

**BEFORE THE
PUBLIC UTILITY COMMISSION**

MELISSA DIBERNARDINO	:	
Complainant,	:	
V.	:	Docket No. C-2018-3005025
SUNOCO PIPELINE L.P.	:	
Respondent.	:	

Answers to the Preliminary Objections of Sunoco Pipeline L.P.

I, Melissa DiBernardino (the Complainant), pursuant to 52 Pa. Code § 5.101(f)(1), respectfully file this Answer to Preliminary Objections of Sunoco Pipeline L.P., and present the following:

1. **Denied.** Sunoco claims that I do not have standing to bring certain claims because the incidents I point out are disconnected from where Saints Peter & Paul School is located. Paragraphs 18-19, 21-26, 29-31,33,42, 50, 52 and 55 should not be stricken for the following reason: The Respondent's performance record of construction, maintenance and operations of their pipeline affect the integrity and safety of the overall project. Due to the precedence set by Sunoco's history, there is substantial cause for question and concern when it comes to their required safe and reasonable service (according to 66 Pa.C.S. 1501). The same portions of the Complaint should not be stricken because the current BI&E formal complaint filed with the Pennsylvania Public Utility Commission further strengthens my standing when stating that the issues I bring up directly affect Saints Peter & Paul School. While the leak was in one area, they allege that there is a statewide concern for Mariner East 1. Additionally, these incidents occurred on the same pipeline system or are owned/operated by Sunoco/Energy Transfer or both.

Therefore, I have standing to complain about the events that have occurred outside of Saints Peter and Paul School, even though they are not in the same geographical location.

2. Denied. Scandalous matters are allegations “that unnecessarily reflects on the moral character of an individual or states anything in repulsive language that detracts from the dignity of the court, and includes allegations that cast a cruelly derogatory light on a party or other person.” *Garcia v. Clovis Unified Sch. Dist.*, 2009 U.S. Dist. LEXIS 83352 (E.D. Cal. Sept. 11, 2009). There is nothing grossly disgraceful, immoral or indecent towards the Respondent in my complaint and it is all relevant to and has an impact on the safety. Please reference number 1, where I explain how it is all related. Offending Sunoco is not my intention by raising these acts and events. However, even if they are offended, the information brought forward is pertinent and therefore, these allegations are not scandalous.

3. Conclusion of law that requires no response.

4. Conclusion of law that requires no response.

5. Admitted in part. Denied in part. Denial of paragraphs 18,19 ,21, 22, 23-26, 29-31, and 33 can be clarified by referring back to number 1. **Denied** that the allegations in paragraph 42 are not against Chester and Delaware Counties, they are against Sunoco Pipeline L.P. The characteristics of the Mariner East Pipeline content does not allow our municipalities, counties and state to fulfill their requirements in Pennsylvania Title 35 Health and Safety Statute, pertaining to notification and warning of the public (among others parts). See 35 Pa Code § § 7102, 7103 (12), 7313 (6), and 7503 (2) for further information.

Admitted in paragraph 50 that I cannot claim standing for Wellington or the other schools and the general public impacted by Mariner East. **Denied** that the rest of this paragraph does not

relate to Saints Peter and Paul (SSPP). The utility situation described continues from next door, (a few hundred feet away) at Wellington, continues in front of SSPP. The San Bruno pipeline failure can relate to this because there was a water line that was damaged from the explosion, further making it difficult for the first responders to fight the fires.

6. **No further response.**

7. **No further response.**

8. **Denied.** In addition to the previous explanation to why Sunoco's incidents with construction and operations affect the area of Saints Peter and Paul School, they use an inappropriate application of law to argue my standing. In *Friends of Lackawanna v. Dunmore Borough Zoning Hearing Bd.*, 186 A.3d 525, 534-35 (Pa. Commw. Ct. 2018). This is because the landfill was stationary and it infringed on **aesthetics**. Pipelines are a continuous **hazard** and the character of service, operations and engineering practices directly affect the **safety** of those in proximity (probable impact radius) of the Mariner East Pipeline Project. These two cases are unrelated. The pipeline marker which reads "Hazard" sitting at the entrance to Saints Peter & Paul and the drills that the school conducts are a reminder of the "discernible adverse effects" that my children face on a regular basis. (emphasis added)

9. **Denied.** Please see number 1 and 2. Also Pennsylvania Public Utility Commission, *Bureau of Investigation and Enforcement v. Sunoco Pipeline L.P., A/K/A Energy Transfer Partners* as to show how events in one area can impact the project in its entirety. Additionally, as mentioned in my Complaint, regarding paragraph 42 (and more in my complaint), Mariner East Pipelines, which are regulated by the Pa PUC are forcing us out of compliance with various sections of our Health and Safety Statute - Title 35. As a result, Sunoco/Energy Transfer is in

violation of **Section 1501** of the **Public Utility Code** which states that every public utility shall furnish and maintain adequate, efficient, **safe, and reasonable** service and facilities and that such service shall be reasonably continuous and without unreasonable interruptions or delay. 66 Pa.C.S § 1501. *See also*, 66 Pa.C.S § 1505. And **52 Pa. Code§ 59.33** which states that each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities. (emphasis added)

10. **Denied.** In addition to what was stated in number 2, the permits that the DEP issued were granted based on risk assessments and plans for inadvertent returns and remediation of those inadvertent returns to protect . The DEP does not approve permits based on the safety of the public during and after construction. It was drilling and an inadvertent return that caused the sinkholes in West Whiteland Township and it was the PUC that halted operations of Mariner 1 and construction of Mariner 2 in an emergency order out of public safety concerns. As a regulating agency that requires compliance with **safe and reasonable service**, if Sunoco's construction practice is threatening the public and or an active pipeline they have jurisdiction over, the PUC has the authority and obligation to take action. I am simply stating facts about the DEPs permitting process and in regards to the Mariner East Pipeline Project. (emphasis added)

11. **No further response.**

12. **Denied.** For reasons stated in numbers 1, 2 and 10, these paragraphs should not be stricken from the complaint.

THEREFORE, I respectfully request that Sunoco's Preliminary Objections be overruled and that the Commission grant such other relief as it finds to be just and appropriate.

Respectfully submitted,

Melissa DiBernardino

Dated 12/17/2018