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October 9, 2019

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

Re: Andover Homeowner Association v. Sunoco Pipeline L.P.; Docket No. C-2018-3003605; **SUNOCO PIPELINE L.P.'S ANSWER OPPOSING PETITION TO INTERVENE OF EAST GOSHEN TOWNSHIP**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P.'s Answer Opposing Petition to Intervene of East Goshen Township in the above-referenced proceeding. Because this document does not contain new averments of fact, it does not require a verification.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder  
*Counsel for Sunoco Pipeline L.P.*

WES/das  
Enclosure

cc: Hon. Elizabeth H. Barnes (Electronic [ebarnes@pa.gov](mailto:ebarnes@pa.gov) and first class mail)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNER'S ASSOCIATION	:	
	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3003605
	:	
SUNOCO PIPELINE L.P.,	:	
	:	
Respondent.	:	

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**SUNOCO PIPELINE L.P.'S ANSWER  
OPPOSING PETITION TO INTERVENE  
OF EAST GOSHEN TOWNSHIP**

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Pursuant to 52 Pa. Code § 5.66,<sup>1</sup> Sunoco Pipeline L.P. (SPLP) submits this Answer Opposing East Goshen's Township's September 24, 2018<sup>2</sup> Petition to Intervene in this proceeding because East Goshen Township has not shown its interests are not adequately represented. Moreover, East Goshen Township has already been granted intervenor status in the consolidated *Flynn et al* Complaint Proceeding<sup>3</sup>, and SPLP is seeking to consolidate this proceeding with the

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<sup>1</sup> SPLP notes that it is not required to specifically answer the allegations within a petition to intervene, and any such allegations are not deemed admitted by SPLP's non-response. Compare 52 Pa. Code § 5.66 ("party may file an answer to a petition to intervene within 20 days of service, and in default thereof, may be deemed to have waived objection to the granting of the petition. Answers shall be served upon all other parties.") with § 5.61(b)(3) (as to form of answers to complaints, answers must "Admit or deny specifically all material allegations of the complaint").

<sup>2</sup> On September 27, 2018 the Commonwealth Court stayed proceedings in this matter. Thus, SPLP's answer in opposition to the Petition was stayed. After the Commonwealth Court ordered the Commission to dismiss State Senator Dinniman's Complaint, which was consolidated with Andover's Complaint, the Commission entered an order on September 19, 2019 that dismissed the *Dinniman* complaint and bifurcated the consolidated docket. SPLP has filed this Answer within 20 days of that Commission Order.

<sup>3</sup> Meghan Flynn et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated); Melissa DiBernardino, Docket No. C-2018-3005025 (consolidated); Rebecca Britton, Docket No. C-2019-3006898 (consolidated); Laura Obenski, Docket No. C-2019-3006905 (consolidated)

*Flynn et al* proceeding due to the nearly identical nexus of law and fact alleged, and thus intervention here will be moot upon consolidation.

1. East Goshen Township’s Petition to Intervene should be denied because it has failed to show that its interests are not already adequately represented in this proceeding. 52 Pa. Code § 5.72 (a)(2); *see generally* Petition to Intervene.

2. Indeed, East Goshen Township merely states its interest “is not (and cannot) be adequately represented by any other party.” Petition to Intervene at ¶ 15. However, 52 Pa. Code § 5.72(a)(2) expressly provides that to intervene, petitioner must possess “an interest which may be directly affected **and which is not adequately represented by existing participants.**” *Id.* (emphasis added). East Goshen Township does not allege any specific harm, any specific concern, or any particularized reason as to why Complainant does not adequately represent their interests, whatever they may be. Without a specific interest tied to this matter, East Goshen has not met standard to show that its interests are not adequately represented by any other party. Accordingly, East Goshen Township’s Petition to Intervene should be denied.

3. East Goshen Township’s Petition to Intervene should also be denied because intervention in this case is both duplicative to East Goshen Township’s intervenor status in the *Flynn et al* proceeding.<sup>4</sup> On March 12, 2019, Your Honor granted East Goshen Township intervenor status in the *Flynn et al* matter and the Township has been an active participant in that proceeding. Intervention here is unnecessary as East Goshen Township’s alleged interests in both cases are identical.

4. Moreover, due to the commonality in fact and law between the cases, SPLP is moving for consolidation of this proceeding and the *Flynn et al* proceeding. East Goshen Township

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<sup>4</sup> Indeed, East Goshen Township filed nearly identical petitions in both dockets which do not allege any particularized harm specific to either Docket.

is already an intervenor in that matter. To the extent Your Honor grants SPLP's motion for consolidation, intervention in this matter will be moot as East Goshen Township already intervened in the *Flynn et al* consolidated proceeding.

5. SPLP notes that if East Goshen Township is nonetheless granted intervenor status and this matter is not consolidated with the *Flynn et al* matter, intervenors must take the case as it is, and cannot expand the scope of the proceeding. *See Com., et al. v. Energy Services Providers, Inc. d/b/a PaG&E, Order Granting Petition to Intervene*, Docket No. C-2014-2427656, 2015 WL 1957859 (Order entered Apr. 23, 2015) (Cheskis, J.) ("In granting intervention, however, Mr. Sobiech will be required to take the case as it currently stands. PaG&E is correct that intervenors generally take the record as they find it at the time of intervention."). Even if intervention is allowed, East Goshen Township cannot pursue issues beyond the scope of the Complaint.

WHEREFORE, Sunoco Pipeline L.P. requests East Goshen Township's Petition to Intervene be denied.

Respectfully submitted,



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Dated: October 9, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the forgoing document upon the persons, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served on the following:

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Dated: October 9, 2019