

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN,	:	
ROSEMARY FULLER,	:	
MICHAEL WALSH,	:	
NANCY HARKINS,	:	Docket Nos. P-2018-3006117
GERALD MCMULLEN,	:	C-2018-3006116
CAROLINE HUGHES, and	:	
MELISSA HAINES	:	
	Petitioners	:
	:	
	:	
v.	:	
SUNOCO PIPELINE L.P.,	:	
	Respondent	:

**PETITIONERS' PROPOSED CONCLUSIONS OF LAW AND RELIEF REQUESTED**

Petitioners hereinbelow submit to the Administrative Law Judge their proposed Conclusions of Law and Relief Requested.

**Proposed Conclusions of Law:**

1. An emergency is defined in the Commission's regulations as "[a] situation that presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting." 52 Pa. Code §3.1.

2. An interim emergency order may issue upon establishment of the need for emergency relief, including facts showing that (1) The petitioner's right to relief is clear; (2) The need for relief is immediate; (3) The injury would be irreparable if relief is not granted; and (4) The relief requested is not injurious to the public interest. 52 Pa. Code §3.6.

3. 49 CFR §195.210(a) of the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations, incorporated by reference into the PUC regulations at 52

Pa. Code 59.33(b), provides that: “Pipeline right-of-way *must* be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.” (Italics added).

4. Locating the Mariner pipelines in a shallow trench under a Little League Field, immediately opposite a school, or next to a smoking patio at a restaurant is unsafe and unreasonable.

5. The siting of Sunoco’s Mariner pipelines in Chester and Delaware Counties is unsafe and unreasonable.

6. Petitioners have established that a significant HVL event could happen on the Mariner pipelines in Chester or Delaware Counties at any location and at anytime. The need for relief is immediate.

7. There is a substantial probability that all of the persons and places identified in Finding of Fact No. 21 could die or be seriously injured or damaged in the event of a Mariner HVL leak, puncture or rupture. These harms would be irreparable.

8. Based on a preponderance of the evidence, Sunoco did not select the location of its Mariner pipelines in Chester and Delaware to avoid as far as practicable areas in containing private dwellings, industrial buildings, and places of public assembly.

9. Sunoco’s brochure fails to meet its obligation to furnish adequate notice and does not adequately protect the public.

10. The procedures set forth in Sunoco’s brochure are unreasonable, unsafe, and inadequate.

11. It is in the public’s interest that the relief requested by Petitioners be granted.

**Relief Requested:**

In light of the forgoing, Petitioners respectfully request that the Commission issue an interim emergency order preventing current and future operation of ME1 and the ME2 workaround pipelines until such time as the claims in Petitioners' complaint can be adjudicated after a full hearing on the merits.

Respectfully submitted,

*s/ Michael S. Bomstein*

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