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March 13, 2019

VIA ELECTRONIC FILING

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

Re: Melissa DiBernardino v. Sunoco Pipeline L.P.; Docket No. C-2018-3005025;
**SUNOCO PIPELINE L.P.'S PREHEARING CONFERENCE
MEMORANDUM**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P.'s Prehearing Conference Memorandum 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: Hon. Elizabeth H. Barnes (Electronic ebarnes@pa.gov and first class mail)
Thomas Casey (tcaseylegal@gmail.com)
Virginia Kerslake (vkerslake@gmail.com)
Per Certificate of Service

Complainant's February 28, 2019 prehearing memorandum identifies 5 issues (A-F) that subsume multiple sub issues. SPLP objects to Complainant pursuing issues subsumed in the Bureau of Investigation and Enforcement's (BI&E) Morgantown Complaint. BI&E's Morgantown Complaint has resulted in a settlement in principle with a Joint Petition for Settlement forthcoming that will allow for a public comment period for interested persons prior to the Commission deciding whether to approve that settlement. The settlement will promote public safety. Allowing Complainant to essentially open litigation of that settled Complaint is against Commission policy. Commission policy encourages settlement. 52 Pa. Code § 5.231(a). Allowing a Complainant to essentially act as a private attorney general and litigate a complaint that the actual prosecutory entity brought against SPLP is improper and has a chilling effect on settlements. If SPLP is subject to litigation for the same claims it has settled with BI&E here, that takes away SPLP's incentives to settle cases and agree to terms that promote public safety where it is subject to litigation of those same claims before the same regulatory body regardless of such settlement. Complainant was not discernably affected by the events of the Morgantown Complaint. To the extent Complainant is curious concerning the BI&E Complaint and resolution thereof, she can submit comments to the Commission concerning the Joint Petition for Settlement at that docket.

SPLP also objects to Complainant litigating claims regarding the Revolution Pipeline incident in Beaver County, Pennsylvania. Complainant does not have standing to pursue claims regarding an incident half-way across the state from the geographic region for which Complainant claims standing. Moreover, the Revolution Pipeline is not a public utility and the Commission does not have jurisdiction to entertain third-party complaints over that pipeline. Finally, the

Revolution Pipeline was not constructed or operated by SPLP. That event has no relevance to Complainant's claims.

C. DISCOVERY

SPLP does not propose any modifications to the Commission's discovery regulations.

D. OTHER PROPOSED ORDERS OF DISCOVERY

SPLP does not propose any modifications to the Commission's discovery regulations.

E. CONSOLIDATION

Complainant states in her prehearing memorandum that she is open to consolidation with certain cases. Complainant states she will seek to have BI&E's Morgantown Complaint consolidated with her Complaint. SPLP objects to consolidation with the Morgantown Complaint, especially given that proceeding has resulted in a settlement that will promote public safety. SPLP notes Complainant has no standing to pursue the Morgantown Complaint. Complainant bases her standing on the St. Peter and Paul School. SPLP will fully address consolidation of the Morgantown Complaint if and when a motion to consolidate is filed.

SPLP will file its own motion to consolidate this Complaint with the Flynn, Obenski, and Britton Complaints on or about Monday, March 18, 2019. Ms. Obenski has already sought to have her Complaint consolidated with the Flynn Complaint. If Complainant here is willing to have her Complaint consolidated with Flynn, SPLP submits that prehearing issues (including scheduling and discovery) should all be addressed at the April prehearing conference to be scheduled in Flynn.

F. PROPOSED SCHEDULE FOR TESTIMONY, HEARING, AND BRIEFS

SPLP believes this proceeding should be consolidated with the Flynn proceeding and a comprehensive schedule developed at the April prehearing conference in that matter. To the extent Complainant is unwilling at this time to agree to consolidate her Complaint with the Flynn Complaint and Your Honor wants to develop a separate schedule, SPLP states as follows.

Complainant has identified eight potential witnesses. Complainant asserts six of these witnesses are experts. The remaining two witnesses would testify as to Saint Peter and Paul school emergency preparedness. Given Complainant's identification of six expert witnesses, SPLP proposes the following schedule for written testimony. SPLP will agree that Complainant's non-expert witnesses may submit oral direct testimony at the in-person hearing (subject to cross examination) given that SPLP has the opportunity to likewise present responsive in-person testimony. SPLP does not know how much time Complainant and her alleged experts require to present their pre-filed testimony and is proposing the following schedule as a sample.

Complainant and aligned Intervenor Direct	May 14, 2019
Respondent Rebuttal	July 12, 2019
Complainant and aligned Intervenor Surrebuttal	August 12, 2019
Respondent Rejoinder	September 12, 2019
Hearings	October 15-17
Main Briefs	November 5, 2019
Reply Briefs	November 19, 2019

G. WITNESSES.

SPLP does not have the burden of proof in this proceeding and it cannot predict what specific witnesses it may need to present to defend against the Amended Complaint until Complainant and any aligned intervenor(s) present their testimony. SPLP entered testimony into the record in various proceedings already addressing the issues raised in this proceeding and may rely on and incorporate such evidence into this proceeding. SPLP identifies preliminarily, as potential witnesses:

- Mr. Joseph Perez, Vice President, Technical Services, Operations and Engineering Services, Energy Transfer and SPLP.
 - Topics: SPLP's Public Awareness Program, Emergency Response materials, procedures, and training.
- Mr. Gregory Noll, Principal at GGN Technical Resources, LLC and Sunoco's emergency management expert.
 - Topics: SPLP's Emergency Response materials, procedures, and training.
- Mr. John Zurcher, Principal at Process Performance Improvement Consultants, LLC (P-PIC), Managing Director at The Blacksmith Group, and Sunoco's expert witnesses regarding public awareness, hazard warnings, and pipeline safety.
 - Topics: SPLP's Public Awareness Program, Emergency Response materials, procedures, and training, and issues regarding pipeline safety.
- Mr. Matthew Gordon, Senior Director of Operations, Energy Transfer and SPLP.
 - Topics: Pipeline construction.

SPLP will identify additional witnesses as necessary to respond to the witnesses and evidence submitted by Complainant and any intervenors aligned with Complainant. Depending upon Complainant's testimony, SPLP reserves the right to identify and submit other witnesses subject to the form and time of presentation.

Each of these witnesses may present testimony regarding any of the above-stated issues or any other issue that may arise during the course of this proceeding. SPLP reserves the right to adopt any testimony of other witnesses, in whole or in part, to substitute witnesses, and to offer additional witnesses and exhibits as may be necessary, including but not limited to witnesses and

evidence to address the testimony, exhibits, or evidence that may be presented by any party in this proceeding.

H. ISSUES

See Section B.

I. EVIDENCE

SPLP does not have the burden of proof in this proceeding and it cannot predict what specific evidence it may need to present to defend against the Amended Complaint until Complainant and any aligned intervenor(s) present their testimony. SPLP entered extensive evidence into the record in various hearings addressing similar issues that the Amended Complaint raises and may rely on that evidence and incorporate it into the record of this proceeding as necessary going forward.

SPLP intends to present the pre-filed testimony of the above-named witnesses along with any exhibits that witness may sponsor to support his or her testimony. SPLP reserves the right to adopt testimony of other witnesses, in whole or in part, to substitute witnesses, and to offer additional witnesses and exhibits, including but not limited to addressing the testimony, exhibits or other evidence that other parties in this proceeding may present.

Respectfully submitted,

Thomas J. Sniscak

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Dated: March 13, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

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 MAIL AND FIRST CLASS MAIL

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Dated: March 13, 2019