

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

**Pennsylvania State Senator
Andrew E. Dinniman
v.
Sunoco Pipeline L.P.**

**Public Meeting: April 25, 2019
3001453-OSA
Docket No. P-2018-3001453;
C-2018-3001451**

STATEMENT OF COMMISSIONER ANDREW G. PLACE

Before us today for consideration is the March 29, 2019 letter and affidavit filed by Sunoco Pipeline L.P. (Sunoco or Company) verifying that the Pennsylvania Department of Environmental Protection (DEP) issued approval to restart construction of the Mariner East 2 (ME 2) pipeline at the Shoen Road work location in West Whiteland Township. Affidavit of Matthew Gordon at p. 1 and 2, para. 8. This particular location is subject to certain requirements in the Commission's June 15, 2018 and August 14, 2018 Orders including that work is enjoined at four locations, one being Shoen Road, because Sunoco had not received permitting authority from DEP to continue construction activities.¹ In this same Order, the Commission directed Sunoco to file supplemental verifications or affidavits issued by DEP for the appropriate permissions for continued construction of ME 2 and ME 2X in West Whiteland Township and that the Commission would render a disposition on the submitted filings.² Sunoco has filed supplemental information as directed by the prescribed ordering paragraphs.

Specifically, in Sunoco's March 29, 2019 letter, the Company requests that the Commission lift the injunction on construction of the ME 2 pipeline at the Shoen Road work location by Secretarial Letter in accordance with the above-mentioned August 14, 2018 Order. In response to the Company's letter and affidavit, Senator Dinniman, through counsel, advises the Commission that it lacks jurisdiction to grant this request in light of Sunoco's pending appeal to the Commonwealth Court regarding this matter.³ Sunoco also submitted a reply to Senator Dinniman's response on April 4, 2019.

It is important to note that Sunoco filed a Motion for Certification of the Commission's June 15, 2018 Order for Interlocutory Appeal on three issues⁴ which the Commission granted, in part, in July 2018. At that time, I dissented from the Commission's action to grant Sunoco's Interlocutory Appeal. Shortly thereafter, on September 27, 2018, the Commonwealth Court issued an Order indicating that it will consider the issue of standing only and directed that "[a]ll proceedings in this matter before the PUC are stayed pending resolution of this appeal." *Sunoco*

¹ *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.*, Docket Nos. P- 2018-3001453 and C-2018-3001451, Order entered August 14, 2018 Order at p. 28, O.P. 4.

² *Id.* at O.P. 4-6.

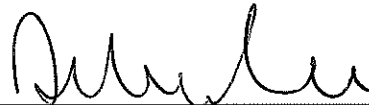
³ See March 29, 2019 Letter at 1.

⁴ Sunoco sought Commission certification of three issues: (1) whether Senator Dinniman has established standing to bring his Complaint before the Commission; (2) whether the evidence in the underlying proceeding supports a finding of clear and present danger warranting emergency relief; and (3) whether imposition of a bond requirement is warranted in this case. *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.*, Docket Nos. P-2018-3001453 and C-2018-3001451, Order entered July 25, 2018, p. 2.

Pipeline L.P. v. Pennsylvania State Senator Andrew E. Dinniman and Public Utility Commission, No. 1169 C.D. 2018, Order at 1.

As stated above, Sunoco is the party that filed the Petition for Interlocutory Appeal which was granted by the Commission. In taking this action, Sunoco removed the case from this forum and must now accept the Court's broad directive of staying all proceedings in the matter. The Commonwealth Court's Order is binding upon the parties in this proceeding and by which the Commission, Sunoco and Senator Dinniman must abide. Thus, I believe that the Commission cannot grant Sunoco's requested relief and that the Company must make the decision whether to petition the Commonwealth Court to return the matter to the Commission for further disposition.

DATE: April 25, 2019



Andrew G. Place, Commissioner