

March 30, 2019

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

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Melissa DiBernardino	:	
1602 Old Orchard Lane	:	
West Chester, PA 19380	:	Docket No. C-2018-3005025
Complainant	:	
 	:	
v.	:	
 	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	
 	:	
MEGAN FLYNN <i>et al</i>	:	Docket Nos. C-2018-3006116
v.	:	P-2018-3006117
SUNOCO PIPELINE L.P.,	:	
 	:	
REBECCA BRITTON,	:	
v.	:	Docket No. C-2019-3006898
SUNOCO PIPELINE L.P.,	:	
 	:	
LAURA OBENSKI	:	
v.	:	Docket No. C-2019-3006905
SUNOCO PIPELINE L.P.,	:	

TO: Meghan Flynn *et al.*
Rebecca Britton, Laura Obenski

ANSWER OF MELISSA DIBERNARDINO
TO SPLP's MOTION TO CONSOLIDATE

On March 18, 2019 SPLP moved for the consolidation of the Flynn *et al* complaint (Docket Nos. C-20 18-3006116 and P 2018-3006117), with the DiBernardino complaint (Docket No. C-2018-3005025), the Britton complaint (Docket No. C-2019-3006898), and the Obenski complaint (Docket No. C-2019- 3006905), and responds to the Obenski Motion to Consolidate.

In response to this consolidation request I am filing this response in accordance with pa 52 code 5.61.

1. Due to the fact that I am not a complainant in this case, I can neither admit nor deny this statement.

2. Denied as stated. The Issues raised in my complaint are:

(1)Non-standard use of horizontal directional drilling

(2)Pipeline installation in unstable soil

(3)Inaccurate record-keeping and

(4)uncertainty concerning pipeline location

(5)Sunoco/Energy Transfer's history of violations

(6)Coating and weld flaws

(7)lack of corrosion protection

(8)Lack of adequate emergency planning and

(9)public awareness

While all of my issues play an enormous role in public safety, which is similar to the Flynn, Britton and Obenski complaints, I believe that consolidation with the Flynn complaint with seven complainants and the number of intervenors, could have a negative impact on issues I raise that the Flynn complaint does not. The Flynn Complaint does not raise coating or horizontal directional drilling issues. SPLP's counsel falsely alleges that construction of ME2 & 2X is an issue in all complaints. Alternatively, it is not only Sunoco/Energy Transfer's emergency

response procedures and training I address. I take issue with our state, county and townships; not having, and being unable to create adequate emergency and preparedness plans in our current situation. Therefore, Sunoco/ET the “Utility” is forcing our state and political subdivisions out of compliance with our Health and Safety Statute; Title 35.

3. Due to the fact that I am not the complainant in this case I can neither admit nor deny this statement.

4. Due to the fact that I am not the complainant in this case I can neither admit nor deny this statement.

5. Denied as stated. While the four complaints share SOME common questions of law, this does not necessarily determine that consolidation of the matters are appropriate.

6. Admitted.

7. Denied as stated. In the first case SPLP’s counsel used to prove their point, they fail to admit that there would be factual and legal development on any complaints, given the fact that SPLP seems to be confused about all of the issues raised. Additionally, it is not clear whether I will suffer prejudice from consolidation. There has been little discussion of how we would proceed, what our timeline/schedule would be; or if, we even have the same time frame in mind. It is also not clear whether consolidation would prejudice my substantial right of due process by limiting my ability to represent myself in my original complaint as filed in its entirety; without time constraints and without the potential of limiting the relief I’m seeking.

8. Denied as stated. While I respect the fact that consolidation would be convenient to some, cut down on the PUC and your Honor’s time, and would save SPLP a substantial amount of money, I ask that you please consider the logistics of all four complaints being consolidated. If this is done fairly and everyone has their due process, keeps the entire scope of their complaints

and right to bring all witnesses/ expert witnesses to testify, cross examine, etc.; then this hearing could become a circus that lasts weeks. While I cannot speak for other people involved, taking a substantial amount of time off of work is not something that my family can financially handle. During Senator Dinniman's petition for emergency relief hearing he was able to continue his business in Harrisburg; while his attorney and staff remained at the hearing. Representing myself, I do not have that option.

Additionally it would be very burdensome to my family for me to be away from my children for the amount of time that seems to be needed for such an enormous hearing. Lastly, if each complainant is still proceeding as planned when initially filed, there will be repetitious testimonies heard for many of the issues (but not all), whether it is consecutively or spread out in separate hearings. It is my belief that it could have a negative impact on all complaints to have repetition consolidated together and the only way to avoid that seems to be to either deny certain complainants their due process or avoid consolidation of at least some complaints.

9. No further response needed.

10. Admitted in part, denied in part. Again, the four complaints involve SOME common question of law; but, not all. As for the eight factors, the presence of additional issues could cloud the determination of common issues, particularly when SPLP/ET seems either confused by them or unwilling to acknowledge. Looking over these questions, it is my belief, that most cannot be realistically answered until there is further communication and scheduling.

11. Denied. Please see number two. There are a number of COMMON issues among the four complaints. However they are not, nor should be, viewed as CENTRAL issues. In doing so, SPLP seems to be attempting to limit the scope of issues. The only CENTRAL issue that should be viewed as front and foremost is that the Mariner East Pipeline Project is hazardous to life and property. That it is not safe, adequate or reasonable; which directly violates 66 Pa.C.S § 1501 & 66 Pa.C.S § 1505.

12. Denied. I have yet to see what witnesses and expert witnesses the other complainants are using. While Sunoco may use the same witnesses when they frequently find themselves in legal matters, it's unlikely that they have enough information to claim that all of the complainants witnesses and expert witnesses would be duplicates. This further highlights the need to, at the very least, wait until after the April 24th pre-hearing conference call to make a decision.

13. Denied. Without the proper communication and scheduling, consolidation of the four complaints could potentially cause an even greater risk to the public by unduly protracting the hearing. While Sunoco continues to prolong this process in various ways, their contractors are currently horizontal directional drilling past and under numerous active pipelines; through geology with similarities to West Whiteland/Lisa Dr. towards my children's school.

14. Denied. Please see number 11. All issues in my complaint are "primary".

15. Admitted that the statement is correct. However, this only refers to the Flynn and Obenski complaint and does not lend credibility to my complaint being consolidated.

16. No further response needed.

17. Denied. If consolidation is decided, I respectfully request that in the interest of judicial efficiency and respect of everyone's time and ability to have their complaint heard, that your honor would consider leaving the Flynn Complaint as is and consolidating the *pro se* complainants. This would allow two smaller hearings rather than one very large and time consuming hearing.

Lastly, I reserve the right to full party status. I reserve the right to prosecute my own complaint. I do not forfeit any of my rights or relief requested; should I be consolidated.

Respectfully Submitted,

Melissa DiBernardino