



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

December 18, 2018

Via electronic filing

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

Re: Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins,
Gerald McMullen, Caroline Hughes, and Melissa Haines v. Sunoco
Pipeline, L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117
(I&E Notice of Intervention)

Dear Secretary Chiavetta:

Enclosed for electronic filing pursuant to 52 Pa. Code §§ 5.71, *et seq.*, please find the Notice of Intervention of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Enclosure

cc: Honorable Elizabeth H. Barnes
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn	:	
Rosemary Fuller	:	
Michael Walsh	:	
Nancy Harkins	:	
Gerald McMullen	:	
Caroline Hughes and	:	
Melissa Haines	:	
	:	
	:	
v.	:	Docket No. C-2018-3006116
	:	Docket No. P-2018-3006117
Sunoco Pipeline, L.P.	:	

**NOTICE OF INTERVENTION OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

Pursuant to 52 Pa. Code §§ 5.71-76, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby files its Notice of Intervention in the above-captioned proceeding. In support thereof, I&E states as follows:

I. Introduction

1. Act 129 of 2008, 66 Pa.C.S. § 308.2, authorizes the Commission to establish bureaus, offices and positions to, *inter alia*, take appropriate enforcement actions that are necessary to insure compliance with the Public Utility Code and Commission regulations and orders. 66 Pa.C.S. § 308.2(a)(11).

2. In accordance with Act 129, the Commission established I&E to serve as the prosecutory bureau for the purposes of representing the public interest in ratemaking and service matters, and enforcing compliance with the Public Utility Code, 66 Pa.C.S. §§ 101 *et seq.*, and Commission regulations, 52 Pa. Code §§ 1.1, *et seq.* See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011).

3. I&E, through its prosecutors, has standing and authority to participate in all Commission proceedings and to initiate enforcement actions and prosecutions in the public interest. *Id.* at 5.

4. The name and contact information for I&E's prosecutor is as follows:

Michael L Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319
mwindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
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II. Background

5. On November 19, 2018, Complainants/Petitioners Meghan Flynn, *et al.*, ("Petitioners") concurrently filed a complaint against Sunoco Pipeline, L.P. ("Sunoco" or "Respondent") and a Petition for Emergency Relief seeking to enjoin Respondent from commencing operation of its Mariner East 2 and 2X pipelines, including the

incorporation of the 12-inch bypass line, and to cease operation of its Mariner East 1 pipeline until such time as the Pennsylvania Public Utility Commission (“Commission”) held a final hearing on above-docketed complaint and entered an appropriate order.

6. Sunoco filed an Answer to the Petition on November 27, 2018, responding to Petitioners’ allegations and requesting that the emergency relief sought by Petitioners be denied.

7. An evidentiary hearing was held November 29-30, 2018 before Administrative Law Judge Elizabeth Barnes (“ALJ Barnes”).

8. On December 11, 2018, ALJ Barnes issued her Order Denying Petition for Emergency Interim Relief and Certifying Material Question, at Docket Nos. C-2018-3006116 and P-2018-3006117 (“December 11 Order”).

9. The denial of relief by interim emergency order in the consolidated proceedings at the above dockets has been certified to the Commission as a material question requiring interlocutory review. Pursuant to 52 Pa. Code § 5.305(c), briefs may be submitted by each party directed to the Commission addressing the merits of the question for which an answer is requested. Such briefs are due within seven (7) days of the ALJ’s issuance of an order that certifies a material question to the Commission. As such, briefs are due to be file in this matter on or before December 18, 2018.

10. The limited purpose of I&E’s intervention at this stage of the proceeding is to enable I&E to file a brief pursuant to Section 5.305, so as to clarify what I&E deems to be a “mischaracterization” of I&E’s position regarding the status of Sunoco’s Mariner

East pipelines and, more specifically, the 12-inch bypass line that is to be temporarily utilized by Sunoco in order to commence operation of Mariner East 2.

III. Intervention

11. As the bureau within the Commission that is responsible for ensuring compliance with the Public Utility Code and Commission regulations and orders, I&E is intervening in this proceeding for the limited purpose of clarifying the record with regard to Sunoco's characterization of I&E's acknowledgement regarding the 12-inch pipeline. I&E respectfully asserts that this limited intervention is warranted in this matter for the above-described reasons.

Respectfully submitted,



Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

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Date: December 18, 2018

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Michael Walsh	:	
Nancy Harkins	:	
Gerald McMullen	:	
Caroline Hughes and	:	
Melissa Haines	:	
	:	
	:	
v.	:	Docket No. C-2018-3006116
	:	Docket No. P-2018-3006117
Sunoco Pipeline, L.P.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

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Dated: December 18, 2018