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April 18, 2019

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

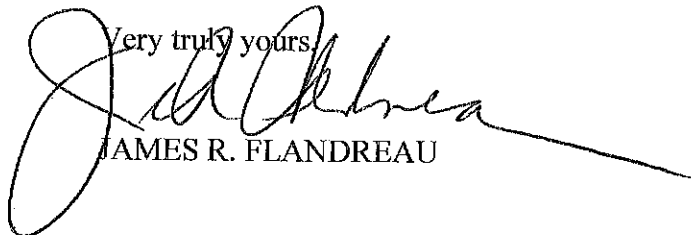
RE: Flynn et al. v. Sunoco; Docket Nos. C-2018-3006116, P-2018-3006117

Dear Secretary Chiavetta:

Attached for filing is the Prehearing Conference Memorandum of the Middletown Township in the above referenced proceeding.

A copy of the Memorandum has been served to the parties in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

JAMES R. FLANDREAU

JRF:cmc
Attachment

cc: The Hon. Elizabeth Branes, Pennsylvania Public Utility Commission (w/ enc.)
Service List (w/ enc.)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Megan Flynn, Rosemary Fuller :
Michael Walsh, Nancy Harkins :
Gerald McMullen, Caroline Hughes :
And Melissa Haines :
 :
 : Docket No. C-2018-3006116
v. : Docket No. P-2018-3006117
 :
 :
Sunoco Pipeline, L.P. : **FILED ELECTRONICALLY**

PRE-HEARING CONFERENCE MEMORANDUM

Intervenor, Middletown Township (hereinafter “Middletown” or “Intervenor”), by and through its attorneys, Paul, Flandreau & Berger, LLP hereby submits this Pre-Hearing Conference Memorandum in accordance with the March 20, 2019 Order of Judge Elizabeth H. Barnes.

INFORMATION SOUGHT BY THE COURT IN PARAGRAPH 2 OF THE ORDER

- a. Middletown has no new names to add to the service list.
- b. Middletown anticipates participation in settlement discussions concerning this matter in an effort to achieve the safety and emergency response measures described more fully below and as set forth in its Petition to Intervene.
- c. Middletown will cooperate with the parties and the intervenors to arrive at a mutually agreeable schedule that permits adequate time for discovery and litigation.
- d. Middletown has no proposed orders with respect to discovery.
- e. The following site views are requested: the valve station located behind Glenwood Elementary School, Tunbridge Apartment Building complex, and the Granite Farms Estates retirement care community.

f. Middletown will cooperate with the parties and intervenors to arrive at a mutually agreeable schedule with respect to the scheduling and submission of expert testimony and reports.

g. The names and addresses of all witnesses and their proposed testimony are as follows:

Mark Kirchgasser, Chair of Middletown Township Council; Andrew Haines, Township Manager; Robert Drennan, Township Emergency Management Coordinator; and Eric Janetka, Township Engineer, 27 N. Pennell Road, P.O. Box 157, Lima, PA 19037, (610) 565-2700. The testimony will cover public safety, emergency response measures, and environmental protection issues.

h. Statement Concerning all Issues and Sub-Issues

1) Consolidation of Complaints - Middletown has no objection to the consolidation of Complaints.

2) Petitions to Intervene – Middletown has no objection to the intervention of all parties who have filed petitions to intervene as of the filing of this Pretrial Conference Memorandum.

3) Protective Order – Middletown has no objection to the Court crafting an appropriate Protective Order.

4) Public Awareness/Emergency Preparedness

Middletown requests that Sunoco be required to assist Delaware County and Middletown in devising an emergency plan for first responders in the event of a leak, release, explosion, or other failure in the ME pipeline system. Emergency responders should be provided with all proprietary information necessary to develop such a plan and other public safety information that may be useful to public safety planners and emergency services providers. Middletown further requests that Sunoco engage in emergency planning with

Delaware County and Middletown emergency responders to develop a pipeline-specific hazard response plan, which engagement includes but is not limited to, participation in “tabletop” activities designed to provide emergency responders with opportunities to work through a variety of hazard scenarios. Middletown additionally asks that Sunoco assist Delaware County and Middletown officials in developing a specific comprehensive public education and awareness plan designed to inform and educate the public and Delaware County and Middletown officials and staff on proper and effective disaster prevention and disaster response. Sunoco should provide Delaware County and Middletown agencies responsible for public safety along the ME Pipeline routes with any and all information required under state and federal law to enable the preparation of emergency preparedness plans.

5) Mass Warning Systems

An incident occurred in Middletown Township on May 21, 2018, when a recently installed and inactive section of ME2 was struck by a backhoe operated by a subcontractor of Aqua America because Aqua and Energy Transfer Partners (“ETP”) failed to ascertain the correct location of the pipeline. Middletown was not provided timely notice of this accident. Middletown requests immediate notification any time there is a strike to a section of the ME pipeline system. Further, Middletown requests that Sunoco develop and install a mass early warning notification system for all potentially affected properties located in Middletown that would provide immediate notice of a leak, release, potential explosion, or other failure of the ME pipeline system to the public. Middletown further requests that Sunoco provide advanced notification to Delaware County and Middletown of any proposed excavation in the area of the ME pipelines.

6) Pipeline Integrity Management

Middletown asks that the Commission inspect and evaluate the safety of the pipeline on a periodic basis and prepare a plan to implement the findings of its inspection and evaluation. Middletown requests that Sunoco establish testing as to the condition of the ME pipelines and reporting of testing results to Delaware County and Middletown officials. Additionally, Sunoco should develop and submit testing and inspection protocols appropriate to ensure the safe operation and maintenance of the ME pipelines throughout their entire course through Middletown.

7) Leak Detection Protocols

See the above responses in paragraphs 4 - 6 with respect to Public Awareness/Emergency Preparedness.

8) Remaining Life Study of ME1 and 12" Pipe

See the above response in paragraph 6.

9) Location of pipelines close to dwellings and public gathering places

The ME pipelines cross or are proposed to cross the entire length of Middletown Township. Middletown and its residents are directly affected by the ME pipelines, particularly as it relates to public safety. The pipeline passes through densely populated areas of Middletown, including neighborhoods with retirement homes (eg. Granite Farms Estates), schools (eg. Glenwood Elementary School), apartment buildings (eg. Tunbridge Apartments), and residential subdivisions.

Middletown granted Sunoco four (4) permanent easements, three (3) permanent access road easements and a temporary construction access agreement (collectively the "Easements") on Middletown property. The easements have been recorded in Delaware

County. As an inducement for granting the easements to Sunoco, Sunoco additionally entered into a Side Letter Agreement with Middletown in order to set forth additional terms and conditions applying to Sunoco's use of the property covered by the Easements.

Glenwood Elementary School is located in Middletown. Approximately 440 students attend Glenwood. The ME2 pipeline is approximately 600 feet from the western boundary of the Glenwood and 900 feet from the Glenwood building. Additionally, there is a Sunoco valve station located immediately behind Glenwood. A hydrocarbon sensor has been installed at the site of the valve station in accordance with the terms of the Side Letter Agreement. Due to the close proximity of the ME2 pipeline to Glenwood, Middletown adopted Ordinance 795 amending §275-198 E of the Township Code to prohibit any type of excavation work within a right of way occupied by a natural gas liquids pipeline that is within ¼ mile of the property line of any school in Middletown during the hours of 7 AM through 6 PM while the school is in session. Middletown expects that Sunoco will respect and abide by the terms of the Ordinance 795.

10) Valve spacing- status of construction of valves

Middletown expects that Sunoco will maintain in excellent working condition at all times the hydrocarbon sensors located at the Glenwood Elementary School valve site and at the Tunbridge Apartments valve site.

11) Horizontal Directional Drilling-status of construction permits, construction activities, etc.

Middletown expects that Sunoco will abide by all DEP orders pertaining to all HDD sites in Middletown.

i. Statement of Evidence Related to Each Issue and Sub-Issue

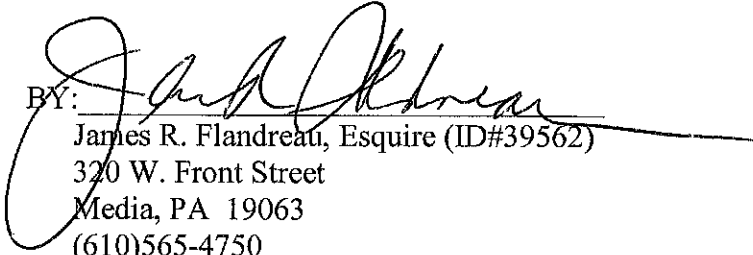
Relevant testimony from the township officials set forth in paragraph g above.

Respectfully submitted,

PAUL, FLANDREAU & BERGER, LLP

Dated:

BY:


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing document has been served upon the following person(s) on the attached list, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a party).


JAMES R. FLANDREAU

Dated: April 18, 2019

VIA ELECTRONIC MAIL

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