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August 24, 2018

VIA ELECTRONIC FILING

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

Re: Andover Homeowners' Association, Inc. v. Sunoco Pipeline L.P.; Docket No.
C-2018-3003605; **SUNOCO PIPELINE L.P.'S PREHEARING
CONFERENCE MEMORANDUM**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.'s Prehearing Conference Memorandum in the above-referenced proceeding.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for Sunoco Pipeline L.P.

WES/das
Enclosure

cc: Honorable Elizabeth H. Barnes (electronic and first class mail)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS'
ASSOCIATION, INC.,

Petitioner,

v.

SUNOCO PIPELINE L.P.,

Respondent.

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Docket No. C-2018-3003605

**SUNOCO PIPELINE L.P.'S
PREHEARING CONFERENCE MEMORANDUM**

TO THE HONORABLE ELIZABETH H. BARNES:

Pursuant to 52 Pa. Code § 5.222(d), Sunoco Pipeline L.P. (SPLP) submits this prehearing conference memorandum.

I. SERVICE LIST

Service of paper documents in this proceeding shall be accepted on behalf of SPLP by:

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Counsel for SPLP also requests that any electronic service list utilized by the parties in this proceeding include Thomas J. Sniscak (tjsniscak@hmslegal.com), Kevin J. McKeon (kjmckeon@hmslegal.com), Whitney E. Snyder (wesnyder@hmslegal.com), Robert D. Fox (rfox@mankogold.com), Neil S. Witkes (nwitkes@mankogold.com), and Diana A. Silva (dsilva@mankogold.com).

II. SETTLEMENT

SPLP is willing to engage in settlement discussions with the parties.

III. DISCOVERY

SPLP does not propose any modifications to the Commission's discovery regulations.

IV. SCHEDULE

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| Complaint filed | July 26, 2018 |
| Interventions Due | September 24, 2018 |
| Complainant and Complainant Aligned Intervenor Direct | February 12, 2019 |
| Respondent and Respondent Aligned Intervenor Rebuttal | April 15, 2019 |
| Complainant and Complainant Aligned Intervenor Surrebuttal | June 21, 2019 |
| Rejoinder Outlines | August 5, 2019 |
| Evidentiary Hearings | September 16-20, 2019 |
| Main Briefs | October 21, 2019 |
| Reply Briefs | November 11, 2019 |

V. THE NEED FOR PUBLIC INPUT HEARINGS

In the August 7, 2018 Prehearing Order, Your Honor raised the issue of whether public input hearings were needed. To SPLP's knowledge, up to that point in time no party had raised or requested Public Input hearings. SPLP opposes holding public input hearings because they are legally improper, inappropriate in a complaint proceeding where Complainant bears the burden of proof, and would be a departure from Commission practice.

Public input hearings are held as a matter of course in rate proceedings, application proceedings, and electric transmission line siting proceedings pursuant to the Commission's regulations and policy statements. In these types of proceedings where public input testimony sessions occur, the utility bearing the burden of proof is, respectively, making a request for permission to be granted higher rates to all customers, or new rights to expand service or territories or acquire or merge with an existing certificated public utility, or to site an electric transmission line.

In contrast, there is no such policy encouraging or legally permitting public input hearings in a complaint proceeding such as this. A complaint proceeding where the utility is not making a request for permission from the Commission to take some action that would affect the public (like increasing rates, etc.) does not require input from the public to determine whether the proposal is in the public interest. In a complaint proceeding the issue is not whether the utility's proposal is in the general public interest as in those other proceedings, but rather whether the Complainant has proven by its witnesses that a utility has violated the statute, regulation or applicable order (if any) involved.

Here, Complainant has brought a case for which it bears the burden of proof to show a violation of law or regulation and how it affects it and its members, and Complainant must present

evidence to meet that burden. Allowing testimony by members of the public is not a proper means by which Complainant can fulfill that burden of proof.

Moreover, public input hearings would not provide relevant evidence in this proceeding. This Complaint proceeding is to consider how the Andover HOA's interest allegedly may be harmed by SPLP—not the interests of others. Any grievances or concerns of the general public are not relevant because they have no bearing on whether Complainant may be harmed. Furthermore, Complainant does not have standing to bring the complaints of others.

To the extent Complainant or any intervenor wishes to present factual evidence by a lay witness, they should be required to do so in written testimony form, as the Commission's regulations encourage. 52 Pa. Code § 5.412. This will allow the respondent and any intervenor aligned with the respondent to have the due process and discovery rights to test such evidence and to consider whether it is relevant and not unduly repetitive.

VI. WITNESSES

SPLP does not have the burden of proof in this proceeding and that it cannot predict what specific witnesses it may need to present to defend against the Complaint until Complainant present its testimony. SPLP will notify Complainant of its witnesses when those witnesses are identified.

SPLP reserves the right to adopt any testimony of other witnesses, in whole or in part, to substitute witnesses, and to offer additional witnesses and exhibits as may be necessary, including but not limited to address the testimony, exhibits, or evidence that may be presented by any party in this proceeding.

VII. ISSUES

Complainant has the burden of proof in this proceeding to show that SPLP is in violation of law or a Commission regulation regarding its conduct in the Andover Homeowner's Association (Andover HOA) area over which this Commission has jurisdiction and as raised in its Complaint. SPLP reserves its right to address additional issues as they may arise during this proceeding. SPLP's position will be finalized in its evidence and briefs submitted under the schedule developed in this proceeding. The below listed issues are not intended to be comprehensive or exhaustive.

A. SPLP's Operation of ME1 in the Andover HOA Area

SPLP's operation of ME1 in the Andover HOA area is safe and in conformance with the applicable laws and regulations over which the Commission has jurisdiction.

B. SPLP's Reversal and Conversion of a Segment of the Point Breeze – Montello 12-inch Pipeline

SPLP's reversal and conversion of a segment of the Point Breeze – Montello 12-inch pipeline is safe and in conformance with applicable laws and regulations over which the Commission has jurisdiction.

C. Efforts to Warn and Protect the Public From Danger

SPLP has taken all steps required under applicable laws and regulations to warn and protect the public and members of Andover HOA from danger. SPLP's efforts are in conformance with industry standards and are not unreasonable or inadequate.

D. SPLP's Emergency Response Plans, Risk Assessments, and Integrity Management Plans

SPLP has created and, where permissible, disseminated all required Emergency Response Plans, Risk Assessments, and Integrity Management Plans (collectively, Plans). SPLP's Plans are

in conformance with applicable law and regulations. SPLP is not required and it would be illegal to require SPLP to share its Integrity Management Plan or Risk Assessment with the public.

VIV. EVIDENCE

SPLP does not have the burden of proof in this proceeding and it cannot predict what specific evidence it may need to present to defend against the Complaint until Complainant presents its testimony.

SPLP intends to present pre-filed testimony along with any exhibits to support such testimony. SPLP reserves the right to adopt testimony of other witnesses, in whole or in part, to substitute witnesses, and to offer additional witnesses and exhibits, including but not limited to addressing the testimony, exhibits or other evidence that other parties in this proceeding may present.

VIII. PETITIONS TO INTERVENE

SPLP is not aware of any petitions to intervene

IX. PROTECTIVE ORDER

SPLP will propose a protective order should it become necessary in this proceeding.

X. CONSOLIDATION

SPLP opposes consolidation and incorporates its August 13, 2018 Answer Opposing Consolidation.

Respectfully submitted,



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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: August 24, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing 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 and served via overnight mail on the following:

VIA FIRST CLASS AND E-MAIL

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rich@raiderslaw.com


Thomas J. Sniscak, Esq.

Dated: August 24, 2018