

Guy A. Donatelli  
Voice: 610.430.8000  
gdonatelli@lambmcerlane.com

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 Rose Tree Media School District, Delaware 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 Rose Tree Media 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.	:	

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**PREHEARING CONFERENCE MEMORANDUM OF ROSE TREE MEDIA SCHOOL  
DISTRICT, DELAWARE COUNTY, PENNSYLVANIA**

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Rose Tree Media School District, Delaware County, Pennsylvania (the “School District” or “Rose Tree”) 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:**

Guy A. Donatelli  
PA Attorney I.D. # 44205  
Lamb McErlane PC  
24 East Market Street, Box 565  
West Chester, PA 19381  
(610) 430-8000  
gdonatelli@lambmcerlane.com

Alex J. Baumler  
PA Attorney I.D. # 315760  
Lamb McErlane PC  
24 East Market Street, Box 565

West Chester, PA 19381  
(610) 430-8000  
abaumler@lambmcerlane.com

**II. SETTLEMENT**

Rose Tree Media School District is willing to address settlement of all or part of the proceedings with the other parties.

**III. DISCOVERY SCHEDULE**

Rose Tree Media 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 to the number of parties and complexity of the litigation involved.

**IV. OTHER PROPOSED ORDERS WITH RESPECT TO DISCOVERY**

Rose Tree Media School District does not propose any additional orders with respect to discovery.

**V. SITE VISIT NECESSITY**

Rose Tree Media School District believes that a site view of the Glenwood Elementary School and the valve station located immediately behind it is necessary. A visual identification of the pipelines relative to these facilities would serve to illustrate the dire need for detection, warning, education and emergency planning programs specific to the School District.

**VI. LITIGATION SCHEDULE**

Rose Tree Media School District is in agreement with the litigation schedule proposed by counsel for Complainants. Rose Tree 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**

Rose Tree Media School District would offer the testimony of the following persons:

Eleanor DiMarino-Linnen, Ph.D.  
Superintendent of Rose Tree Media School District  
308 North Olive Street  
Media, PA 19063  
(610) 627-6000

Dr. DiMarino-Linnen will provide testimony in support of the School District's position that Sunoco has failed to provide sufficient information tailored to provide proper emergency response protocols to the School District. Dr. DiMarino-Linnen will also offer testimony as to the specific logistical challenges the pipelines present to the School District, its staff and its children at Glenwood Elementary School.

Mr. Eric Bucci, Principal  
Glenwood Elementary School  
122 S. Pennell Road  
Media, PA 19063  
(610) 627-6900

Mr. Bucci would provide testimony in support of the School District's position that siting of the Mariner Pipelines relative to Glenwood Elementary School presents a substantial danger for which Sunoco has not provided sufficient emergency planning. Mr. Bucci will also offer testimony regarding the exponential increase in risk of catastrophe relating to the siting of the valve station directly behind Glenwood Elementary School and the potential danger it poses to the School's students and staff.

Rose Tree 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:<sup>1</sup>**

**4. Public Awareness/Emergency Preparedness**

It is the position of Rose Tree that Sunoco's emergency preparedness and public awareness programs are insufficient and violate the governing federal regulations. Rose Tree will provide evidence in its 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 have been perfunctory at best.

Moreover, Rose Tree 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.

Lastly, Rose Tree 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

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<sup>1</sup> 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.

hazard plan specific to the School District and does not possess the knowledge to provide detailed information regarding the School District's requests relative to the Glenwood Elementary School.

## **5. Mass Warning Systems**

It is Rose Tree'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. 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 Rose Tree'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 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. Rose Tree 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 Rose Tree’s position that the Glenwood Elementary School is subject to a unique risk based upon Sunoco’s decision to site a pipeline valve station and pipelines immediately behind Glenwood Elementary School. Rose Tree will offer written testimony which demonstrates that the siting of the valve station and pipelines 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  
Guy A. Donatelli  
Attorney I.D. # 44205  
gdonatelli@lambmcerlane.com  
Alex J. Baumler  
Attorney I.D. # 315760  
abaumler@lambmcerlane.com  
*Attorneys for Intervenor  
Rose Tree Media 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 Rose Tree Media 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*

Thomas J. Sniscak, Esq. Kevin J. McKeon, Esq. Whitney E. Snyder, Esq. Hawk McKeon & Sniscak, LLP 100 North Tenth Street Harrisburg, PA 17101 <a href="mailto:tjsniscak@hmslegal.com">tjsniscak@hmslegal.com</a> <a href="mailto:kjmkeon@hmslegal.com">kjmkeon@hmslegal.com</a> <a href="mailto:wesnyder@hmslegal.com">wesnyder@hmslegal.com</a> Counsel for Respondent Sunoco Pipeline, LP	Robert D. Fox, Esq. Neil S. Witkes, Esq. Diana A. Silva, Esq. Manko, Gold, Katcher & Fox, LLP 401 City Avenue, Suite 901 Bala Cynwyd, PA 19004 <a href="mailto:rfox@mankogold.com">rfox@mankogold.com</a> <a href="mailto:nwitkes@mankogold.com">nwitkes@mankogold.com</a> <a href="mailto:dsilva@mankogold.com">dsilva@mankogold.com</a> Counsel for Respondent Sunoco Pipeline, LP
Curtis Stambaugh, Esq. Assistant General Counsel Sunoco Pipeline, LP 212 N. Third Street, Suite 201 Harrisburg, PA 17101 Counsel for Respondent Sunoco Pipeline, LP	Anthony D. Kanagy, Esq. Garret P. Lent, Esq. Post & Schell PC 17 N. Second Street, 12 <sup>th</sup> Floor Harrisburg, PA 17101-1601 <a href="mailto:akanagy@postschell.com">akanagy@postschell.com</a> <a href="mailto:glent@postschell.com">glent@postschell.com</a> Counsel for Intervenor Range Resources Appalachia



<p>Erin McDowell, Esq.  3000 Town Center Blvd  Canonsburg, PA 15317  <a href="mailto:emcdowell@rangeresources.com">emcdowell@rangeresources.com</a>  <i>Counsel for Intervenor Range Resources  Appalachia</i></p>	<p>Michael S. Bomstein, Esq.  Pinnola &amp; Bomstein  100 South Broad Street, Suite 2126  Philadelphia, PA 19110  mbomstein@gmail.com  <i>Counsel for Complainants</i></p>
<p>Rich Raiders, Esq.  Raiders Law, PC  606 North 5<sup>th</sup> Street  Reading, PA 19601  <a href="mailto:rich@raiderslaw.com">rich@raiderslaw.com</a>  <i>Counsel for Intervenor Andover Home  Owners' Association, Inc.</i></p>	<p>Leah Rotenberg, Esq.  Mays Connard &amp; Rotenberg, LLP  1235 Penn Avenue, Suite 202  Wyomissing, PA 19610  <a href="mailto:rotenberg@mcr-attorneys.com">rotenberg@mcr-attorneys.com</a>  <i>Counsel for Intervenor Twin Valley School  District</i></p>
<p>Margaret A. Morris, Esq.  Reger Rizzo &amp; Darnall  2929 Arch Street, 13<sup>th</sup> Floor  Philadelphia, PA 19104  <a href="mailto:mmorris@regerlaw.com">mmorris@regerlaw.com</a>  <i>Counsel for Intervenor East Goshen  Township and Chester County</i></p>	<p>Mark L. Freed, Esq.  Curtin &amp; Heefner, LLP  Doylestown Commerce Center  2005 S. Easton Road, Suite 100  Doylestown, PA 18901  <a href="mailto:mlf@curtinheefner.com">mlf@curtinheefner.com</a>  <i>Counsel for Intervenor Uwchlan Township</i></p>
<p>James R. Flandreau, Esq.  Paul Flandreau &amp; Berger, LLP  320 West Front Street  Media, PA 19063  <a href="mailto:jflandreau@pfblaw.com">jflandreau@pfblaw.com</a>  <i>Counsel for Intervenor Middletown Township</i></p>	<p>James C. Dalton, Esq.  Unruh Turner Burke &amp; Frees  17 West Gay Street, Suite 200  P.O. Box 515  West Chester, PA 19381  <a href="mailto:jdalton@utbf.com">jdalton@utbf.com</a>  <i>Counsel for Intervenor West Chester Area  School District</i></p>
<p>Patricia S. Biswanger, Esq.  217 North Monroe Street  Media, PA 19063  <a href="mailto:patbiswanger@gmail.com">patbiswanger@gmail.com</a>  <i>Counsel for Intervenor Delaware County</i></p>	<p>Michael Maddren, Esq.  Office of the Solicitor  County of Delaware  Government Center Building  201 West Front Street  Media, PA 19063  <a href="mailto:maddrenm@co.delaware.pa.us">maddrenm@co.delaware.pa.us</a>  <i>Counsel for Intervenor Delaware County</i></p>

<p>James J. Byrne, Esq.  McNichol Byrne &amp; Matlawski PC  1223 N. Providence Road  Media, PA 19063  <a href="mailto:jjbyrne@mbmlawoffice.com">jjbyrne@mbmlawoffice.com</a>  <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  <a href="mailto:dbrooman@highswartz.com">dbrooman@highswartz.com</a>  <a href="mailto:rsokorai@highswartz.com">rsokorai@highswartz.com</a>  <a href="mailto:mfisher@highswartz.com">mfisher@highswartz.com</a>  <i>Counsel for Intervenor West Goshen Township</i></p>
<p>The Honorable Elizabeth Barnes  Administrative Law Judge  Office of the Administrative Law Judge  Commonwealth Keystone Building  P.O. Box 3265  Harrisburg, PA 17105-3265  ebarnes@pa.gov</p>	<p>Michael P. Pierce, Esq.  Pierce &amp; Hughes, P.C.  17 Veterans Square  P.O. Box 604  Media, PA 19063  <a href="mailto:mppierce@pierceandhughes.com">mppierce@pierceandhughes.com</a>  <i>Counsel for Intervenor Edgmont Township</i></p>
<p>Thomas Casey  1113 Windsor Drive  West Chester, PA 19380  <a href="mailto:tcaseylegal@gmail.com">tcaseylegal@gmail.com</a>  <i>Pro Se Intervenor</i></p>	<p>Virginia Marcille-Kerslake  103 Shoen Road  Exton, PA 19341  <a href="mailto:vkerslake@gmail.com">vkerslake@gmail.com</a>  <i>Pro Se Intervenor</i></p>
<p>Josh Maxwell  Mayor of Downingtown  4 W. Lancaster Avenue  Downingtown, PA 19335  <a href="mailto:jmaxwell@downingtwn.org">jmaxwell@downingtwn.org</a>  <i>Pro Se Intervenor</i></p>	<p>Laura Obenski  14 South Village Avenue  Exton, PA 19341  <a href="mailto:liobenski@gmail.com">liobenski@gmail.com</a>  <i>Pro Se Complainant</i></p>
<p>Rebecca Britton  211 Andover Drive  Exton, PA 19341  <a href="mailto:rebeccabritton50@yahoo.com">rebeccabritton50@yahoo.com</a>  <i>Pro Se Complainant</i></p>	<p>Melissa DiBernardino  1602 Old Orchard Lane  West Chester, PA 19380  <a href="mailto:lissdibernardion@gmail.com">lissdibernardion@gmail.com</a>  <i>Pro Se Complainant</i></p>

Dated: April 18, 2019

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