

December 19, 2018

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

Re: Melissa DiBernardino v. Sunoco Pipeline, L.P.  
**Docket No. C-2018-3005025**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find a Petition to Intervene for Thomas Casey, *pro se*, in the above-captioned proceeding. Please direct all responses and any documents via electronic format to [tcaseylegal@gmail.com](mailto:tcaseylegal@gmail.com).

If your office has any questions please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Thomas Casey', with a long, sweeping underline.

Thomas Casey  
1113 Windsor Drive  
West Chester, PA 19380  
[tcaseylegal@gmail.com](mailto:tcaseylegal@gmail.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION**

Melissa DeBernardino	:	
	:	Docket No. C-2018-3005025
Complainant,	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
Respondent.	:	

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**THOMAS CASEY’S PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.72-5.75 Thomas Casey (“INTERVENER”) hereby files this Petition to Intervene in the above captioned proceeding. In support thereof, INTERVENER states as follows:

1. Thomas Casey (“INTERVENER”) is a Chester County resident that resides at 1113 Windsor Drive, West Chester, PA 19380. The INTERVENER will be on a *pro se* basis.
2. INTERVENER requests to receive all documents electronically to the above listed email address as allowed by 52 Pa. Code § 1.54(b)(3).
3. The INTERVENER’s property currently has an agreed to right-of-way (ROW), dated 3<sup>rd</sup> day of November AD 1932 with the Keystone Pipeline Company, later to become Sunoco Pipeline, L.P. (“SPLP”). The agreed to ROW document states that the pipeline ROW is the center line of said ROW and that said ROW is entirely within the roadway. (Exhibit Casey 1)
4. INTERVENER meets the standards for intervention set forth in 52 Pa. Code § 5.72(a)(1-3).
  - a. The Commission’s regulations allow intervention where a person has an interest in the proceeding which may be directly affected, and which is not adequately represented

by existing parties, and, as to which the person may be bound by the action of the Commission in the proceeding. Intervention is also permitted where participation of the person may be in the public interest.

5. INTERVENER's property is located directly across from S.S. Peter & Paul's Catholic church's property boundary; within 100 ft.

6. On, or about, October 1st, 2018, Melissa DiBernardino filed with the Commission a Formal Complaint seeking that construction and operation of Sunoco's Mariner East pipelines be prohibited within the zone directly associated with her children's school, SS. Peter & Paul Catholic church and school 1325 Boot Rd., West Chester, PA 19380 in East Goshen Township, Chester County. And, that the operation of the Mariner East 8" and 12" pipelines be stopped due to asserted safety concerns. Ms. DiBernardino's claims are based in part on concerns that have arisen during the construction of the Mariner East Pipeline project which have raised many concerns about Sunoco's ability to maintain reasonably safe and reliable service throughout the region.

7. Sunoco has continuously denied INTERVENER the ability to gain knowledge and understanding regarding the INTERVENER's property with regards to the new 16" & 20" pipelines. In an email exchange with Sunoco dated September 17, 2015, representatives for Sunoco would not answer specific questions about the property. The INTERVENER tried again to contact Sunoco representatives to inquire about the new plans; and again, the INTERVENER's questions were denied. (Exhibit Casey 2)

8. Due to the early stage of this proceeding, INTERVENER reserves the right to raise and address issues identified through its continued review and analysis of other cases before the Commission which may present more information with regards to INTERVENER's concerns regarding the Mariner East project. Specifically, INTERVENER has an interest in a recent cause

of action filed by the PA PUC Bureau of Investigation and Enforcement's Complaint, Docket No. C-2018-3006534, filed on December 13, 2018.

a. The complaint alleges violations, among other things, that (40)(c) SPLP did not perform ILI testing on an annual basis when SPLP relied on ILI for its cathodic protection program, (40)(e) SPLP did not document its analysis for determining that it achieved adequate cathodic protection, and (44) SPLP failed to maintain a record of each analysis, check, demonstration, etc. for a period of at least five (5) years to demonstrate the adequacy of corrosion control measures.

b. (39) While the data reviewed was largely specific to the site of the leak, SPLP's procedures and overall application of corrosion control and cathodic protection practices are relevant to all of ME 1 and, thus, I&E alleges that there is a statewide concern with SPLP's corrosion control program and the soundness of SPLP's engineering practices with respect to cathodic protection.

**THEREFORE**, INTERVENER respectfully requests that the Commission grant this Petition to Intervene and authorize his intervention and participation in the proceedings as a full and active *pro se* party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Casey', with a stylized, cursive script.

Thomas Casey

Dated: December 19, 2018

**VERIFICATION**

I, Thomas Casey, hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and understanding. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Casey', written in a cursive style.

Thomas Casey

Dated: December 19, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of Thomas Casey's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

*VIA ELECTRONIC SERVICE AND PERSONAL*

**Melissa DeBernardino**

1602 Old Orchard Lane, West Chester, PA 19380

**Thomas J. Sniscak**

PA ID. # 33891

tjsnjscak@hmslegal.com

**Kevin J. McKeon**

PA ID. # 30428

kjmckeon@hmslegal.com

**Whitney E. Snyder**

PA ID. #316625

wesnyder@hmslegal.com

**Hawke McKeon & Sniscak,LLP**

100 North Tenth Street

Harrisburg, PA 17101

**Robert D. Fox**

PA ID No. 44322

rfox@mankogold.com

**Neil S. Witkes**

PA ID No. 37653

nwitkes@mankogold.com

**Diana A. Silva**

PA ID No. 311083

dsilva@mankogold.com

**Manko, Gold, Katcher & Fox, LLP**

401 City Avenue, Suite 901

Bala Cynwyd, PA 19004

Sincerely,



Thomas Casey

Dated: December 19, 2018

# **Exhibit Casey 1**

*Part 10/11*

No. 124

*Four*

FOR AND IN CONSIDERATION OF ~~Five~~ *Four* Hundred and Fifty (*450*) DOLLARS, to US in hand paid, receipt of which is hereby acknowledged we, Michael Laffey and Alice R. Laffey, his wife, of 130 West Biddle Street, West Chester, Chester County, Pennsylvania,

(hereinafter called the Grantor~~S~~); do hereby grant to KEYSTONE PIPE LINE COMPANY, a Pennsylvania Corporation, (hereinafter called the Company), its successors and assigns, the right to lay an eight or less inch pipe line, and maintain, operate, repair and remove said lines along a line which has been surveyed for the same over and through our land situate in West Goshen Twp. Chester County, State of Pennsylvania, bounded and described as follows:

The premises above referred to being the same lands and premises described in a certain deed from John J. Gheen, as surviving Executor of Ella Gheen and Rufus C. Gheen, to the said Michael Laffey, dated April 4, 1905, and recorded in the Recorder's Office of Chester County, April 4, 1905, in Deed Book V-12, Vol. 293, page 316; said premises containing about 72 acres of land.

with the right of ingress, egress and regress to and from the same, the said Grantor~~S~~ to fully use and enjoy the said premises, except for the purposes hereinbefore granted to the said Company, and said Company to pay any damages which may arise to crops and fences from the laying, maintaining and operating said pipe line~~S~~; said damages if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the said Grantor~~S~~, heirs or assigns, one by the Company, its successors or assigns, and the third by the two appointed as aforesaid, and the award of such three persons shall be final and conclusive. And it is hereby further agreed, that the said Company, its successors and assigns, may at any time lay, maintain, operate, repair and remove a second line of pipe alongside of the first line as herein provided, upon the payment of a like consideration, and subject to the same conditions; also may change the size of its pipes, the damages, if any, to crops and surface in making such change to be paid by the Company.

It is hereby further mutually understood and agreed by and between the parties hereto that the right-of-way herein and hereby granted extends in a northerly and southerly direction, and in and along the westerly side of the highway known as Ship Road; the said right-of-way commencing at the northerly line of grantors' premises, and extending upon, over and across the same to the southerly line thereof, a distance of about 2830 feet, more or less, and that the center line of said right-of-way is the center line of the pipe line as now constructed thereon, and that said right-of-way is entirely within said Ship Road as now laid out and located.

IN WITNESS WHEREOF, the Grantor~~S~~, set their hands and seal~~S~~ this 3rd day of November A. D. 1932.

Signed, sealed and delivered in the presence of  
*Raymond M. Hemen*  
*Frank L. Smith*

*Michael Laffey* (SEAL)  
*Alice R. Laffey* (SEAL)  
(SEAL)





COMMONWEALTH OF PENNSYLVANIA,

COUNTY OF CHESTER

ss.

On this 3<sup>d</sup> day of November A. D. 1932 before me personally came the within named Michael Laffey and Alice R. Laffey, and acknowledged the foregoing indenture to be their act and deed, and desired the same to be recorded as such.

Witness my hand and official seal the day and year aforesaid.

(SEAL)

Raymond M. Heald  
Notary Public  
Commission Expires  
March 31-1935

2444  
Entered  
Nov. 7-1932

No. ....	Line No. ....
Series .....	
RIGHT OF WAY	
From	To
Michael Laffey & wife	KEYSTONE PIPE LINE COMPANY
Line .....	Rods .....
Length .....	Ent. J. L. F. ....
	R. of W. Dept. ....
Voucher No. ....	Sub. No. ....
	Statement No. ....

*Charles H. ...*

Recorded in the Office for Recording of Deeds, &c. in and  
Chester County, Pennsylvania, in  
Misc. deed  
No. 57  
Page 341  
\$0.  
Attest my hand & Seal of Office this 7th day of  
November 1932  
day of ... Anno Domini.

# Exhibit Casey 2



Tom Casey &lt;tomcasey228@gmail.com&gt;

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**Tom Casey's Concerns**

7 messages

**Lisa Rampy** <lisa.rampy@percheronllc.com>

Thu, Sep 17, 2015 at 6:01 PM

To: "tomcasey228@gmail.com" &lt;tomcasey228@gmail.com&gt;

Cc: Shannon Gwin &lt;shannon.gwin@percheronllc.com&gt;, "MITCHELL, BART L" &lt;BLMITCHELL@sunocologistics.com&gt;, "MCMILLIN, KAREN R" &lt;KRMCMILLIN@sunocologistics.com&gt;

Mr. Casey,

Per our conversation a few minutes ago. I told you of my findings on our tracts report. Your name does come up in our system but it shows you are offline. After speaking to you a little more in depth, you are pretty convinced that you have to be affected by the proposed Sunoco pipeline.

Therefore, I am going to do further research on this matter. After I speak to our engineers about your tract at Windsor Rd. and Boot Rd. I will be back in touch with you right away.

Thank you for your patience while I continue to research your tract information.

Lisa Nicole Rampy

Land Supervisor I Percheron Field Services

o. 717-208-7735 | c.713-292-7601

[lisa.rampy@percheronllc.com](mailto:lisa.rampy@percheronllc.com)

CONFIDENTIALITY NOTE: This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

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**Lisa Rampy** <lisa.rampy@percheronllc.com>

Fri, Sep 18, 2015 at 7:01 PM

To: "tomcasey228@gmail.com" &lt;tomcasey228@gmail.com&gt;

Cc: Shannon Gwin &lt;shannon.gwin@percheronllc.com&gt;, "MITCHELL, BART L" &lt;BLMITCHELL@sunocologistics.com&gt;, "MCMILLIN, KAREN R" &lt;KRMCMILLIN@sunocologistics.com&gt;

Mr. Casey,

I received confirmation from the engineers that your tract is indeed offline. By 1.5 ft to 3 ft depending on where you are on the property. Therefore, your property is not being affected.

Thank you for the inquiry and let me know if you have any other questions or concerns.

Thank you,

Lisa Nicole Rampy

Land Supervisor I Percheron Field Services

o. 717-208-7735 | c.713-292-7601

[lisa.rampy@percheronllc.com](mailto:lisa.rampy@percheronllc.com)

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**From:** Lisa Rampy  
**Sent:** Thursday, September 17, 2015 6:01 PM  
**To:** [tomcasey228@gmail.com](mailto:tomcasey228@gmail.com)  
**Cc:** Shannon Gwin; MITCHELL, BART L; MCMILLIN, KAREN R  
**Subject:** Tom Casey's Concerns

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[Quoted text hidden]

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**MCMILLIN, KAREN R** <[KRMCMILLIN@sunocologistics.com](mailto:KRMCMILLIN@sunocologistics.com)> Sat, Sep 19, 2015 at 7:53 AM  
To: Lisa Rampy <[lisa.rampy@percheronllc.com](mailto:lisa.rampy@percheronllc.com)>  
Cc: "tomcasey228@gmail.com" <[tomcasey228@gmail.com](mailto:tomcasey228@gmail.com)>, Shannon Gwin <[shannon.gwin@percheronllc.com](mailto:shannon.gwin@percheronllc.com)>, "MITCHELL, BART L" <[BLMITCHELL@sunocologistics.com](mailto:BLMITCHELL@sunocologistics.com)>

All,

We need to discuss Chester and Delaware counties Monday. Please don't respond to Tom Casey any further. Let me know your availability.

Sent from my iPhone

[Quoted text hidden]

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**Tom Casey** <[tomcasey228@gmail.com](mailto:tomcasey228@gmail.com)> Thu, Sep 24, 2015 at 2:27 PM  
To: "MCMILLIN, KAREN R" <[KRMCMILLIN@sunocologistics.com](mailto:KRMCMILLIN@sunocologistics.com)>  
Cc: Lisa Rampy <[lisa.rampy@percheronllc.com](mailto:lisa.rampy@percheronllc.com)>, Shannon Gwin <[shannon.gwin@percheronllc.com](mailto:shannon.gwin@percheronllc.com)>, "MITCHELL, BART L" <[BLMITCHELL@sunocologistics.com](mailto:BLMITCHELL@sunocologistics.com)>

All,

Ms. McMillin as the Director of Right of Way for Sunoco Logistics I am not sure why you would instruct land agents and Sunoco personnel to not talk to a landowner about an issue with their property and the impacting Mariner 2 & 3 pipelines. Sunoco Logistics has stated many times that they want to work with landowners and are trying to be good neighbors.

"Our pipelines and pump stations are designed to be safe and to minimize quality-of-life impacts on the local community. **We will continue to work with individual property owners and municipalities in this cooperative spirit as we develop the Mariner East project.**" (Jeff Shields, The Sentinel guest column, Cumberlink.com Jan. 10th, 2015)

My request for information about the location of your pipes and easements is a legitimate concern to not only me but my neighbors as well. Please have someone contact me with the information that I originally requested about the location of the new pipes, easements, and authority by which your company believes it can overlap the existing Mariner 1 ROW on my property without contacting me first.

Also, I am requesting a copy of the Final Order granted to your company by the PA Public Utility Commission giving you the authority to use eminent domain status for the Mariner 2/3 (PA Pipeline) project. As a stated public utility corporation this request would fall under the right-to-know law for Pennsylvania. I look forward to your response within the next 5 days.

Sincerely,  
Tom Casey  
[Quoted text hidden]

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**Tom Casey** <tomcasey228@gmail.com>  
To: Tom Casey <tomcasey228@gmail.com>

Sat, Dec 15, 2018 at 12:43 PM

[Quoted text hidden]

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**Tom Casey** <tomcasey228@gmail.com>  
To: rightofway@sunocologistics.com, TLHoffman@sunocologistics.com, SXLdesignreviews@sunocologistics.com, ivana.wolfe@energytransfer.com

Sat, Dec 15, 2018 at 3:10 PM

To whom it may concern:

I am not sure exactly who may now be responsible for dealing with ROW issues with your company. I am forwarding you my previous communications with your company as information to review.

It has now been three years since I asked for this information from your company. With all the problems and changes that your company now has, I would still like to know what the plan is regarding the 8", 12", 16", and 20" pipelines for the area along my property boundaries. It would also appear that your company has acquired additional rights-of-way from my neighbors which angles unto the boundary into my property. This would extend beyond the existing agreement with your company from 1931. No flags or markers are to be placed outside of the agreed boundary on my property. I have tried continuously to get your company to give me information through emails, phone calls, and in person discussions.

I want information regarding the plans for my property:

- Exactly where the pipelines are located (8"&12") on my property.
- Exactly where the new (16"&20") pipelines will be located along the Boot Road ROW.
- The section of the segmented risk assessment for my specific zone that was performed for the Integrity Management Plan on file for the Mariner East project for the 8" & 12" pipeline that clearly demonstrates that the -850 millivolts for corrosion control are met. (This assessment should account for all variables with regards to existing non-Sunoco related infrastructure)
- The section of the segmented risk assessment for my specific zone that was performed for the Integrity Management Plan on file for the Mariner East project for the 16" & 20" pipeline that clearly demonstrates that the -850 millivolts for corrosion control will be met.
- And any other pertinent information regarding my property that your company may have.

I would like a response to this email as soon as possible. The PA PUC has filed allegations that your company has not provided accurate information in direct violation of federal codes. This is the reason for my renewed interest in getting my requested information from you.

Sincerely,  
Thomas Casey  
1113 Windsor Drive  
West Chester, PA 19380  
484-678-4901 cell

----- Forwarded message -----  
From: **Tom Casey** <tomcasey228@gmail.com>  
[Quoted text hidden]  
[Quoted text hidden]

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**Wolfe, Ivana L (Contractor)** <Ivana.Wolfe@energytransfer.com>  
To: Tom Casey <tomcasey228@gmail.com>

Mon, Dec 17, 2018 at 1:24 PM

Mr. Casey - thank you for reaching out.

As you may already know, the Mariner East 2 16-inch and 20-inch pipelines will be constructed under Boot Road in West Goshen Township, outside of your property boundaries. I have attached a map of West Goshen that had been shared with the township. The existing 8-inch and 12-inch pipelines in your proximity are also within the road's Right of Way. If you would like to do so, you can call 811 to place a design one-call and the pipeline operations group can mark out any of the existing pipes on your property.

The company's Integrity Management plans follow the DOT CFR 195 regulations; however, those are not publicly available. I have attached two handouts that summarize the CFR 195 requirements and how the company goes above and beyond. I also refer you to the pipeline integrity page on the company's website

at [www.energytransfer.com](http://www.energytransfer.com) or the annual reports on PHMSA's website.

Ivana Wolfe

Community Relations

Mariner East 2 - PPP6

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**From:** Tom Casey <[tomcasey228@gmail.com](mailto:tomcasey228@gmail.com)>

**Sent:** Saturday, December 15, 2018 3:10 PM

**To:** RIGHT OF WAY; Hoffman, Tracy L; Mailbox, Encroachments; Wolfe, Ivana L (Contractor)

[Quoted text hidden]

[Quoted text hidden]

Private and confidential as detailed [here](#). If you cannot access hyperlink, please e-mail sender.

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**3 attachments**



**ME2 Above and Beyond 2-5-18.pdf**

688K



**Pipeline-Operations-and-Safety-Overview-10-5-17-8.5x11.pdf**

958K



**PPP - West Goshen Township.pdf**

6300K



Tom Casey &lt;tomcasey228@gmail.com&gt;

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**Pipeline route information request**

1 message

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**Tom Casey** <tomcasey228@gmail.com>  
To: Lisa Rampy <lisa.rampy@percheronllc.com>

Thu, Jan 12, 2017 at 1:32 PM

Ms. Rampy,

As per our conversation today, I would like to see the exact position for the Mariner 2/3 pipeline project. Your company's previous position was that the pipes are not on my property located at 1113 Windsor Drive. At last night's West Goshen Twp meeting it was stated by the township special counsel and safety expert that the route places the second line on the other side of the 8" Mariner 1 line. Your position this morning was this is untrue. Please get me the information so that I may review what is actually true.

Thanks,  
Tom Casey

This email went  
unanswered in Jan. 2017