



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

IN REPLY PLEASE  
REFER TO OUR FILE

December 27, 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 Petition to Withdraw Intervention)**

Dear Secretary Chiavetta:

Enclosed for electronic filing pursuant to 52 Pa. Code § 5.94, please find the Petition to Withdraw 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,

A handwritten signature in black ink that reads "M. Swindler".

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.	:	

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**PETITION TO WITHDRAW INTERVENTION OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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Pursuant to 52 Pa. Code §§ 5.94(a), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby files this Petition to Withdraw its Intervention in the above-captioned proceeding. In support thereof, I&E states as follows:

1. 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 Commission held a final hearing on the above-docketed complaint and entered an appropriate order.

2. 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.

3. Sunoco's Answer included Section E titled, "The 12-inch pipeline is safe, as the Commission's Bureau of Investigation and Enforcement has acknowledged." Answer at page 8. In this section of its Answer, Respondent summarized the numerous inspections conducted by I&E's engineers "to ensure compliance with the federal and state codes." *Id.* The bulk of the information relied upon by Sunoco is set forth in a letter from Mr. Paul Metro, Chief of I&E's Safety Division, dated November 1, 2018 ("Metro letter"), which was prepared in response to a joint letter from the Superintendents of three school districts in Chester and Delaware Counties dated October 23, 2018 concerning questions regarding the ME2 pipeline project. The Metro letter was attached to Sunoco's Answer as Attachment A.

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

5. 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").

6. The denial of relief by interim emergency order in the consolidated proceedings at the above dockets was certified to the Commission as a material question requiring interlocutory review. Pursuant to 52 Pa. Code § 5.305(c), briefs could be submitted by each party directed to the Commission addressing the merits of the question

for which an answer is requested within seven (7) days of the ALJ's issuance of an order that certified a material question to the Commission, or on or before December 18, 2018.

7. On December 18, 2018, I&E filed a Notice of Intervention in this matter. I&E, as a statutory party, may intervene in Commission proceedings as of right and at any time, pursuant to 52 Pa. Code §§ 5.72(b) and 5.74(b)(4). The limited purpose of I&E's intervention was to enable I&E to file a brief to clarify what I&E deemed to be a "mischaracterization" of I&E's position regarding the status of Sunoco's Mariner East pipelines.

8. On December 18, 2018, I&E filed a Brief pursuant to Section 5.305(c) of the Commission's regulations, 52 Pa. Code § 5.305(c), taking issue with the heading to Section E on page 8 of Respondent's Answer to Petitioners' Petition.

9. On December 19, 2018, Respondent filed a letter at the above consolidated dockets in response to the Brief of the Bureau of Investigation and Enforcement on Certification of Material Question. In its letter, Sunoco stated that it "regrets any confusion that may have been created relating to the Metro letter." Sunoco's letter continued, "to avoid any confusion, the Answer will be amended to remove the characterization of the Metro letter from the heading."

10. On December 19, 2018, Respondent filed the aforementioned amended pleading at Docket No. P-2018-3006117, titled "Sunoco Pipeline L.P.'s Amended Answer to Petition for Emergency Relief." Therein, Sunoco amended the heading to Section E on page 8 of its Answer from "The 12-inch pipeline is safe, as the

Commission's Bureau of Investigation and Enforcement has acknowledged" to "The 12-inch pipeline is safe."

11. Given the filing by Respondent of an Amended Answer curing the mischaracterization alleged by I&E, the limited purpose of I&E's intervention in this proceeding has been achieved. I&E's Petition to withdraw its intervention is without prejudice to any future I&E position in this or any other future proceedings.

WHEREFORE, the Bureau of Investigation and Enforcement respectfully requests that its Petition to Withdraw its Intervention in the above consolidated matter be granted.

Respectfully submitted,



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

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Date: December 27, 2018

Meghan Flynn	:	
Rosemary Fuller	:	
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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).

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Dated: December 27, 2018