

Melissa DiBernardino
1602 Old Orchard Lane.
West Chester PA 19380

October 17, 2019

VIA ELECTRONIC FILING

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

September 4, 2019

**Re: Melissa DiBernardino v. Sunoco Pipeline L.P.; Docket No.
C-2018-3005025**

Meghan Flynn. et al. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3006116 and
P-2018-3006117;

Answer to Sunoco's Motion in Limine

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Melissa DiBernardino's lay witness list.

If you have any questions regarding these filings please do not hesitate to contact me.

Sincerely,

Melissa DiBernardino

Pro se

October 17, 2019

Rosemary Chiavetta, Secretary
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Harrisburg, PA 17120

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

MELISSA DIBERNARDINO

:

Complainant : **Docket No. C-2018-3005025**

v. :

SUNOCO PIPELINE L.P.,
Respondent. :

MEGAN FLYNN *et al* : **Docket Nos.C-2018-3006116**
v. : **P-2018-3006117**

SUNOCO PIPELINE L.P., :

:

Answer to Sunoco's Motion in Limine

SPLP motioned to consolidate, knowing the number of individual complainants and intervenors involved in this matter. The construction and operations of the Mariner East Pipeline Project (sometimes known as the Pennsylvania Pipeline Project) spans over 300 miles across the state. While this project holds the same name, carries the same highly volatile liquids, is being constructed and operated by the same entity and had/has/will have similar impacts to residents, each one of us have unique situations that make this project affect us in different ways, sometimes to varying degrees. It bothers me tremendously that SPLP continues to whine about the possibility of repetitiveness and time in this hearing when they motioned to consolidate in the first place. SPLP is asking Your Honor to rule on something that has not happened yet and even seems to imply doubt that Your Honor will be able to control the upcoming hearing. Between collaboration among the parties (preparing a schedule) and Your

Honor's experience, I believe that the hearings will be fair in ensuring each parties' due process and not being overly repetitious.

I am unaware of anyone testifying at the upcoming Lay Witness Hearing who will be speaking to probability of structural failure. It seems more so that witnesses will be testifying to their "personal knowledge" in what they have experienced or witnessed or what their personal capabilities are, etc. If SPLP takes issue with Your Honor hearing people say that they either won't know what to do or aren't capable of doing what is needed in the event of a Mariner East Emergency, I believe it speaks volumes for their regard for public safety and their fear of Your Honor better understanding just that. Like many witnesses on our lists - Mr. Friedman, Ms. Britton and Ms. Dunn each have different knowledge bases, experiences and capabilities.

Additionally, unless SPLP has intentions of only temporarily operating the currently operational and proposed pipelines - opposing testimony of those differently abled in the same area, in the same proximity would suggest that each complainant (and those they have standing for) will have the same abilities they do now, for as long as SPLP intends to operate the Mariner East (Pennsylvania Pipeline) system.

If SPLP needed or wanted equal time in the lay witness hearing, they should have planned appropriately and stated as such in one of the numerous conference calls instead of waiting until now. They could have even listed the two Chester county landowners seen in Energy Transfer commercials who appear to be overjoyed at this project's presence on their land. However, after asking for the lengthy and crowded hearing they face next week, SPLP makes motions that essentially ask for the supposed lengthy and repetitive event that they created to be undone.

SPLP claims that "Pipelines/Events. Allegations related to other pipelines in other states are irrelevant to the issues here". This is not at all true 1) if SPLP is trying to simply reword their attempt at getting anything outside of the complainants' geographical area not able to be used and/or 2) if it is in reference to a portion of Mariner East or any other pipeline(s) owned and operated by SPLP,

The following is from my response to SPLP's preliminary objections "Sunoco claims that I do not have standing to bring certain claims because the incidents I point out are disconnected from where Saints Peter & Paul School is located. Paragraphs 18-19, 21-26, 29-31,33,42, 50, 52 and 55 should not be stricken for the following reason: The Respondent's performance record of construction, maintenance and operations of their pipeline affect the integrity and safety of the overall project. Due to the precedence set by Sunoco's history, there is substantial cause for question and concern when it comes to their required safe and reasonable service (according to 66 Pa.C.S. 1501). The same portions of the Complaint should not be stricken because the current BI&E formal complaint filed with the Pennsylvania Public Utility Commission further strengthens my

standing when stating that the issues I bring up directly affect Saints Peter & Paul School. While the leak was in one area, they allege that there is a statewide concern for Mariner East 1. Additionally, these incidents occurred on the same pipeline system or are owned/operated by Sunoco/Energy Transfer or both. Therefore, I have standing to complain about the events that have occurred outside of Saints Peter and Paul School, even though they are not in the same geographical location.”

The following is from Her Honor’s ruling:

“In her Answer to Preliminary Objections, Complainant admits she is not claiming standing for Willington or other schools and the general public impacted by the Mariner East Project. Complainant responds that Complaint Paragraphs 18-19, 21-26, 29-31, 33, 42, 50, 52 and 55 should not be stricken because Sunoco’s performance record of construction, maintenance and operations of its pipeline affects the integrity and safety of the overall project and a currently pending formal complaint filed by the Bureau of Investigation and Enforcement (BI&E) strengthens her standing. Therefore, she has standing to complain about events occurring outside of Saints Peter and Paul School.”

While I do not know which pipelines SPLP is specifically speaking of when asking for Her Honor to not allow, SPLP has many pipelines that do not begin and end in Pennsylvania, despite the names of them changing at times.

I respectfully ask that Her Honor deny SPLP’s motion in it’s entirety. As I am completing this, an email came through to notify us of another one of these ridiculous motions. This is a far greater waste of everyone’s time than witnesses testifying at our upcoming hearing.

Respectfully Submitted,

Melissa DiBernardino

Thomas J. Sniscak, Esq
tjsniscak@hmslegal.com

Kevin J. McKeon
kjmckeon@hmslegal.com

Whitney E. Snyder
@hmslegal.com

Robert D. Fox, Esq.
Neil S. Witkes, Esp.
Diana A. Silva, Esq.
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Michael Bomstein
mbomstein@gmail.com

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
akanazy@postschell.com
glent@postschell.com

Rich Raiders, Esq.
rich@raiderslaw.com

Vince M. Pompo, Esq.
Guy. A. Donatelli, Esq
Alex J. Baumler, Esq.
vpompo@lambmcerlane.com
Gdonatelli@lambmcerlane.com
abaumler@lambmcerlane.com

Margaret A. Morris, Esq.
mmorris@regerlaw.com

Leah Rotenberg, Esq.
rotenberg@mcr-attorneys.com

Mark L. Freed
mlf@curtinheefner.com

James R. Flandreau
jflandreau@pfblaw.com

David J. Brooman
Richard Sokorai
Mark R. Fischer
dbrooman@highswartz.com
rsokorai@highswartz.com
mfischer@highswartz.com

Thomas Casey
tcaseylegal@gmail.com

Josh Maxwell
jmaxwell@downingtowntown.org

Laura Obenski
ljobenski@gmail.com

Stephanie M. Wimer
stwimer@pa.gov

Michael Maddren, Esq.
Patricia Sons Biswanger, Esq.
maddrenM@co.delaware.pa.us
patbiswanger@gmail.com

James C. Dalton, Esq.
jdalton@utbf.com

Melissa DiBernardino
lissdibernardino@gmail.com

Virginia Marcille-Kerslake
vkerslake@gmail.com

James J. Byrne, Esq.

Kelly S. Sullivan, Esq.
jjbyrne@mbmlawoffice.com
ksullivan@mbmlawoffice.com

Honorable Elizabeth Barnes
ebarnes@pa.gov