

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Andover Homeowners' Association, Inc. :  
:   
v. : Docket No. C-2018-3003605  
:   
Sunoco Pipeline L.P. :  
:   
:

PETITION FOR INTERVENTION PURSUANT  
TO 52 Pa. CODE CHAPTER 5A

AND NOW, this 23rd day of September, 2018, comes Melissa DiBernardino, residing at 1602 Old Orchard Lane in East Goshen Township, Chester County, seeking to intervene as a party in the above-captioned matter and, in support thereof, avers as follows:

- (1) The factual circumstances that underlie the safety complaint of the Andover Homeowners' Association, Inc. (Andover) also apply throughout East Goshen Township, where my 4 children attend Saints Peter & Paul School, which lies approximately 100 ft. from the Mariner East Pipeline Project.
- (2) The factors surrounding the operation of Sunoco's current and proposed hazardous, highly volatile liquids (HVL) pipelines present a clear, present, significant, and imminent danger to life and property in their vulnerability zone, including to the lives of Petitioner's children.
- (3) The hazardous, highly volatile liquid NGLs being transported by the current and proposed Mariner East pipelines, if released to the atmosphere for any reason, change phase to odorless, colorless, heavier-than-air gas which is extremely flammable, potentially explosive, and asphyxiating. These materials therefore present a clear, imminent and existential hazard to persons that reside, work, or travel in proximity to Mariner East, including Petitioner herein.
- (4) Sunoco has failed to provide a credible notification system and credible plan by which the public can protect itself in the event of continued leaks of HVLs from its pipelines.

(5) Petitioner is eligible to intervene in this matter pursuant to 52 Pa. Code 5.72 because, *inter alia*:

- (a) Petitioner is asserting rights guaranteed by the United States and Commonwealth of Pennsylvania Constitutions including without limitation the rights to due process before the deprivation of life, liberty, or property protected by the Takings Clause of the Fifth Amendment applicable to the states by force of the Fourteenth Amendment of the United States Constitution; the right to enjoy and defend life, liberty, and property protected by Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and the right of the people under the Environmental Rights Amendment of Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania;
- (b) Petitioner is asserting interests which may be directly affected by this matter but which are not adequately presented by existing participants; and
- (c) It is in the interest of the public that Petitioner participates by intervention in this matter to ensure that the parties do not, by agreement or otherwise, limit or fail to undertake action necessary to protect the public, including Petitioner herein, or to fail to address by adequate means the concerns described by reference in the preceding subsection (b) of this paragraph.

(6) In the event that the Commission grants the instant Petition to Intervene, Petitioner intends to support the actions of the Andover and other similarly situated Intervenor.

NOW, THEREFORE, on the basis of the averments set forth above the Petitioner respectfully requests the Commission enter an Order granting the instant Petition for Intervention pursuant to 52 Pa. Code 5.75; order the production of a credible and publicly available plan for the notification and self-evacuation of the public as described in the letter from Thornbury Township, Delaware County to Sunoco dated August 29, 2016 (*see* Exhibit A) and Thornbury Township Proclamation of Concern dated September 21, 2016 (*see* Exhibit B); and any other related relief the Commission deems appropriate.

Respectfully submitted,

Melissa DiBernardino



VERIFICATION

I, Melissa DiBernardino, Petitioner herein, hereby state that the facts averred in this Petition for Intervention 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.

Melissa DiBernardino

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Pennsylvania Public Utility Commission

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CERTIFICATE OF SERVICE OF  
PETITION TO INTERVENE

I hereby certify that I have this date filed and served a true and correct copy of the foregoing Petition to Intervene upon the Commission and the parties listed below at the addresses set forth below in accordance with the requirements of 52 Pa. Code 1.54.

Filing of Original Process:

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

Curtis Stambaugh, Esquire  
Assistant General Counsel  
Sunoco Logistics Partners L.P.  
212 3rd Street, Suite 201  
Harrisburg PA 17101