

Melissa DiBernardino
1602 Old Orchard Lane.
West Chester Pa 19380

October 21, 2019

VIA ELECTRONIC FILING

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

**Re: Melissa DiBernardino v. Sunoco Pipeline L.P.; Docket No.
C-2019-3006898**

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

Melissa DiBernardino's Answer to Motion in Limine

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is my answer to Sunoco's Motion in Limine.

If you have any questions regarding this filing please do not hesitate to contact me.

Sincerely,

Melissa DiBernardino
Pro se
October 21, 2019

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Rosemary Chiavetta, Secretary

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

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Melissa DiBernardino
1602 Old Orchard Lane
West Chester Pa 19380

:

Complainant

Docket No. C-2019-3006898

Consolidated
MEGAN FLYNN *et al*
v.

:

Docket Nos.C-2018-3006116

SUNOCO PIPELINE L.P.,
Respondent.

:

Answer to Motion in Limine

Argument

I am aware that this is a lay testimony hearing and do not have any witnesses listed (including myself) that will be verifying or authenticating technical exhibits or providing expert testimony. The exhibits MD Exhibits 7, 9a-9c, 11, 14b, and 15c mentioned in SPLP's motion should not be considered hearsay. Additionally, Your Honor is more than capable of deciding if the exhibits could be hearsay and the weight of the exhibits entered into evidence with the testimonies.

1. Again, no one will be verifying any technical exhibits.
2. Myself and my witnesses will be testifying to personal knowledge of their experiences, information provided to them and concerns they have.
3. This is repetitious of the last motion in Limine. It is also addressed in numbers 1 and 2.

4. It is my understanding after reading through the Pa rules and codes regarding evidence that Lay witnesses are allowed to show something that they learned through a public document that was published to inform the public. That does not mean they are verifying the document but that it is what was presented to the public by an agency or government body with responsibility to the public to some degree.

5. Does not pertain to my complaint.

6. This is again repetitious and has been addressed.

7. Rule 803. Exceptions to the Rule Against Hearsay—Regardless of Whether the Declarant Is Available as a Witness.

Rule 803(8). Public Records.

(8) Public Records. A record of a public office

if:

(A) the record describes the facts of the action taken or matter observed;

(B) the recording of this action or matter observed was an official public duty; and

(C) the opponent does not show that the source of the information or other

circumstances indicate a lack of trustworthiness.

Mr Kuprewicz has been hired by West Goshen Township and contracted him to do this study to release to the public. If it is being presented as such and something a lay witness learned, it does not fit SPLP's argument.

Additionally, SPLP uses this argument in this motion - "Under Pennsylvania's Walker/Chapman Rule, it is well-established that "[h]earsay evidence, **properly objected to**, is not competent evidence to support a finding." Which is assuming that they are, in fact, properly objecting.

9. Does not pertain to my complaint.

10. Exhibits MD 9a-9c, 11, 14b are also examples of the same argument made in number 7. I am not presenting them to find fact but to show what was publicly published and what was learned from them by those testifying.

Exhibit MD 7 was written by my township manager and does not require an expert to verify the utilities nor does it require cross examination. It is simply information provided by an individual in the position to have that factual information in front of him.

Exhibit MD 11 is a publicly filed document confirmed by East Goshen Board of Supervisors of its truthfulness. Her Honor has no reason that I know of to find this board of supervisors untrustworthy and two of my witnesses were present during this meeting.

11. Please see number 7.

12. It is unclear which exhibit SPLP is referencing so I am unable to properly answer.

13. The PUC brief exhibit is not only a publicly filed document (see number 7) but filed by the agency responsible to regulate SPLP. Regardless of the portion intended to be used, Your Honor has no reason that I'm aware of to think of the public utility commissioners or a legal document filed that pertains to the Mariner East Pipeline Project as untrustworthy. Therefore I believe that this also fits an exemption from hearsay.

14. Does not pertain to my complaint.

15. Does not pertain to my complaint.

16. Does not pertain to my complaint.

17. Does not pertain to my complaint.

18. Does not pertain to my complaint.

While this may not be the appropriate place to do so, I would like to express my frustration that SPLP seems to only be fishing for our entire arguments/information and/or making it harder to prepare for the upcoming hearing.

I respectfully ask that Your Honor deny SPLP's Motion in Limine in its entirety.

Respectfully,
Melissa DiBernardino

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