

Laura Obenski
14 S Village Avenue
Exton, PA 19341

Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 265
Harrisburg, PA 17105-3265

February 20, 2019

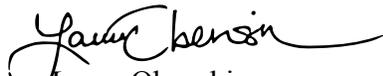
Re: Laura Obenski v. Sunoco Pipeline L.P., #C-2019-3006905
Obenski Response to Preliminary Objections to Formal Complaint

Dear Secretary Chiavetta,

Enclosed for filing with the Pennsylvania Public Utility Commission, please find my response to Sunoco's Preliminary Objections in the above referenced proceeding.

Additionally, as a pro se complainant I was unaware that the mere unspecific reference to the existence of documents required attachment to my complaint. If possible, in alternative of striking paragraph 21 of the formal complaint as requested by respondent, please see 'Exhibit A' and 'Exhibit B' attached to my response as a citation for the sentence in question in paragraph 21.

Regards,


Laura Obenski, *pro se*

Attachment
cc: Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

LAURA OBENSKI
Complainant

v.

SUNOCO PIPELINE L.P.
Respondent

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DOCKET #C-2019-3006905

**RESPONSE IN OPPOSITION
TO PRELIMINARY OBJECTIONS TO COMPLAINANT’S
FORMAL COMPLAINT**

I, Laura Obenski, having been served with the Preliminary Objections of Sunoco L.P. (“Sunoco”) to the Formal Complaint, respectfully file this response in opposition to the Preliminary Objections to my Formal Complaint, pursuant to 52 Pa. Code § 5.101.

I. INTRODUCTION

1. Denied. I do not claim to be an expert in pipeline safety, risk, public awareness, or pipeline siting, nor do my concerns as an affected community member, especially regarding my personal safety and that of my children, require expert verification in order to bring a complaint before the Commission.

2. Denied. Sunoco has mischaracterized the inclusion of state law throughout my complaint as a request for the Commission to exert authority over agencies outside it’s jurisdiction. Sunoco claims I asserted there are violations of state law outside the Commission’s jurisdiction by non-public utilities, such as political subdivisions, schools, and emergency response agencies. I made no such allegations. The inclusion of these instances of state law is merely a reference to demonstrate the burden of the Commonwealth’s requirements and duty to protect the safety of the public, and referenced with the sole intention of demonstrating what a public utility’s requirement to provide “safe and reasonable” service might encompass under 66 Pa C.S. § 1601. At no point do I request relief be applied to any entity other than Sunoco.

3. Denied. I do not claim to speak on behalf of other individuals, schools or entities. My two minor children, aged 7 and 11, are *current* students at an affected facility, the Lionville Elementary School, and in the *immediate* future (8 months from now) will attend the Marsh Creek 6th Grade Center, and then matriculate on to the Lionville Middle School and the Downingtown East High School. I have an immediate, direct, and substantial interest in the safety of my children while they are attending public school at these facilities. Furthermore, *all* the school

locations discussed in my complaint are within Uwchlan Township, which is my immediate community. Even without a reasonable investigation, one would realize these public facilities, which I contribute to financially as a taxpayer, are prominent locations within the community for the explicit purpose of education, recreation, and community use. As such, Complaint paragraphs 1, 8, 19, 25, 29, 31, 35-38, 40, 42-44, and the Relief Requested II-IV should remain.

4. Denied. A non-specific reference to the existence of multiple studies on a broad matter in no way means my argument “relies on” the information contained within those documents.

II. ARGUMENT

A. Legal Standard

- 5. No response necessary.
- 6. No response necessary.

B. Preliminary Objections Warranting Complete Dismissal

1. Preliminary Objection 1: Alleged Non-compliance of Rules

7. Denied. Sunoco improperly implies the basis of my complaint as “technical conclusions” which require expert verification. Paragraph #9 of the formal complaint specifically references another complaint before the Commission, referenced by docket number, which was required to be submitted with a signed affidavit/verification and was subsequently accepted by the Commission.

8. Denied. It is true that I am a layperson and not an expert in pipeline safety, however it is explicitly denied that all allegations in my complaint consist of ‘technical conclusions’ and therefore require expert verification in order to be heard before the Commission. 52 Pa. Code §5.21(a) states “*A person complaining of an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission, may file a formal complaint with the Commission.*”

9. Denied. Conclusion of law that requires no response.

C. In the alternative, Portions of the Complaint should be stricken

2. Preliminary Objection 2: Alleged Lack of Jurisdiction

10. Denied. Sunoco claims I have alleged violations of law over which the Commission does not have jurisdiction that non-public utilities allegedly violated. This is a mischaracterization of the basis of my complaint. I have asked the

Commission, pursuant to 66 Pa C.S. § 1501, to determine if the service provided by Sunoco is 'reasonable, adequate, and safe'. Any law outside the Commission's jurisdiction that was included in my complaint is simply a reference to the standards of how 'safety' is defined and applied within the Commonwealth. In no way have I asked the Commission to enforce these laws upon entities, such as emergency response agencies, that are outside their jurisdiction.

11. Denied. It may be accurate that the Commission "only has the power to entertain complaints by third parties against public utilities", however Sunoco has mischaracterized my complaint as requesting action by the Commission against any entity other than Sunoco, which is simply factually incorrect.

12. Denied in that this is relevant to complaint, as I did not request Commission to assert jurisdiction over activities of entities other than Sunoco, or enforce laws outside the jurisdiction of the Commission.

13. Denied. While Sunoco does not 'control' the processes, decisions, and management of emergency response agencies, the relationship and communication between Sunoco and emergency response agencies is an incredibly important factor in decisions that have an immediate affect on public safety, which includes the safety of myself and my family, and should be taken into considered by the Commission.

14. Denied. I have not requested the Commission exert authority over any entities other than Sunoco.

3. Preliminary Objection 3: Alleged Lack of Standing

15. Denied. ALL of the allegations in my complaint relating to my residence and the public school facilities in DASD relate to Uwchlan Township. In addition to the close geographical location of my residence to the Mariner East easement (approximately 728 feet), the public school my children *currently and actively* attend, Lionville Elementary School, is approximately 1250 feet from the right-of way, and within 0.8 miles of my residence. The Lionville Middle School is also in close proximity to my home, approximately 0.37 miles from my residence. The Marsh Creek Sixth Grade Center is not in 'immediate proximity' of my residence, however it is within Uwchlan Township and my daughter will be attending there in the immediate future (this year). Located on the same campus as the Lionville Elementary School is the Downingtown East High School, where my children will also attend.

16. Denied. See #3 above. Additionally, aside from being an affected community member myself, I am a mother tasked with caring for my two children. I am not sure you could define 'direct, immediate, and substantial interest' more thoroughly than to invoke the duty of a parent to provide and ensure the safety of their children, especially in the confines of their immediate community.

17. Denied. As a person with a ‘direct, immediate and substantial interest’ standing to bring claims forward regarding the pipeline, as the same ‘discernable adverse effects’ that exist at my home also exist at my children’s schools. See #3 above. This is not merely an issue of ‘proximity or aesthetic concern’, as Sunoco has alleged, but a direct, involuntary serious safety risk. It is unreasonable to argue that I only live in my home and do not exist in and interact within my immediate community for public education, public recreation opportunities, and the use of the public areas which I pay for as a taxpayer. The Lionville Elementary School, Marsh Creek 6th Grade Center, Lionville Middle School, and Downingtown East High School are all located within my township of residence, Uwchlan Township, and are in the immediate vicinity of my home.

18. Denied. Relief has only been requested relevant to areas in my immediate vicinity.

4. Preliminary Objection 4: Alleged Non-Compliance with Rules

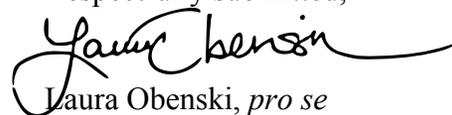
19. Denied. Conclusion of law that requires no response.

20. Denied. The reference of the existence of a document does not in any way mean my argument ‘relies’ on assertions within such document. I am a pro se complainant trying my best to present my concerns before the PUC, if these documents were meant to be cited after a non-specific reference to their general existence, please see attached Exhibits A & B which cite the materials referenced in paragraph 21 of my formal complaint.

21. Denied. Conclusion of law that requires no response.

III. CONCLUSION

I hereby respectfully request that neither the Formal Complaint nor portions thereof be dismissed or stricken.

Respectfully submitted,

Laura Obenski, *pro se*

Dated: February 20, 2019

EXHIBIT A-1

G2 Integrated Solutions: Mariner East 2 Pipeline and Existing Adelphia Pipeline Risk Assessments, commissioned by the Delaware County Council 11/28/2018, page 30

Full report available at :

https://www.delcopa.gov/pdf/113097_ME2_AdelphiaRiskAssessment_v2.1.pdf

Mariner East 2 Pipeline and Existing Adelphia Pipeline Risk Assessments

11/28/2018

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Figure 5: 20-inch Mariner East 2 Pipeline, Outdoor Individual Risk Transect

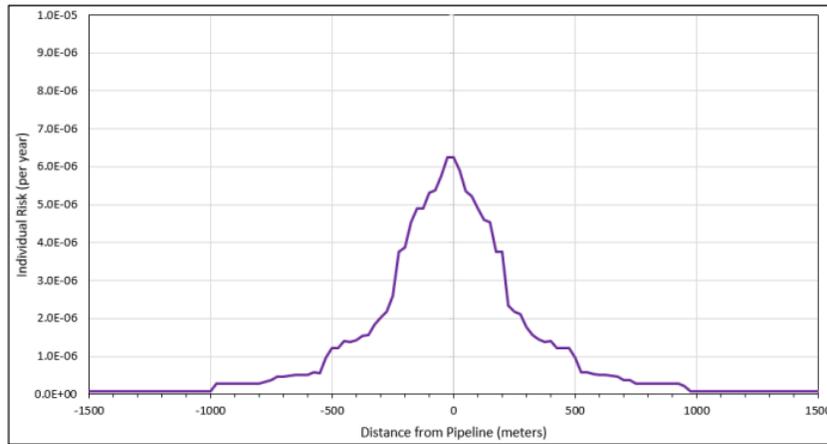


Figure 6: 20-inch Mariner East 2 Pipeline, Indoor Individual Risk Transect

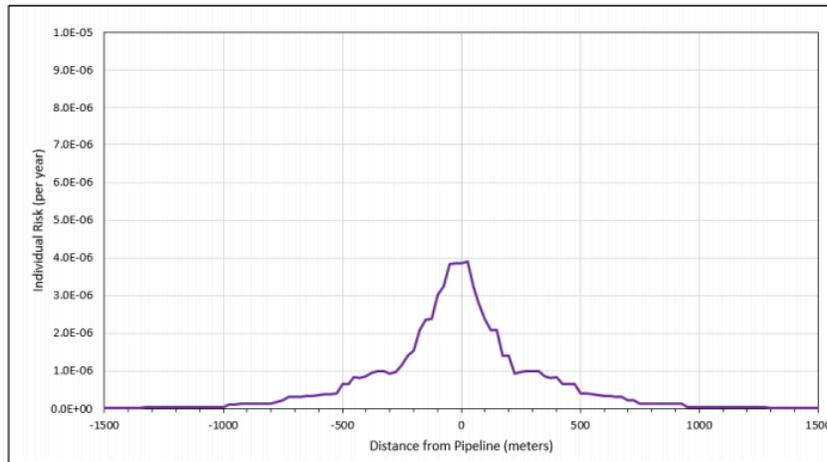


EXHIBIT B-1

Quest Consultants Inc.: Quantitative Risk Assessment for the Mariner East Pipeline, October 16, 2018, page

Full Report Available at:

<https://www.uwchlan.com/DocumentCenter/View/376/Citizens-Risk-Assessment-Final-Report>

Several other generalizations can be provided when reviewing the results of this analysis:

- The risk of fatality, as predicted by this analysis, falls to zero at a distance of about 2,100 feet from the ME2 or ME2X pipelines (less than one-half mile). This distance is shorter for the ME1 pipeline, about 1,100 feet (less than one-quarter of a mile).
- By comparison, the risk above the HDD sections is significantly lower than conventional-bury sections of the pipeline, but this does concentrate risk at the HDD entry and exit points.
- Due to the equipment present, and the aboveground placement of this equipment, the pipeline valve stations represent the highest risk locations, where the risk is approximately equal to being fatally involved in a motor vehicle accident.
- Along the pipeline route (away from valve stations and HDD entry/exit points), the risk is *about* 10% as likely as being fatally involved in a motor vehicle accident, where the ME1, ME2, and ME2X are co-located and all in operation. This risk is also about 150 times as likely as getting struck by lightning.

CERTIFICATE OF SERVICE

I hereby certify that on this day, February 20, 2019, I have served a true copy via electronic mail of the forgoing 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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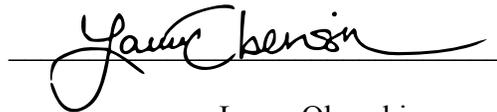
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Counsel for Sunoco Pipeline, L.P.

A handwritten signature in black ink, reading "Laura Obenski", written over a horizontal line.

Laura Obenski, *pro se*