

February 26, 2019

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 is Thomas Casey's Prehearing Conference Memorandum in the above-mentioned Docket No. Please direct all responses and any documents via electronic format to tcaseylegal@gmail.com.

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

Respectfully,



Thomas Casey, *pro se*
1113 Windsor Drive West
Chester, PA 19380
tcaseylegal@gmail.com

cc: Hon. Elizabeth H. Barnes
Melissa DiBernardino
Virginia Marcille-Kerslake
Thomas J. Sniscak, Esq.
Robert D. Fox, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Melissa DiBernardino	:	
	:	
Complainant	:	
v.	:	Docket No. C-2018-3005025
Sunoco Pipeline, L.P. a/k/a	:	
	:	
Respondent	:	
	:	

PREHEARING MEMORANDUM OF THOMAS CASEY

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in response to the Prehearing Conference Order in the above-captioned matter, Thomas Casey “Intervenor” provides the following information:

Introduction

On or about, September 28, 2018, Melissa DiBernardino filed a Formal Complaint with the Pa PUC against Sunoco Pipeline, LP. The Complaint was accepted by the Commission via a letter from the Pa PUC Secretary and distributed to all parties. Intervenor filed his information with the Commission on December 18, 2018 for intervention status.

A Pre-hearing telephone conference call was held by Judge Barnes with all interested parties on February 13, 2019 in which Judge Barnes ordered a response from all Intervenors to be delivered by February 27, 2019.

A. Settlement

Intervenor is willing to engage in settlement discussions.

B. Issues and Sub-issues

Intervenor has only a few issues that are of concern to him.

1. The safety and reliability of the pipelines currently located in his Right-Of-Way “ROW” along the Boot Road corridor.
 - a. SPLP has not been forthcoming with information requests about the quality of the pipelines in the ROW. There are now concerns, as I have pointed out in my recent filings, that SPLP may not either have full knowledge, or may have provided false information about the cathodic protection with the Mariner 1 pipeline¹. As well as, the 12” existing line located in my ROW.
2. Intervenor has concerns with the truthfulness of SPLP’s communications, operations, installation, and maintenance of its facilities in the region around Chester County, PA. SPLP, its management, and ownership, have made multiple public statements to investors, government officials, and PA citizens that SPLP has followed all PA & Federal laws regarding operations of their company in Pennsylvania.
 - a. On a recent earnings call Energy Transfer’s CEO, Kelcy Warren, admitted to making what he calls “mistakes” with regards to his company’s operations in Pennsylvania. Mr. Warren also referred to Pennsylvania as not being like Texas. This revelation raises new concerns for the Intervenor with regards to the previously mentioned Docket C-2018-3006534 because SPLP was fully aware of PA utility codes being different than Texas’s codes.

¹ See Docket C-2018-3006534, Pa PUC BI&E v Sunoco Pipeline, LP

- b. SPLP may not be inclusive with regards to providing municipalities with critical emergency management information for existing & future projects. SPLP is alleged to be not inviting local municipal leaders to safety meetings in Chester County if they file, or are attempting, to intervene on any matter before the Pa PUC.
- i. Intervenor has spoken to municipal & county officials that have confirmed this information.
3. The Complaint lists concerns with the coating that is applied to the 20" & 16" HDD pipes. Intervenor also has concerns with regards to the coating issue and the impact to the integrity of, not only the new pipelines, but for the current 8" & 12" pipelines located in the ROW.
- a. At a recent event² held in the West Chester region, the Pa PUC BI&E's official, Paul Metro, mentioned that the original pipelines did not have any coating (bare pipe) from about 1932 to sometime in the 1950's at which point some type of tar-coating was applied. Mr. Metro then stated that the pipelines did not receive any kind of cathodic protection until sometime in the early 1970's.
- i. Approximately 20 years of no protection, another approximately 20 years of potentially subpar protection lends itself to further concern for Intervenor.
- b. The uninstalled 16" & 20" pipelines have been sitting out unprotected for a period of approximately two years. The Complainant has raised concerns with the

² Pa State Rep. Carolyn Comitta hosted an event at Fugett Middle School, West Chester, on January 31, 2019. At the event were several representatives from the PUC, PHMSA, and the Pa DEP.

durability of the coating's ability to maintain its stated protections, especially after HDD is performed. Intervenor has the same concerns with the coating on the pipes.

C. Discovery

Intervenor does not propose any changes to the Commission's discovery regulations

D. Other Proposed Orders of Discovery

Intervenor does not propose any changes to the Commission's discovery regulations.

F. Proposed Schedule for Testimony, Hearing, and Briefs

Intervenor cannot make a proposed schedule at this time because he is not officially a party to the proceedings. However, Intervenor is willing to follow the set schedule of the Commission.

G. Witnesses

Intervenor intends to be able to cross examine witnesses by both the Complainant and Defendant. Intervenor reserves the right to engage or call new witnesses as the need arises. Potential witnesses for Intervenor are Pa PUC BI&E officials, municipal officials, county emergency management, coating experts, and cathodic protection experts. Due to a lack of understanding with regards to Commission regulations, having Pa PUC BI&E officials testify on this matter, while they are engaged in a separate complaint against SPLP, would need to be clarified.

H. Issues

Please see above section B.

I. Evidence

Intervenor will provide evidence as necessary to be able to prove his concerns regarding the issues raised in Petition. However, some evidence may not be able to be brought into this complaint because concerns raised by Intervenor are directly related to the Pa PUC BI&E's complaint, Docket

C-2018-3006534, which has yet to be heard before the commission; nor is the Intervenor able to obtain this information because a decision has yet to be garnered for the Intervenor's petition to intervene on that case. These concerns are directly related to the concerns raised in Melissa DiBernardino's complaint, and the issues Intervenor has raised.

Through the discovery process Intervenor will review information provided by SPLP and then be able to potentially provide evidence to dispute SPLP's claims. Intervenor reserves the right to obtain and utilize evidence and testimony of other witnesses, evidence, or exhibits that others bring to these proceedings, or be able to present new evidence that arises from other sources.

J. Petitions to Intervene

Currently, Intervenor has no objections to any parties wishing to seek intervention on this docket. Intervenor reserves the right to object to intervention of any future petitioners.

Respectfully Submitted,



Thomas Casey, *pro se*
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February 26, 2019

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,



Thomas Casey, *pro se*

Dated: February 26, 2019

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of Thomas Casey's Prehearing Conference Memorandum 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

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Sincerely,



Thomas Casey, *pro se*

Dated: February 26, 2019