documents Cited in Intervenor's Post-Hearing Brief.

Thank you very much for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph Otis Minott".

Joseph Otis Minott, Esq.
Executive Director &
Chief Counsel
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania State Senator:	:	
Andrew E. Dinniman	:	Consolidated Docket Nos.
Complainant,	:	C-2018-3001451
v.	:	P-2018-3001453
	:	
Sunoco Pipeline, L.P.,	:	
Respondent.	:	

**CLEAN AIR COUNCIL’S RESPONSE
TO RESPONDENT SUNOCO PIPELINE L.P.’s OBJECTION TO
DOCUMENTS CITED IN INTERVENOR’S POST-HEARING BRIEF**

Clean Air Council (the “Council”) respectfully submits this reply to Respondent Sunoco Pipeline L.P.’s Objection to Documents Cited in Intervenor’s Post-Hearing Brief. First, despite the title of Sunoco’s filing suggesting an objection to documents, a reading of Sunoco’s filing indicates the objection is to the Council’s characterization of the documents. The Court, of course, is and always has been free to review the documents and draw its own conclusions.

Second, there is no dispute that the PHMSA records, which are publically available, describe a 20-inch ethane pipeline that exploded after sinking three feet. The Council would direct the Court, in particular, to Paragraph 14 on page 5 of the Failure Investigation Report¹:

The survey indicated that the pipe had dropped more than 3 feet since the line was originally constructed. A geotechnical survey conducted by Pennsylvania Soil and Rock determined that the failed pipe was installed across a transition area or “head wall” of an old underground mine and surface strip mine. In addition, the soil on which the pipeline was laid had undergone little consolidation since the mining was completed.

¹ Previously cited in the Council’s post-hearing memorandum at n.6, available at <https://cms.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/inspections-and-investigations/17866/149469enterpriseproductsoperatingllcfir2015126reportandappendices.pdf>

Sunoco is correct that the word subsidence does not appear in these particular documents. However, to suggest that additional material being added on top of the pipeline was the sole cause of the sinking –especially given the proximity to an underground mine-- defies logic. For the pipeline to sink three feet, it had to have sunken into something. The Failure Investigation Report implied that the three feet of space that the pipeline moved into did *not* appear to be the result of soil being compressed under the pipeline; as noted above, “the soil on which the pipeline was laid had undergone little consolidation...” If the space was not a result of compressed soil, it was caused by some other factor.

Moreover, Sunoco cannot dispute the larger relevance of these PHMSA documents: They demonstrate that the explosion of a 20-inch ethane pipeline caused 5 acres of land to burn and damaged the siding on a home located as far away as 2,000 feet from the failure location. *Id.* at p. 2. As demonstrated at hearing, that is exactly the kind of danger residents along the route seek protection from.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph Otis Minott". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103

Dated: May 21, 2018

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of Clean Air Council's Response to Respondent Sunoco Pipeline L.P.'s Objection to Documents Cited in Intervenor's Post-Hearing Brief 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 ELECTRONIC SERVICE

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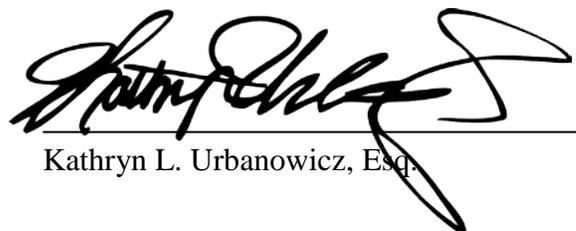
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Dated: May 21, 2018



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