

LAW OFFICES  
PINNOLA & BOMSTEIN

MICHAEL S. BOMSTEIN  
PETER J. PINNOLA

ELKINS PARK OFFICE  
8039 OLD YORK ROAD  
ELKINS PARK, PA 19027  
(215) 635-3070  
FAX (215) 635-3944

100 SOUTH BROAD STREET, SUITE 2126  
PHILADELPHIA, PA 19110  
(215) 592-8383  
FAX (215) 574-0699  
EMAIL: mbomstein@gmail.com

MT. AIRY OFFICE  
7727 GERMANTOWN AVENUE, SUITE 100  
PHILADELPHIA, PA 19119  
(215) 248-5800

REPLY TO:  
Center City

February 28, 2019

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P.  
Docket Nos. C-2018-3006116 and P-2018-3006117  
**APPLICATION FOR ISSUANCE OF A SUBPOENA**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Complainants' Application for Issuance of a Subpoena in the above-referenced proceeding.

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

Very truly yours,

  
MICHAEL S. BOMSTEIN, ESQ.

MSB:mik

cc: Judge Barnes

Counsel of Record Per Certificate of Service  
Margaret A. Morris, Esq. ([mmorris@regerlaw.com](mailto:mmorris@regerlaw.com))  
Guy A. Donatelli, Esq. ([gdonatelli@lambmcerlane.com](mailto:gdonatelli@lambmcerlane.com))  
Alex J. Baumler, Esq. ([abaumler@lambmcerlane.com](mailto:abaumler@lambmcerlane.com))  
Leah Rotenberg, Esq. ([Rotenberg@mcr-attorneys.com](mailto:Rotenberg@mcr-attorneys.com))  
Vincent M. Pompo, Esq. ([vpompo@lambmcerlane.com](mailto:vpompo@lambmcerlane.com))  
James R. Flandreau, Esq. ([jflandreau@comcast.net](mailto:jflandreau@comcast.net))  
Mark L. Freed, Esq. ([MLF@curtinheefner.com](mailto:MLF@curtinheefner.com))

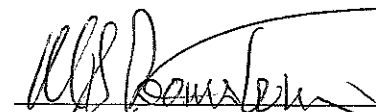
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                       |   |                           |
|-----------------------|---|---------------------------|
| MEGHAN FLYNN          | : |                           |
| ROSEMARY FULLER       | : |                           |
| MICHAEL WALSH         | : |                           |
| NANCY HARKINS         | : |                           |
| GERALD MCMULLEN       | : | DOCKET NO. C-2018-3006116 |
| CAROLINE HUGHES and   | : |                           |
| MELISSA HAINES        | : | DOCKET NO. P-2018-3006117 |
|                       | : |                           |
| Complainants          | : |                           |
| v.                    | : |                           |
|                       | : |                           |
| SUNOCO PIPELINE L.P., | : |                           |
| Respondent            | : |                           |

**NOTICE OF RIGHT TO RESPOND OR OBJECT**

To: Sunoco Pipeline L.P.

Pursuant to 52 Pa. Code §5.421(b)(3), you are hereby notified that if you wish to respond or object to Complainants' Application for Issuance of Subpoena, you must do so by filing your response or objection with the Commission and presiding officer within 10 days of service of the Application.

  
Michael S. Bomstein, Esq.  
Pinnola & Bomstein  
PA ID No. 21328  
Email: [mbomstein@gmail.com](mailto:mbomstein@gmail.com)  
Suite 2126 Land Title Building  
100 South Broad Street  
Philadelphia, PA 19110  
Tel.: (215) 592-8383

Dated: February 27, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                       |   |                            |
|-----------------------|---|----------------------------|
| MEGHAN FLYNN          | : |                            |
| ROSEMARY FULLER       | : |                            |
| MICHAEL WALSH         | : |                            |
| NANCY HARKINS         | : |                            |
| GERALD MCMULLEN       | : | DOCKET NO. C- 2018-3006116 |
| CAROLINE HUGHES and   | : |                            |
| MELISSA HAINES,       | : | DOCKET NO. P-2018-3006117  |
| Complainants          | : |                            |
|                       | : |                            |
| v.                    | : |                            |
|                       | : |                            |
| SUNOCO PIPELINE L.P., | : |                            |
| Respondent            | : |                            |

**COMPLAINANTS' APPLICATION  
FOR ISSUANCE OF A SUBPOENA**

TO THE HONORABLE ELIZABETH BARNES, ADMINISTRATIVE LAW JUDGE:

Pursuant to 52 Pa. Code §5.421, the Flynn Complainants, by their attorney, Michael S. Bomstein, Esquire, hereby apply for the issuance of a subpoena to be served upon the custodian of records of the PUC's Bureau of Investigation and Enforcement, and in support hereof aver as follows:

**Relevance, materiality and scope of documentary evidence sought by Complainants**

1. The PUC Bureau of Investigation and Enforcement ("BIE") has filed a formal complaint against Sunoco in a proceeding docketed at C-2018-3006534.
2. In general, the BIE Complaint concerns BIE's investigation of a Mariner East I ("ME1") pipeline leak of hazardous volatile liquids ("HVLs") that occurred in the vicinity of Morgantown, Pennsylvania on or about April 1, 2017 ("the Morgantown Incident").

3. Complainants' Complaint in the instant proceeding incorporates by reference the BIE Complaint. All discoverable records and documents in the BIE case are, therefore, discoverable in the present case.

4. Complainants allege, in general, that (a) the existing 8 inch and 12 inch Mariner pipeline infrastructure are incapable of transporting HVLs safely across the Commonwealth, and (b) Sunoco is incapable of repairing, maintaining and monitoring the said 8 inch and 12 inch pipelines safely.

5. Complainants now seek two types of records and documents from BIE:

(a) Records and documents turned over to BIE by Sunoco (i) in the course of BIE's investigation of the Morgantown Incident, and (ii) additional records and documents furnished to BIE by Sunoco since the conclusion of that investigation.

(b) Records and documents created by BIE itself in its investigation of the Morgantown Incident.

6. All of the above described records and documents are likely to contain information that makes Complainants' allegations more likely or less likely and, therefore, discoverable under applicable rules.

**Facts to be proved by the documents indicating necessity of the documents**

7. BIE and Sunoco together are presently believed to be the sole repository of information regarding (a) the causes of the Morgantown Incident, (b) the condition of the 8 and 12 inch pipelines throughout the Commonwealth, and (c) Sunoco's historic construction and maintenance of the said pipelines.

8. Complainants believe that an examination of the requested records and documents will demonstrate that (a) the 8 inch and 12 inch pipelines are too old and otherwise unsuited to

transport HVLs safely, and (b) Sunoco is incapable of transporting HVLs safely through these pipelines.

**Notice of right to respond or object.**

9. See attached copy of notice.

**Proof of Service**

10. See attached copy of Certificate of Service.

**Proposed Subpoena**

11. See attached.

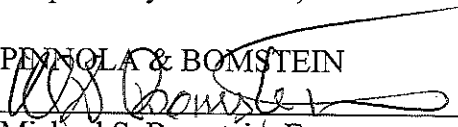
**Party to be Subpoenaed**

12. BIE Custodian of Records

WHEREFORE, Complainants pray the Administrative Law Judge grant this application and approve issuance of the proposed subpoena.

Respectfully submitted,

PINNOLA & BOMSTEIN

  
Michael S. Bomstein, Esq.

Pinnola & Bomstein

PA ID No. 21328

Email: [mbomstein@gmail.com](mailto:mbomstein@gmail.com)

Suite 2126 Land Title Building

100 South Broad Street

Philadelphia, PA 19110

Tel.: (215) 592-8383

Attorney for Complainants

Dated: February 27, 2019



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

C-2018-3006116

In the Matter of:  
MEGHAN FLYNN, et al

Docket No. P-2018-3006117

V.  
SUNOCO PIPELINE L.P.

SUBPOENA

Custodian of Records, PUC Bureau of Investigation & Enforcement  
To: Commonwealth Keystone Bldg., 2nd Floor, F West, Harrisburg, PA 17120  
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to 100 S. Broad Street  
Suite 2126, Philadelphia, PA 19110, at \_\_\_\_\_  
(place)

Pennsylvania, on March 15, 2019, at 10 A.M. o'clock, in the above case, to testify  
(date)  
on behalf of the Complainants and to remain until excused;

2. And bring with you and produce the following: SEE ATTACHED EX. "A"  
IN LIEU OF PRODUCTION OF HARD COPIES OF DOCUMENTS, BIE MAY  
PRODUCE DIGITAL COPIES VIA ELECTRONIC MAIL.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date \_\_\_\_\_

\_\_\_\_\_  
Administrative Law Judge

Commonwealth of Pennsylvania )  
 ) SS:  
Count of )

**AFFIDAVIT OF SERVICE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
who, being duly sworn according to law, deposes and says that he/she served a true and correct  
copy of the within SUBPOENA upon \_\_\_\_\_  
by handing the same to him/her at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
(Signature)

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
*Notary Public*

**Subpoena Ex. "A"**

ALL DOCUMENTS PRODUCED SHALL BE BATES STAMPED OR OTHERWISE STAMPED USING SEQUENTIAL NUMBERING FOR EASE OF REFERENCE.

**Definitions**

For purposes of these interrogatories, the terms "records" and "documents" are used interchangeably and shall include without limitation (1) books of account, spreadsheets, ledgers, computerized data bases and other records; (2) checkbooks, canceled checks, check stubs and checking account statements; (3) personnel files in which records are segregated for individual employees; (4) all written or printed matter of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made in such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, releases, agendas, opinions, reports, studies, test results, records of measurements, surveys, maps of any sort, written protocols, summaries, statements, consultations speeches, summaries, pamphlets, books, inter-office and infra-office communications, manuals, notations of any sort of conversation, bulletins, computer print-outs, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments or any of the foregoing; (5) graphic or manual records or representations of any kind, including without limitations, photographs, charts, graphs, microphone, microfilm, videotape, records, motion pictures; and (6) electronic, mechanical or electric records or representations of any kind, including, without limitation, tapes, cassettes, discs and recording.

F. If any information, communication, or document responsive to anyone (or portion thereof) of the following requests is withheld based on any claim of privilege, describe generally the substance or subject matter of the information, communication, or document withheld, state



the privilege being relied upon or claimed and the basis therefore, and identify all persons or entities who have had access to such information, communication, or document.

**Documents Requested**

(1) Records and documents turned over to BIE by Sunoco (i) in the course of BIE's investigation of the Morgantown Incident, and (ii) additional records and documents furnished to BIE by Sunoco since the conclusion of that investigation.

(2) Records and documents created by BIE itself in its investigation of the Morgantown Incident.

**BEFORE THE  
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| SUNOCO PIPELINE L.P., | : |                           |
| Respondent            | : |                           |

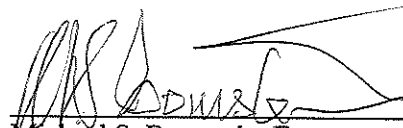
**CERTIFICATE OF SERVICE**

I hereby certify that on this day, February 28, 2018, true and correct copies of Complainants' Application for Issuance of a Subpoena have been served upon the following persons via electronic mail, pursuant to 52 Pa. Code § 1.54, and via United States Mail, First Class Postage Prepaid:

Rich Raiders, Esquire  
**Raiders Law**  
321 East Main Street  
Annville, PA 17003  
[rich@raiderslaw.com](mailto:rich@raiderslaw.com)  
*Counsel for Andover Homeowners' Association, Inc.*

Anthony D. Kanagy, Esq.  
**Post & Shell PC**  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
[akanagy@postshell.com](mailto:akanagy@postshell.com)  
*Counsel for Range Resources*

Thomas J. Sniscak, Esquire  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
Kevin J. McKeon, Esquire  
[kjmckeon@hmslegal.com](mailto:kjmckeon@hmslegal.com)  
Whitney E. Snyder, Esq.  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)  
**Hawke McKeon and Sniscak LLP**  
100 N. Tenth Street  
Harrisburg, PA 17101  
*Counsel for Sunoco Pipeline L.P.*

  
Michael S. Bomstein, Esq.  
Pinnola & Bomstein  
PA ID No. 21328  
Email: [mbomstein@gmail.com](mailto:mbomstein@gmail.com)  
Suite 2126 Land Title Building  
100 South Broad Street  
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