



May 8, 2019

Rosemary Chivaetta
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17110

RE: *Flynn et. al. v. Sunoco Pipeline, L.P.*; C-2018-3006116, P-2018-3006117, C-2018-3005025,
C-2019-3006905, C-2019-3006898

Dear Ms. Chiavetta,

Please find the attached Answer on behalf of Andover Homeowners' Association, Inc. to Sunoco Pipeline L.P.'s Motion for Amended Protective Order. Please contact me with any questions. Thank you.

Sincerely,

/s/ Rich Raiders

Rich Raiders, Esq.

cc: Andover Homeowners' Association, Inc.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Meghan Flynn, Rosemary Fuller, Michael Walsh,	:	C-2018-3006116
Nancy Harkins, Gerald McMullen, Caroline Hughes and	:	P-2018-3006117
Melissa Haines, Melissa DiBernadino, Laura Obenski, and	:	C-2018-3005025
Rebecca Britton	:	C-2019-3006905
	:	C-2019-3006898
v.	:	
	:	
Sunoco Pipeline L.P.	:	

**ANSWER OF ANDOVER HOMEOWNERS’ ASSOCIATION, INC. TO THE MOTION FOR AMEDED
PROTECTIVE ORDER FILED BY SUNOCO PIPELINE L.P.**

TO: ADMINISTRATIVE LAW JUDGE ELIZABETH BARNES:

NOW COMES Intervenor, Andover Homeowners’ Association, Inc., (“Association”) by and through its below signed counsel, answering Sunoco Pipeline L.P.’s (“Sunoco”) Motion for Amended Protective Order, and in support thereof, avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted in part and denied in part. Admitted that the proposal speaks for itself. Denied in that it seems that, from Sunoco’s proposal, the discretion for identifying what documents should be subjected to the Amendments to the Protective Order are exclusively within the purview of Sunoco, with no oversight from the Commission or the Administrative Law Judge. While the Association understands the sensitivity of some of the information potentially discovered in this proceeding, the Association is concerned that Sunoco could unilaterally

overly broadly designate materials as Extremely Sensitive without proper justification. The Association appreciates that Sunoco seems to model this approach after the RMP Reading Rooms in 40 C.F.R. § 1400 et. seq. However, the location of the proposed reading rooms may not be reasonably available to experts which the Association may rely upon to testify before the Commission, where such experts' offices are likely not in close proximity to Philadelphia. In no way can the Association endorse a procedure where it cannot have its expert(s) review critical documents without undue burden.

6. Admitted in part and denied in part. The Association seeks to ensure a meaningful review process for the designation and provision of records, especially as would be critical for out-of-town expert witness(es) retained by the Association or other parties to review and use while building the record. The Association understands that said expert(s) would have to be bound by the Amended Protective Order. The Association seeks the least restrictive Order that allows Sunoco to comply with its duties to not endanger the public. However, the ALJ should, if asked, be able to quickly decide which documents are or are not Extremely Sensitive under an expedited review process that Sunoco did not define in its Motion.
7. Admitted in part and denied in part. Admitted that the statute speaks for itself. Denied in that Sunoco has not identified fully formed criteria it may use to minimize the amount of restriction placed on documents and what criteria it may choose to label such documents as subject to the Modified Protective

Order.

8. Admitted.
9. Admitted, so long as the ALJ or the Commission is in active oversight of the processes to designate materials as restricted.
10. Admitted that the proposed Protective Order speaks for itself. The Association is concerned about the criteria used to restrict data labeled as Extremely Sensitive Materials and overbroad application of such criteria.
11. Admitted in part and denied in part. Admitted that a proper application of said restrictions should not unduly burden parties and their designated expert witnesses. Denied in that no tangible criteria was offered to make such designations in a manner that maximizes disclosure while protecting truly Extremely Sensitive information.
12. Admitted in part and denied in part. Admitted that the protections should protect data, if properly applied. Denied in that Sunoco should be required to approach the designation as in favor of disclosure, with Sunoco bearing the burden to justify the Extremely Sensitive category, subject to ALJ review. The ALJ review may need to be in camera, with a procedure to transport the documents to the ALJ for possible review or another review procedure so that ALJ can decide if certain documents should be designated as Extremely Sensitive. Denied in that the proposal fails to provide the least restrictive approach, which would include procedures to identify Extremely Sensitive designations and ALJ review of disputed documents.

13. This Answer was served upon parties and intervenors per the attached

Certificate of Service, as well as provided to Judge Elizabeth Barnes by email.

WHEREFORE, Intervenor, Andover Homeowners' Association, Inc., requests Your Honor require that Sunoco Pipeline L.P. enact specific protections to avoid overbroad application of "Extremely Sensitive" designations and allow for meaningful review of such designations.

Respectfully Submitted,

Date: May 8, 2019

/s/ Rich Raiders

Rich Raiders, Esq.

Attorney ID 314857

Raiders Law PC

606 North 5th Street

Reading, PA 19601

484 509 2715 voice

610 898 4623 fax

rich@raideslaw.com

Counsel for Andover Homeowners' Association, Inc.

C-2018-3006116, P-2018-3006117- MEGHAN FLYNN, ROSEMARY FULLER,
MICHAEL WALSH, NANCY HARKINS, GERALD MCMULLEN, CAROLINE HUGHES,
MELISSA HAINES V. SUNOCO PIPELINE LP

C-2018-3005025- MELISSA DIBERNARDINO v. SUNOCO PIPELINE L.P.

C-2019-3006905 - LAURA OBENSKI v. SUNOCO PIPELINE LP

C-2019-3006898 - REBECCA BRITTON v. SUNOCO PIPELINE LP

MELISSA DIBERNARDINO
1602 OLD ORCHARD LANE
WEST CHESTER PA 19380
484.881.2829

Accepts E-Service

Complainant

LAURA OBENSKI
14 S VILLAGE AVE
EXTON PA 19341
484.947.6149

Accepts E-Service

Complainant

REBECCA BRITTON
211 ANDOVER DR
EXTON PA 19341
215.776.7516

Accepts E-Service

Complainant

VIRGINIA MARCILLE KERSLAKE
103 SHOEN ROAD
EXTON PA 19341
215.200.2966

Accepts E-Service

Intervener

THOMAS CASEY
1113 WINDSOR DR
WEST CHESTER PA 19380

Intervener

JOSH MAXWELL
MAYOR OF DOWNINGTOWN
4 W LANCASTER AVENUE
DOWNINGTOWN PA 19335

Intervener

MICHAEL BOMSTEIN ESQUIRE
PINNOLA & BOMSTEIN
SUITE 2126 LAND TITLE BUILDING
100 SOUTH BROAD STREET
PHILADELPHIA PA 19110

215.592.8383

Representing Complainants

MEGHAN FLYNN
212 LUNDGREN ROAD
LENNI PA 19052

Complainant

ROSEMARY FULLER
226 VALLEY ROAD
MEDIA PA 19063

610.358.1262

Accepts E-Service

Complainant

MICHAEL WALSH
12 HADLEY LANE
GLEN MILLS PA 19342

Complainant

NANCY HARKINS
1521 WOODLAND RD
WEST CHESTER PA 19382

484.678.9612

Accepts E-Service

Complainant

GERALD MCMULLEN
200 HILLSIDE DRIVE
EXTON PA 19341

Complainant

CAROLINE HUGHES
1101 AMALFI DRIVE
WEST CHESTER PA 19380

484.883.1156

Accepts E-Service

Complainant

MELISSA HAINES
176 RONALD ROAD
ASTON PA 19014
Complainant

CURTIS STAMBAUGH ASSISTANT
GENERAL COUNSEL
SUNOCO PIPELINE LP
212 N THIRD STREET SUITE 201
HARRISBURG PA 17101
717.236.1731
Accepts E-Service
Representing Sunoco Pipeline LP

NEIL S WITKES ESQUIRE
ROBERT D FOX ESQUIRE
DIANA A SILVA ESQUIRE
MANKO, GOLD, KATCHER & FOX LLP
401 CITY AVENUE
VALA CYNWYD PA 19004
484.430.2314
484.430.2312
484.430.2347
Accepts E-Service
Representing Sunoco Pipeline LP

THOMAS J SNISCAK ESQUIRE
HAWKE MCKEON AND SNISCAK LLP
100 N TENTH STREET
HARRISBURG PA 17101
717.236.1300
Accepts E-Service
Representing Sunoco Pipeline LP

RICH RAIDERS ATTORNEY
606 NORTH 5TH STREET
READING PA 19601
484.509.2715
Accepts E-Service
*Representing Intervener Andover
Homeowners' Association Inc.*

ANTHONY D KANAGY ESQUIRE
POST & SCHELL PC
17 N SECOND ST 12TH FL
HARRISBURG PA 17101-1601
717.612.6034
Accepts E-Service
*Representing Intervener Range
Resources Appalachia*

ERIN MCDOWELL ESQUIRE
3000 TOWN CENTER BLVD
CANONSBURG PA 15317
725.754.5352
*Representing Intervener Range
Resources Appalachia*

LEAH ROTENBERG ESQUIRE
MAYS CONNARD & ROTENBERG LLP
1235 PENN AVE
SUITE 202
WYOMISSING PA 19610
610.400.0481
Accepts E-Service
*Representing Intervener Twins Valley
School District*

MARGARET A MORRIS ESQUIRE
REGER RIZZO & DARNALL
2929 ARCH STREET 13TH FLOOR
PHILADELPHIA PA 19104
215.495.6524
Accepts E-Service
*Representing Intervener for East
Goshen Township and County of
Chester*

VINCENT MATTHEW POMPO
ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
PO BOX 565
WEST CHESTER PA 19381
610.701.4411
Accepts E-Service
*Representing Intervener for West
Whiteland Township, Rose Tree Media
School District, Senator Killion*

MARK L FREED ESQUIRE
CURTIN & HEEFNER LLP
DOYLESTOWN COMMERCE CENTER
2005 S EASTON ROAD SUITE 100
DOYLESTOWN PA 18901
267.898.0570
Accepts E-Service
*Representing Intervener Uwchlan
Township*

JAMES R FLANDREAU
PAUL FLANDREAU & BERGER LLP
320 WEST FRONT ST
MEDIA PA 19063
610.565.4750
Accepts E-Service
Representing Intervener Middletown Township

PATRICIA BISWANGER ESQUIRE
217 NORTH MONROE STREET
MEDIA PA 19063
610.608.0687
Accepts E-Service
Representing Intervener County of Delaware

ALEX JOHN BAUMLER ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.701.3277
Accepts E-Service
Representing Intervener Downingtown Area School District, et al.

P GUY DONATELLI ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.430.8000
Representing Intervener Rose Tree Media School District

JAMES DALTON
UNRUH TURNER BURKE & FREES
PO BOX 515
WEST CHESTER PA 19381
610.692.1371
Representing Intervener West Chester Area School District

JAMES BYRNE ESQUIRE
MCNICHOL BYRNE & MATLAWSKI PC
1223 N PROVIDENCE RD
MEDIA PA 19063
610.565.4322
Accepts E-Service
Representing Intervener Thornbury Township