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February 12, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North St, Filing Room
Harrisburg, PA 17120

Re: REBECCA BRITTON v. Sunoco Pipeline L.P.; Docket No. C-2019-3006898
Response To SPLP's Answer and New Matter

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Rebecca Britton's Response to Answer and New Matter.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink that reads "Rebecca Britton". The signature is written in a cursive, flowing style.

Rebecca Britton *pro se*

BEFORE THE PUBLIC UTILITY COMMISSION

REBECCA BRITTON :
Complainant, :
V. : Docket No. C-2019-3006898
SUNOCO PIPELINE L.P. :
Respondent. :

RESPONSE TO SUNOCO PIPELINE L.P.’S ANSWER AND NEW MATTER

I, Rebecca Britton (the Complainant), respectfully file this answer in accordance with 52 Pa Code Section 5.61 as follows.

- A. No further response required.
- B. If, Your Honor, requests I can provide a copy of my current land tax bill, PA state issued license, or current utility bills; to offer as evidence of my place of residence.
- C. Admitted place of business for SPLP; relationship to parents company and place of principal business in Texas. To vague to form a response to the rest.
- D. No Further Response Required.
- E. No Further Response Required.
- F. No Further Response Required.
- G. I live where I say I do. I was not aware of the Enterprise pipeline until recently when I found out that Range Resources was transporting materials in this line. This is immaterial

because PA PUC does not regulate; lack of jurisdiction. If, Your Honor, wishes I will provide proof of my children's attendance in school and grade levels. A reasonable search through exhibits would have proven this is my water reservoir and it is later admitted by Respondent in this Answer that the reservoir supplies Chester County. My family spends their time as outlined in my 'Response to Preliminary Objections'. *Mrs.* Britton is a well regarded member of her community. I prefer the term 'community advocate for safety' over 'outspoken anti-pipeline/anti-gas activist'. I 'was' a stay at home mother, making crafts with my children, until I was forced to educate myself on the project. Uwchlan Safety is a community organization with over 5,000 members. Any statements made on social media by Uwchlan Safety are *protected speech*. If, Your Honor, feels it would deny me a fair trial before the Commission by creating prejudice than I would yield to the court's discretion. SPLP alleges the statements are made by me on social media; and, this is denied. Community organizations are not run like SPLP; a corporation. There is no corporate structure with defined roles and job titles. Community organizations take votes, have a revolving active leadership, and multiple administrators of social media over time, and, at any one time. We are volunteers comprised of mothers, fathers, and grandparents that love our community. We describe the group on twitter as, "a grassroots, bipartisan assembly of concerned citizens dedicated to engaging our community and legislators on the dangers of the Mariner East project". Any public statements made by me, *personally*, I will stand behind. The rest of this paragraph is too vague for me to form a response or is conclusions of law.

H. LNG is not NGL's; the terms are not synonyms. It is denied that significant development has taken place near the pipeline since December 2014. My house, and all the

houses in my development have been here since the 1950's and 1960's. IF, there are locations in other geographical regions that are still experiencing development, then, SPLP can look to their inadequate public awareness programs to understand why. Everything else in this paragraph is a conclusion of law or the allegations are too vague for me to respond to.

I. Conclusions of law no further response required.

J. No further response required..

K. Matters of public record should be admissible to the courts. SPLP was happy to use BI&E's statements and reports when they are in SPLP's perceived favor. I would hope the Commission takes the issue raised and statements made by the experts at BI&E with *grave* concern.

L. Formal complaint by BI&E raises issues *of* statewide concern, the complaint speaks for itself. Allegations are unsupported by evidence that engineering practices are different. The study conducted by West Goshen Township was only relevant to the issues in that geographical region, and limited to the parameters and scope as defined and ordered by Township. The alleged expert did not look at valve location near DASD schools nor possible damages to life and property there, *it*, should be stricken. Everything else in this paragraph requires no further response.

M. The letter speaks for *itself*. No further response is required.

N. Denied in all its parts.

1. There is no odorant.

2. Conclusion of law no response required.

3. I am sure counsel has access to the Mariner East Pipeline Route Maps and IMP to figure it out. Everything else in this paragraph is either too vague to understand or a conclusions of law and no further response is required.

4. Please see Exhibit 2 of my complaint, areas to be evacuated by SPLP 8 inch pipeline in Sarnia ON, Canada. SPLP admits before the courts that SPLP only informs residents within a 1,000 feet. The other parts of this paragraph are to vague for me to form an opinion on or are conclusions of law and no further response is required.

5. Conclusion of law. No further response required.

6. Conclusion of law. See paragraph H, I do not own an easement and did not ‘voluntarily’ accept this risk; furthermore, I had to do my own research on the subject to learn about the difference between home heating oil and other relatively benign environmental hazards and NGL’s. Your Honor, should consider the following in regards to ‘involuntary risk’ vs. ‘voluntary’. This is common case law and so reasonable judgment based on common knowledge should help the courts decide how ‘*involuntary*’ should be defined here. The question whether workers exposed to cancer risks are voluntarily or involuntarily so exposed. If workers do not know about such risks—if they lack relevant information—we seem to have an easy case of *involuntariness*. Thus it makes sense to say, that, risks are run involuntarily when the people at risks of them do not know about them. Lack of adequate information provides a legitimate case for a judgment of *involuntary* exposure to risk. I do not state ‘involuntary risk’ on behalf of county. I offer evidence in the support of my complaint to demonstrate this. Furthermore, county’s knowledge effects their ability to plan; and, therefore my ability to be ‘safe’.

Everything else in this paragraph is allegations and conclusions of law unsupported by facts. No further response required.

7. Conclusions of law. No further response required.

8. No further response required.

9. SPLP's facilities need to be operated in a safe, adequate, and reasonable manner.

That is the only material question(s) before the court; and it is the only question PA PUC can rule on.

10. Conclusion of law no further response required. What is the smell I should be looking for? I cannot depend on sight should a leak occur. I cannot depend on sound to detect a leak.

11. No further response required.

12. Conclusions of law no further response required.

13. Conclusions of law no further response required. *See* response to preliminary objections for some of the places my kids play currently at ages 6 and 9.

14. Conclusions of law no further response required.

15. Complaint specified that waters qualify for exceptional value and exhibit was a petition to prove there of. Everything else is denied as a conclusion of law and no further response is required.

16. Complaint said that the "Twin Oaks to Icedale Line" was 730 feet to the dam. Complaint says this line is certificated through the PA PUC as part of the Mariner East system and therefore can be converted at anytime. Dam protects water levels for the region, as it is a water reservoir for Chester County; and, therefore *is my water reservoir*.

17. It is the closest state park to my home, it is an unusually sensitive area.

Everything else in this portion of answer is denied no further response is required.

18. No further response required.

19. No further response required.

20. No further response required.

21. No further response required.

22. No further response required.

23. No further response required.

24. No further response required.

25. Respondent just averred same facts are true in 16 and 17 of this response.

Respondent classifies this DEP application brought forth as Exhibit 7 as a vague and ambiguous, this is denied, the document speaks for *itself*.

26. Allegations are unsupported by evidence, no further response required.

27. Denied the allegations are too vague to form a response. The remainder of this paragraph requires no further response.

28. No further response required. *IF* Respondent was more clear about ‘what’ exactly was ambiguous I would have clarified. A release in my reservoir and local state park would certainly have a negative effect on my home values, common sense.

29. If SPLP has permits issued that looks at release during operations, documented study of release during operations; and requisite mitigation plans for clean up then they should produce them now. The permits I found are too vague to understand the effects to my watershed. Everything else in the paragraph is denied as conclusions of law.

30. Statements are either vague or unsupported by evidence to satisfy. Everything else in this paragraph is a conclusion of law and no further response is required.

31. Complainant does not need to experience harm prior to being heard before the commission. Everything else requires no further response; conclusions of law.

32. I am speaking of the valve at Dorlan Mill Road. Everything else is a conclusion of law; and, *see* response to preliminary objections.

33. No further response required.

34. No further response required.

35. No further response required.

36. A reasonable search would have concluded with Respondent performing a Right To Know to see, if, a new plan exists. The rest of this paragraph is conclusions of law and no further response required.

37. No further response required.

38. SPLP continually alleges “vague statements”. I might not be a lawyer, but, isn't' this Respondent's opportunity to get clarification? I am not sure of what is ‘vague’ to give a reasonable answer. Everything is conclusions of law no further response required.

39. Mariner East is in Chester County and it is a high consequence area. Exhibit 13 does speak for itself and Respondent should consult their IMP to determine what the potential loss to life and property and subsequent financial impacts are here. Since SPLP's public awareness program is so inadequate I am also unsure of “possible risks and subsequent losses to life and property; that is why I am asking PA PUC to rule adequacy and reasonableness. Everything else in this paragraph is a conclusion of law or to vague to formulate a response.

40. No further response required.

41. No further response required.

42. No further response required.

43. No further response required.

44. No further response required.

45. No further response required.

46. Jobs and economic gain should not come at the cost of the health, welfare and safety of Pennsylvanians. Everything else in this paragraph is a conclusion of law and no further response is required.

47. If this pipeline was routed through a non populated area then they would not have to worry about complaints like mine seeking relief 1-16 of my complaint. Conclusions of law no further response required.

48. No response required.

49. See my answers to preliminary objections, complaint, and supportive evidence. Everything else in this paragraph is denied because it is too vague to form a response to or it is a conclusion of law.

Answers to New Matter

50. **Denied.** This entire response and new matter should be stricken in its entirety for failure of a pleading with the inclusion of scandalous or impertinent matter, insufficient specificity of a pleading and legal insufficiency of a pleading. Portions also fail to admit or deny

specifically all material allegations of the complaint. Alternatively, Respondent fails to state concisely the facts and matters of law relied upon and did not satisfy complaint.

51. **Denied.** Conclusions of law. **Denied.** Commission is only being asked to rule PA Title 66 Section 1501 and 52 Pa Code 59.33. **Denied.** There is no collateral attack. How many lawyers does it take to get some documents to support SPLP's Mariner East system is safe, adequate and reasonable; and present them to the Complainant and, Your Honor, and satisfy this claim? I could not have expected 7 lawyers and no satisfaction. If this matter is costly to SPLP to adjudicate then this was not my intent. **Denied.** Everything else is denied as conclusions of law and unsupportive facts to make claims; *see*, answers to preliminary objections. **Denied.** Complainant does have standing. **Denied.** Complainant does have standing to bring forth issues related to BI&E Complaint *see*, Your Honors, response in DiBernardino v. SPLP ruling; pipelines are continuous. Alternatively, Uwchlan Township residents are not being fully heard in this matter; and, there are issues of *statewide concern* averred. **Denied.** There are no federal preemptions. When CFR 49 was adopted by the PA PUC this was considered the minimum safety standards.¹ **Denied.** Estoppel defense cannot be used here there are different material matters and jurisdictional matters before the court in my complaint. **Denied.** Laches cannot be used because of involuntariness of this hazard as defined in paragraph 6 in this response. No further responses required in other parts of this paragraph; *see* preliminary objections.

52. **Denied.** *Id.* PA Title 66 Section 1501; and moreover, 52 Pa. Code 59.33. Furthermore, Feingold v. Bell of Pennsylvania 477 Pa. 1 (1977) 383 A.2d 791 This Court recognized and applied the general rule requiring a petitioner to exhaust all available

¹ https://www.pabulletin.com/secure/data/vol42/42-38/42_38_rr.pdf

administrative remedies before seeking judicial redress for an alleged wrongdoing by a public utility.

53. **Denied.** A party need not wait to experience harm before its position may be fully heard in a proceeding before the Commission. See, *Lehigh Valley Power Committee v. Pa. PUC*, 593 A.2d 1333, 1336-1337 (Pa. Cmwlth. 1991). Everything else in this paragraph is a conclusion of law.

54. **Denied.** Conclusions of law that SPLP is in compliance with federal guidelines. **Denied.** PA Code 52.33 (b) says,...”Commission’s regulations with regard to the *minimum* safety standards for all natural gas and hazardous liquid public utilities”. Federal Guidelines dictate that commission can go above and beyond as well; CFR 195.402 (b) The Associate Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.206 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. **Denied.** Everything else in this paragraph is a conclusion of law and no response is required.

55. **Denied.** Conclusions of law no further response required.

56. **Denied.** SPLP does have requirements to work with the state to create emergency preparedness and public awareness under CFR 195. *See* Complaint. **Denied.** PA PUC has requirements to rule Title 66 Section 1501, Code 52 59.33.

57. **Denied.** The Dinniman Case was never fully heard and is tied up in Commonwealth courts over standing. Alternatively, the Dinniman case did not aver concerns for Title 35 violations.

58. **Denied.** My complaint is *not* a collateral attack; it is an attempt to protect my children lives from unmitigated risk. I am within my rights to file, as the filing is *pro se* before the Public Utility Commission. **Denied.** Everything else in this paragraph is a conclusion of law and requires no further response.

59. **Denied.** Everything in my complaint relates to my geographic regions. *See* response to preliminary objections.

60. **Denied.** SPLP has an obligation to comply with state laws. The Commission does have jurisdiction Title 66 1501, 52 Pa Code 59.33, and case law above. If SPLP has study, materials, permits etc to prove adequacy of service they should produce them now for, Your Honors, review.

61. **Denied.** The Commission does not need express jurisdiction to enforce the laws averred violated by SPLP. This court should not hamper ‘itself’ with determining *how* averred violations occurred; nor, who is at “fault” criminally or otherwise. The Commission need only rule on Title 66 1501, PA code 52 59.33; those powers it has jurisdiction over.

62. **Denied.** The Commission need only rule PA Title 66 Section 1501 and 52 Pa Code 59.33. The Commission does not have powers to enforce; nor, am I asking in my relief for enforcement that should be undertaken by those other agencies.

63. **Denied.** Involuntary exposure to *risk* means those at risk “didn’t know” they were. I think supportive evidence will show, “laches’ defense should be barred. The

Complainant asserts that the laches defense cannot be enforced because it is unconscionable to leave this pipeline here. A contract or any term in a contract is enforceable if it is “unconscionable.” Your Honor, may find the contract to be unconscionable if (1) the Respondent had significantly greater bargaining power than the Complainant and that difference in power caused the Complainant to assume risks unwillingly and not being fully aware of its terms and (2) the risk is so unreasonable that no sensible person would agree to its terms. Alternatively, (1) The Respondent should be required to act with reasonable promptness and in good faith and to do all that was reasonable under the circumstances to try to avoid or minimize the resulting loss or harm. *If* the plaintiff fulfilled this requirement, the result would have been adequate study and resulting permits; *see* sections on Water Resources of my complain; adequate Public Awareness Programs and early warning system(s). It should be **denied** that my rights to the right relief sought should not be realized. Respondents efforts to comply with state laws were unsuccessful; and it now appears that some or all of the loss or harm Respondent may suffer; in having to move this pipeline, could have been avoided by steps SPLP did not take.

(2) The Respondent was not required to do things that were impractical or to take risks or make efforts or expenditures that were unreasonable or large in view of the loss or harm to be avoided. The Respondent was also not required to go to unusual or extraordinary lengths to avoid or minimize damages or to do things it was unable to do. (3) The Respondent was not required to assume the burden of doing anything other than providing safe, reasonable and adequate service.

Wherefore, I, Rebecca Britton *pro se*, respectfully request the issues raised in SPLP's New Matter is denied. I *plea* the court my complaint move forward in a timely manner with no more collateral attacks.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca Britton". The signature is written in a cursive, flowing style.

Rebecca Britton

February 12, 2019

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 1.54 (relating to service by a party).

This document has been filed via electronic filing:

VIA ELECTRONIC FILING

Pennsylvania Public Utility Commission
efiling system

Thomas J. Sniscak, Esq
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Rebecca Britton
211 Andover Drive
Exton, PA. 19341

Dated: February 12, 2019

VERIFICATION

I, Rebecca Britton, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

A handwritten signature in black ink that reads "Rebecca Britton". The signature is written in a cursive style with a large initial 'R' and 'B'.

Rebecca Britton

February 12, 2019