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March 4, 2019

VIA ELECTRONIC FILING

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

Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3006116 and P-2018-3006117; **SUNOCO PIPELINE, L.P.'S PRELIMINARY OBJECTION TO ANSWER TO SUNOCO PIPELINE, L.P.'S ANSWER IN OPPOSITION TO THE INTERVENTION OF DOWNINGTOWN AREA SCHOOL DISTRICT**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline, L.P.'s Preliminary Objection to the Answer to Sunoco Pipeline, L.P.'s Answer in Opposition to the Intervention of Downingtown Area School District in the above-referenced proceeding.

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

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for Sunoco Pipeline, L.P.

WES/das
Enclosure

cc: Per Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:		
ROSEMARY FULLER	:		
MICHAEL WALSH	:		
NANCY HARKINS	:		
GERALD MCMULLEN	:		
CAROLINE HUGHES and	:		
MELISSA HAINES	:		
	:	Docket Nos.	C-2018-3006116
Complainants,	:		P-2018-3006117
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.,	:		
	:		
Respondent.	:		

NOTICE TO PLEAD

You are hereby advised that, pursuant to 52 Pa. Code § 5.61, you may file a response within ten (10) days of the attached preliminary objections. Any response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Sunoco Pipeline, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

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

Respectfully submitted,

Thomas J. Sniscak

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*Attorneys for Respondent
Sunoco Pipeline, L.P.*

Dated: March 4, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:		
ROSEMARY FULLER	:		
MICHAEL WALSH	:		
NANCY HARKINS	:		
GERALD MCMULLEN	:		
CAROLINE HUGHES and	:		
MELISSA HAINES	:		
	:	Docket Nos.	C-2018-3006116
Complainants,	:		P-2018-3006117
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.,	:		
	:		
Respondent.	:		

**SUNOCO PIPELINE, L.P.’S PRELIMINARY OBJECTION
TO DOWNINGTOWN AREA SCHOOL DISTRICT’S ANSWER TO SUNOCO
PIPELINE, L.P.’S ANSWER IN OPPOSITION TO THE INTERVENTION OF
DOWNINGTOWN AREA SCHOOL DISTRICT**

Pursuant to 52 Pa. Code § 5.101, Respondent Sunoco Pipeline, L.P. (SPLP) submits this Preliminary Objection to Downingtown Area School District’s (DASD) February 25, 2019 Answer to Sunoco Pipeline, L.P.’s Answer in Opposition to the Intervention of DASD (Answer to SPLP’s Answer) in the above captioned proceeding. The Answer to SPLP’s Answer must be stricken.

1. Pursuant to 52 Pa. Code § 5.101(a)(2), DASD’s Answer to SPLP’s Answer must be stricken because it is a pleading disallowed under the Commission’s procedural rules.

2. Pursuant to 52 Pa. Code § 5.1(a), only the following pleadings are allowed:

- (1) Application and protest.
- (2) Formal complaint, answer, new matter and reply to new matter.
- (3) Order to show cause and answer.
- (4) Petition and answer.
- (5) Preliminary objections.
- (6) Motions.

An answer to an answer is not an allowable pleading. Therefore, the Answer to SPLP Answer should be stricken from the pleadings in its entirety.

3. The Commission's regulations allow a respondent to file preliminary objections to a pleading for failure to conform to the Commission's procedural rules. 52 Pa. Code § 5.101. Preliminary motion practice before the Commission is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, PUC Docket No. C-00935435 (July 18, 1994) (citing Pa. R.C.P 1017). A preliminary objection in civil practice seeking dismissal of a pleading will be granted where relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources*, 406 A.2d 1020 (Pa. 1979).

4. To conform to the Commission's procedural rules, a pleading must meet the requirements of 52 Pa. Code § 5.1. The pleading is allowed only if it is one of the following: (1) Application and protest; (2) Formal complaint, answer, new matter and reply to new matter; (3) Order to show cause and answer; (4) Petition and answer; (5) Preliminary objections; or (6) Motions. *Id.*

5. DASD's Answer to SPLP's Answer is not allowed pursuant to the plain language of 52 Pa. Code § 5.1. The Answer to SPLP's Answer was filed as an answer to an answer, a type of pleading not included in the listing of "allowed" pleadings under the Code. The Response

should be stricken for failure to conform to the Commission's regulations at 52 Pa. Code § 5.101(a)(2).

WHEREFORE, Sunoco Pipeline, L.P. respectfully requests Downingtown Area School District's Answer to SPLP's Answer in Opposition of Intervention be stricken in its entirety.

Respectfully submitted,



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*Attorneys for Respondent
Sunoco Pipeline, L.P.*

Dated: March 4, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing 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 electronically on the Commission's electronic filing system and served on the following:

VIA ELECTRONIC AND FIRST CLASS MAIL

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Dated: March 4, 2019