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April 18, 2019

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

Re: In Re: Meghan Flynn, et al. v. Sunoco Pipeline, L.P.
Docket Numbers: C-2018-3006116; P-2018-3006117

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Prehearing Conference Memorandum of Downingtown Area School District, Chester County, Pennsylvania with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Respectfully,

LAMB MCERLANE PC

By: /s/ Guy A. Donatelli
Guy A. Donatelli
Counsel for Downingtown Area School
District

GAD/ajb
Enclosures
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Meghan Flynn, Rosemary Fuller	:	
Michael Walsh, Nancy Harkins, Gerald	:	Docket No. C-2018-3006116
McMullen, Caroline Hughes and	:	
Melissa Haines	:	Docket No. P-2018-3006117
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

**PREHEARING CONFERENCE MEMORANDUM OF THE DOWNINGTOWN AREA
SCHOOL DISTRICT, CHESTER COUNTY, PENNSYLVANIA**

The Downingtown Area School District, Chester County, Pennsylvania (the “School District” or “DASD”) in accordance with the Prehearing Conference Order dated March 20, 2019, hereby submits this Prehearing Conference Memorandum in the above-captioned proceeding and submits as follows:

I. THE NAMES, ADDRESSES, TELEPHONE NUMBERS AND E-MAIL ADDRESS OF ANY PERSON THE PARTIES WISH TO HAVE LISTED ON THE SERVICE LIST OR E-MAIL DISTRIBUTION LIST:

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II. SETTLEMENT

Downingtown Area School District is willing to address settlement of all or part of the proceedings with the other parties.

III. DISCOVERY SCHEDULE

Downingtown Area School District is in agreement with the discovery schedule proposed by counsel for Complainants, and suggests that a period of nine to twelve months will be necessary to complete discovery in this matter due the number of parties and complexity of litigation involved.

IV. OTHER PROPOSED ORDERS WITH RESPECT TO DISCOVERY

Downingtown Area School District does not propose any additional orders with respect to discovery.

V. SITE VISIT NECESSITY

Downingtown Area School District believes that a site visit of the School District's facilities relative to the Mariner Pipelines is necessary. A visual identification of the pipelines relative to the School District's facilities would serve to illustrate the dire need for detection, warning, education and emergency planning programs specific to the School District.

VI. LITIGATION SCHEDULE

Downingtown Area School District is in agreement with the litigation schedule proposed by counsel for Complainants. DASD also respectfully requests that the ALJ and parties discuss at the prehearing conference the logistical issues involved in this matter as to the Hearing Room

size and location and the number of attorneys that should be permitted to conduct cross-examination and/or the allotted time frames to conduct the same.

VII. WITNESSES

Downingtown Area School District would offer the testimony of the following persons:

Emilie M. Lonardi, Ph.D.
Superintendent of Downingtown Area School District
540 Trestle Place
Downingtown, PA 19335
(610) 269-8460

Dr. Lonardi will provide testimony in support of the School District's position that Sunoco has failed to provide sufficient information tailored to provide proper detection, warning, education and emergency response protocols to the School District. Dr. Lonardi will also offer testimony as to the specific logistical challenges the pipelines present to the School District, its staff and its children.

Timothy Hubbard
Downingtown Area School District Chief Security Officer
540 Trestle Place
Downingtown, PA 19335
(610) 269-8460

Timothy Hubbard, Chief Security Officer for the School District will provide testimony in support of the School District's position that Sunoco has not provided DASD with the information necessary to conduct proper emergency preparedness or respond to emergency incidents attributable to the pipelines. Timothy Hubbard will also offer his expert testimony as to the unique risks posed to the School District's facilities, students, staff and community stemming from the close proximity of the Mariner pipelines.

DASD also reserves the right to call additional witnesses as necessary, including any experts or witnesses so identified by any other party to this proceeding, and agrees to notify

Administrative Law Judge Barnes and the parties promptly should the School District determine that additional witnesses will be called.

VIII. LIST OF ISSUES AND SUB-ISSUES IN THIS PROCEEDING APPLICABLE TO THE SCHOOL DISTRICT AND THE POSITION OF THE SCHOOL DISTRICT IN REGARDS TO THE SAME:¹

4. Public Awareness/Emergency Preparedness

It is the position of Downingtown Area School District that Sunoco’s detection, warning and emergency preparedness and public awareness programs are insufficient and violate the governing federal regulations. Downingtown Area School District will provide written testimony to demonstrate that Sunoco’s discharge of its statutory and regulatory obligations to provide public awareness and emergency response programs to the School District has been perfunctory. The “information” provided by Sunoco to the School District has not addressed any of the issues specific to the School District, namely proper emergency response in relation to school-age children, as well as staff, and the unique challenges that may arise.

Moreover, DASD will offer evidence which demonstrates that the information provided to the School District by Sunoco has not outlined any response to address specific contingencies such as wind direction or size of a vapor cloud, which would directly affect emergency response planning. The School District will also provide evidence that Sunoco’s early warning system is also woefully inadequate — that it provides zero early notification to the School District in order to make the determination of whether to shelter in place or evacuate the facilities.

¹ The numerical designations of the issues addressed in Section VIII of this Memorandum correspond with the numerically listed issues and sub-issues identified in Paragraph 2 h.) (1-11) of the March 20, 2019 Prehearing Conference Order.

Lastly, DASD will also present evidence that Sunoco has provided nothing more than lip service in regards to its emergency training, and despite Sunoco's contentions, its contractor Delta Development ("Delta") has not and is not working with the School District to develop a hazard plan specific to DASD and does not possess the knowledge to provide detailed information regarding DASD's specific information requests.

5. Mass Warning Systems

It is DASD's position that the public awareness plan of Sunoco is insufficient and otherwise inadequate in the absence of the installation of a mass early warning system located at DASD's schools within the attendant "blast zone" of the ME Pipelines. The School District will present evidence to demonstrate that due to the fact that multiple variables surrounding a pipeline leak or rupture exist, which includes, but is not limited to: (1) the fact that leaks may not be detectable due to regular traffic noise; (2) that the wind direction and strength present at the time of leak or rupture may fluctuate; (3) that the highly volatile liquids transported through the pipelines are of an odorless and invisible nature, and; (4) that the distances and speed at which vapor clouds also may fluctuate — that Sunoco is the party best positioned to develop a mass early warning system which would reach, warn and allow governmental emergency responders the ability to evacuate the greatest number of affected persons in a safe manner.

8. Remaining Life Study of ME1 and 12" pipe

It is DASD's understanding that as of the time of the writing of the instant Prehearing Conference Memorandum; a Joint Petition for Approval of Settlement has been filed on April 3, 2019, by the Bureau of Investigation and Enforcement and Sunoco in the Enforcement Action before the PUC at Docket No. C-2018-3006534. It is further understood that the Settlement Agreement stipulates that Sunoco shall be obligated to produce a remaining life study regarding

ME1. It is further understood that a summary of the completed remaining life study shall be made publically available. Downingtown Area School District takes the position that the full remaining life study should be provided to the parties to this proceeding and the same type of study should be required in a timely manner for the 12” pipeline. The School District is amenable to complying with measures which would protect the proprietary and confidential security information of Sunoco set forth in the study.

- 9. Location of pipelines close to dwellings and public gathering places**
- 10. Valve Spacing-status of construction of valves**

It is DASD’s position that the School District’s schools and attendant facilities are subject to a unique risk based upon Sunoco’s decision to site the ME pipelines within close proximity to five of the School District’s schools. Further increasing the risk of catastrophe is the ME pipelines’ Dorlan Mill Road valve station located less than 300 feet from the Shomona Creek Elementary School and the Marsh Creek 6th Grade Center. DASD will offer written testimony which demonstrates that the siting of the ME pipelines and the valve station exponentially increases the risk of harm to the students, staff and visitors resulting from leak, mechanical failure, purposeful damage or other failure of the valve station.

Respectfully submitted,

LAMB MCERLANE, PC

By: /s/ Guy A. Donatelli
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Alex J. Baumler
Attorney I.D. # 315760
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*Attorneys for Intervenor
Downingtown Area School District*

Dated April 18, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Meghan Flynn, Rosemary Fuller	:	
Michael Walsh, Nancy Harkins, Gerald	:	Docket No. C-2018-3006116
McMullen, Caroline Hughes and	:	
Melissa Haines	:	Docket No. P-2018-3006117
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of the Downingtown Area School District’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 Mail Service

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<p>James J. Byrne, Esq. McNichol Byrne & Matlawski PC 1223 N. Providence Road Media, PA 19063 jjbyrne@mbmlawoffice.com <i>Counsel for Intervenor Thornbury Township</i></p>	<p>David J. Brooman, Esq. Richard C. Sokorai, Esq. Mark R. Fisher, Esq. High Swartz 40 East Airy Street Norristown, PA 19404 dbrooman@highswartz.com rsokorai@highswartz.com mfisher@highswartz.com <i>Counsel for Intervenor West Goshen Township</i></p>
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Dated: April 18, 2019

/s/ Guy A. Donatelli
Guy A. Donatelli, Esq.