

PENNSYLVANIA PUBLIC UTILITY COMMISSIONER
Harrisburg, Pennsylvania 17120

**Amended Petition of State Senator
Andrew E. Dinniman for Interim
Emergency Relief**

**Public Meeting August 2, 2018
3001453-OSA
Docket Nos. P-2018-3001453
C-2018-3001451**

Pennsylvania State Senator Andrew E. Dinniman
v.
Sunoco Pipeline, L.P.

**JOINT MOTION OF COMMISSIONER NORMAN J. KENNARD
AND COMMISSIONER JOHN F. COLEMAN, JR.**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the compliance filings submitted by Sunoco Pipeline, L.P. (Sunoco or company) in response to our Opinion and Order entered June 15, 2018 (*June 15 Order*) in the above-captioned proceeding.

The *June 15 Order* specified two directives that Sunoco is required to meet before removal of the injunctive relief affirmed by the Commission enjoining construction, including drilling activities, on the Mariner East 2 (ME2) and Mariner East 2X (ME2X) pipelines, in West Whiteland Township, Pennsylvania. First, Ordering Paragraph No. 6 of the *June 15 Order* provided that the injunction against construction on the ME2 and ME2X pipelines shall remain in effect until Sunoco makes certain filings with the Commission regarding its inspection and testing protocols, comprehensive emergency response plans, and safety training curriculums. Second, Ordering Paragraph No. 7 of the *June 15 Order* required Sunoco to procure authorizations from the Department of Environmental Protection (DEP) to resume construction of ME2 and ME2X.

With respect to Ordering Paragraph No. 6 of the *June 15 Order*, Sunoco has satisfied the requirements contained therein by its compliance filings, which consist of 99 Exhibits.

With respect to Ordering Paragraph No. 7 of the *June 15 Order*, the Commission required Sunoco to “file a verification or affidavit that the Department of Environmental Protection has issued the appropriate permission for continued construction of Mariner East 2 and Mariner East 2X in West Whiteland Township when it is granted.” *June 15 Order* at 53. In response to this requirement, Sunoco filed the Affidavit of Matthew Gordon, Senior Director for the ME2 and ME2X pipeline projects. Mr. Gordon’s Affidavit identifies eight segments of the ME2 and ME2X pipelines where Sunoco has obtained the appropriate permission from DEP to continue construction. *Gordon Affidavit* at 3. Mr. Gordon’s Affidavit also acknowledges that there are four remaining locations for which Sunoco has not yet received permits from DEP to continue construction. *Id.* As a result, Sunoco requests that the Commission authorize the company to resume construction at the eight locations where appropriate DEP permits to begin construction have been received, with the opportunity to “supplement” its compliance filing for the four remaining locations as appropriate.

Mr. Gordon's Affidavit also expressly states that "DEP has approved construction of all separate and independent construction segments of the pipelines [at the eight locations for which it has received DEP permits], and [Sunoco] is authorized by DEP to perform that construction before receiving DEP's approval for the other [four] construction segments [for which the company has not yet received DEP permits]." *Id.*


Based on the statements contained in Mr. Gordon's Affidavit, Ordering Paragraph No. 7 of the *June 15 Order* has been satisfied with respect to the eight locations where Sunoco has received DEP permitting authorization to continue construction. Accordingly, our injunction regarding construction on ME2 and ME2X should be lifted in these eight locations.

We note that the injunction regarding construction on ME2 and ME2X remains in effect with respect to the four locations where Sunoco has not yet received the requisite DEP permits to continue construction activity. Accordingly, Sunoco is directed to file supplemental verifications or affidavits upon the DEP's issuance of the remaining permits, so that this Commission can review¹ the outstanding injunctions as appropriate.


THEREFORE, WE MOVE:

1. That the injunction issued by our *June 15 Order* is discontinued with respect to the eight locations on the ME2 and ME2X pipelines in West Whiteland Township, Pennsylvania for which Sunoco Pipeline, L.P. has received permitting authority from the Department of Environmental Protection to continue construction activities.
2. That the injunction issued by our *June 15 Order* remains in effect with respect to the four locations on the ME2 and ME2X pipelines in West Whiteland Township, Pennsylvania for which Sunoco Pipeline, L.P. has not received permitting authority from the Department of Environmental Protection to continue construction activities.
3. That Sunoco Pipelines, L.P. shall file supplemental verifications or affidavits that the Department of Environmental Protection has issued the appropriate permission for continued construction of ME2 and ME2X in West Whiteland Township, Pennsylvania when granted in the remaining four locations awaiting permitting.
4. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

August 2, 2018



NORMAN J. KENNARD
COMMISSIONER



JOHN F. COLEMAN, JR.
COMMISSIONER

¹ This Commission determination will occur via Secretarial Letter.