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November 6, 2019

VIA ELECTRONIC FILING

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

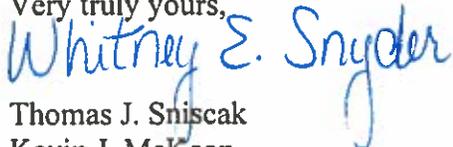
Re: Meghan Flynn, et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated)
Melissa DiBernardino, Docket No. C-2018-3005025 (consolidated)
Rebecca Britton, Docket No. C-2019-3006898 (consolidated)
Laura Obenski, Docket No. C-2019-3006905 (consolidated)
Andover Homeowner's Association, Inc.; Docket No. C-2018-3003605 (consolidated)
v.
Sunoco Pipeline L.P.

**SUNOCO PIPELINE L.P.'S ANSWER TO ANDOVER HOMEOWNERS'
ASSOCIATION INC.'S AMENDED MOTION TO COMPEL ANSWER TO
INTERROGATORIES AND AMENDED MOTION TO COMPEL ANSWER
TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P.'s Answer to Amended Motion To Compel Answer To Interrogatories And Amended Motion To Compel Answer To Requests For Production Of Documents 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: Honorable Elizabeth Barnes (by email and first class mail)
Per Certificate of Service

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).

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Dated: November 6, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS' ASSOCIATION, INC.	:	
	:	C-2018-3003605
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.	:	

SPLP Answer to Amended Motions to Compel of Andover Homeowners Association

Sunoco Pipeline L.P. (SPLP) files this answer in response to the Amended¹ Motion to Compel Answer to Requests for Production of Documents (RFPs) and Amended Motion to Compel Answer to Interrogatories (collectively, Amended Motions) that Andover Homeowners Association Inc. (Andover) effectively filed and served on October 17, 2019.²

¹ Despite Andover’s representation in its Notices to Plead that answers to its Amended Motions are due within five days of service, answers to amended pleadings (including these Motions) are due within 20 days of service of the pleading. 52 Pa. Code § 5.65(a) (“Except as provided under § 5.101 (referring to preliminary objections), an answer to an amendment, modification or supplement to an application, complaint, petition or other pleading set forth under § 5.91 (referring to amendments of pleadings generally) shall be filed with the Commission within 20 days after the date of service of the amendment, modification or supplement, unless for cause the Commission or presiding officer with or without motion prescribes a different time.”). Andover did not move for and Your Honor did not order an expedited response to the Amended Motions.

² Contrary to Andover’s representation in its certificate of service that it served the Amended Motions on October 16, 2019, Andover served the Amended Motions after 4:30 P.M. on October 16, 2019 (at 5:50 PM) via electronic mail. Pursuant to 52 Pa. Code 1.56(4)-(5), in hand service is achieved at the earlier of electronic mail if sent prior to 4:30 PM or where “The document enters an information processing system designated by the recipient for the purpose of receiving service and from which the recipient is able to retrieve the served document in a form capable of being processed by the recipient’s system prior to 4:30 p.m. local prevailing time in the Eastern Time Zone (United States of America).” *Id.* To the extent the latter provision is interpreted to mean electronic notification from the Commission’s e-filing system for an e-filed document, as of October 21, 2019 Andover’s Amended Motions (which we purportedly e-filed) did not appear on the Commission’s docket and SPLP’s counsel did not receive from the Commission’s e-filing system notice of their filing. Thus, as Andover did not serve the Amended Motions prior to 4:30 on October 16, 2019 via either allowable means of electronic service and did not indicate a

I. The Amended Motions to Compel Should Be Denied in Their Entirety³

1. Andover initially filed and served two duplicative documents on October 11, 2019, both of which contain a Motion to Strike Objections to Interrogatories and a Motion to Compel SPLP to Answer Andover's Interrogatories.

2. It appears Andover was attempting to file one set of motions regarding SPLP's objections to Andover Interrogatories and one set of motions regarding SPLP's objections to requests for production of documents. However, Andover solely filed duplicative motions regarding interrogatories. By failing to file a motion to compel regarding SPLP's objections to Andover's requests for production of documents, Andover is deemed to have withdrawn its requests for production of documents. 52 Pa Code §§ 5.342(g), 5.349(d). SPLP's counsel attempted to resolve this issue with Andover's attorney, but Andover's attorney did not withdraw the Motion or respond in a timely manner to attempt to resolve this issue despite SPLP allowing as much time as possible for him to do so given the accelerated replies required in discovery matters. *See Attachment A.*

3. Instead, Andover filed its Amended Motions directly after SPLP spent significant time drafting and filing an Answer to the initially filed original motions to meet the answer deadline where Andover's counsel ignored SPLP counsel's communications to Andover regarding the issues with its original motions. Andover's "Amended" Motion to Compel Answers to RFPs is not an amendment because it did not originally file a motion that actually

means of service such as mail on its certificate of service, service effectively occurred on October 17, 2019.

³ Andover's Amended Motions both suffer similar fatal defects and each raise duplicative arguments that SPLP will address as a whole in this section.

addressed RFPs. Instead it is an untimely attempt to file a motion it failed to timely file. On this basis, Andover's Amended Motions should be denied as untimely.

4. On October 21, 2019, Your Honor consolidated the Andover Complaint with the Flynn proceeding where SPLP has produced a substantial amount of responses to discovery. Much of that discovery is responsive to Andover's discovery. Now that the proceedings are consolidated, Andover can use those discovery responses to pursue its Complaint. On October 30, 2019, Andover's counsel served an executed non-disclosure form to the Amended Protective Order governing this consolidated proceeding and was given electronic access to SPLP's public, confidential, and highly confidential responses and document productions to Flynn Complainants' Set 1 discovery on that date. Andover's counsel had not previously requested access to these documents. Andover's counsel, as an Intervenor in the Flynn proceeding prior to consolidation, has also participated in review of Extremely Sensitive Materials pursuant to the Amended Protective Order. Thus, Andover already has access to materials produced in response to discovery it admits is "similar to"⁴ its own discovery requests. This is yet another reason to deny Andover's Amended Motions now and avoid further burden to the parties and Your Honor concerning discovery. Contrary to Andover's assertions on page 4 of its Amended Motion to Compel Responses to RFPs, this proceeding is not "mostly through its discovery process." Discovery continues throughout responsive rounds of written testimony. SPLP is not arguing Andover cannot conduct its own discovery, just that it cannot conduct unreasonable and unduly burdensome discovery.

5. Andover's Amended Motions should also be denied in full because the original motions were untimely and under the PUC's regulations the requests to which they relate are

⁴ Amended Motion to Compel Answer to RFPs at 5.

deemed withdrawn. 52 Pa Code §§ 5.342(g), 5.349(d). SPLP served its objections on September 30, 2019. Pursuant to Section 5.342(g) Andover's Motion to Compel was due on October 10, yet Andover did not file its original Motion until October 11. *Id.* ("If a motion to compel is not filed within 10 days of service of the objection, the objected to interrogatory will be deemed withdrawn."). Amending untimely motions does not cure this defect.

6. Andover's Amended Motions should likewise be denied in full because they are wholly insufficient to meet its burden as the proponent of an order. 66 Pa. C.S. § 332(a) (proponent of an order has the burden of proof); *cf.* § 333 (containing provisions regarding discovery that do not alter the burden of proof for motions to compel). Your Honor should not waste time attempting to justify Andover's overbroad discovery attempts and deficient motions and should instead deny the Amended Motions in whole on this basis.

7. Contrary to Andover's unfounded assertions, SPLP's objections to Andover's Interrogatories and RFPs were not made in bad faith. Andover wholly ignores and misconstrues SPLP's objections. SPLP is not objecting to Andover merely lodging duplicative interrogatories and requests for production of documents. SPLP is objecting to Andover lodging 282 discovery requests, most of which are duplicative and disorganized placing yet additional burden on responding (i.e. Andover lodged RFPs duplicative of Interrogatories, but the numbers of the requests do not correspond), and all of which are overbroad because of the nature of the requests. SPLP objected to both the interrogatories and RFPs in whole as follows and incorporates such arguments herein.

8. Both the RFPs and the Interrogatories are an unacceptable and disallowable fishing expedition. Interrogatory and RFP Set 1 are so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every

textual material in whatever form in your possession and then describe the facts, any person that knows these facts, and identify all documents that evidence the answer or relating or referring to the subject matter. That giant fishing expedition is obviously disallowable under the Commission's regulations,⁵ and Andover's attempt to disguise such request using 282 individual discovery requests is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable request. Your Honor should uphold SPLP's objection to the entirety of Complainant Set 1 Interrogatories and RFPs because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents and identification and description of information, Complainant's have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be answered. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant's attempt to turn this process on its head must be rejected.

9. As described in SPLP's Objections to Complainants Set 1 RFPs which are hereby incorporated herein and contained in **Attachment B**, those RFPs are totally overbroad and essentially seek all documents related to multiple subject matters and are not reasonably tailored to lead to the discovery of admissible evidence. For example, the RFPs at page 6 request

⁵ See, e.g., *City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

production of “any and all documents that refer to, relate to, or constitute in any way to” and then goes on to list 128 separate RFPs referring to broad swaths of materials that are essentially unlimited in time or scope. Notably, “document” has an extremely broad definition that basically constitutes any textual materials in any form whatsoever. *See* RFPs at pp. 1-3 (definition of document, sprawling approximately 1.5 pages in length). Keeping the original request for all documents referring or relating or constituting to and the definition of documents in mind, the individual RFPs are extremely overbroad.

10. Your Honor in upholding SPLP’s overbreadth and undue burden objections in the Flynn proceeding already recognized that these types of “all documents” requests are unreasonable and disallowed. June 6, 2019 Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1 at p. 32, Docket No. C-2018-3006116 *et al.* (Denying request to identify/produce “all documents in which your PIMP [Pipeline Integrity Management Plan] is found” as unduly burdensome and ordering instead production of the integrity management plan). So too here.

11. For example, RFP 1 seeks: “For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;” – this is not just a request for documents relied upon for testimony, but all documents relating or referring to those documents. There is no time constraint or scope, geographic or otherwise. A fact witness in this proceeding may have reviewed hundreds of thousands of documents over the course their employment with SPLP on which their testimony would be based. Interpreted literally this question would seek all of those documents, plus any documents related thereto. This is not allowable. Moreover, the request is contrary to the use of pre-filed written testimony as it essentially asks for the information in advance of it being filed, impermissibly asks for

production or disclosures not allowed under the Commission's rules regarding expert testimony, and would include drafts of documents or attorney-client privileged communications or privileged attorney mental impressions or work product which are not producible under the Commission's rules for pre-filed testimony and discovery. Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

12. RFPs 3-9, 21-26, 29-37, and 58 (among others) all relate to inspections, testing, maintenance and integrity management. While each is overbroad in its own right seeking all documents related or referring to the topic of the request, they are also duplicative and taken together essentially seek any documents related to the integrity of the pipelines. RFP 58 is the prime example. It seeks all documents relating, referring, or constituting: "Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual". The term "your" is defined not just as SPLP (which operates pipelines in other jurisdictions than Pennsylvania), but also all of Energy Transfer. RFPs at p. 4. So, this request by its terms seeks not just versions over time of integrity management program(s), manuals, procedures, and all communications related thereto, but also by use of the term relating would also encompass any documents implementing the plans/programs. There is no time limitation, no geographic scope, no scope by pipeline. It swallows all of the other related requests that may appear to have some form of geographic or time or scope request. Again, this is a disallowable fishing expedition, is not reasonably tailored to obtain relevant information, and causes unreasonable burden on SPLP if it had to respond. Andover misconstrues SPLP's objection, alleging it is attempting to withhold its "Part 195 manual." Amended Motion to Compel Answer to RFPs at 4. SPLP has already produced its integrity management plan and Andover's counsel can review it. SPLP's

objection is to the much larger breadth of the request, which Your Honor has already upheld. June 6, 2019 Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set 1 at p. 32, Docket No. C-2018-3006116 *et al.* (Denying request to identify/produce "all documents in which your PIMP [Pipeline Integrity Management Plan] is found" as unduly burdensome and ordering instead production of the integrity management plan).

13. RFP 59 seeks all documents relating, referring, or constituting to "The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania." It does not relate to any specific event or anything relevant but rather is a lazy cast of the fishing net. The request does not use the word current and is not limited in time. Thus, it seeks every document related to status of construction of these pipelines since the inception of the idea. This is clearly a fishing expedition and not reasonable tailored to obtain relevant information. Andover alleges this request is constrained by county. Amended Motion to Compel Answer to RFPs at 4-5. That does not resolve or address the overbreadth and undue burden of the request discussed above.

14. RFP 115 seeks all documents related, referring or constituting to "the selection of drilling methods, including the switching from Horizontal Direction Drilling to open cut and/or shorter HDD". There is no pipeline, geographic, or time limitation to this request. It is essentially seeking all documents related to any pipeline construction where SPLP or Energy Transfer has ever considered using some form of drilling. Again, this is an absurdly overbroad and disallowable fishing expedition. Andover alleges this request is constrained alleging the number of HDD sites in Chester and Delaware Counties is limited in scope. Amended Motion to

Compel Answer to RFPs at 4-5. Again, that does not resolve or address the overbreadth and undue burden of the request discussed above.

15. These are just some of the most glaring examples of the complete overbreadth of these RFPs. Other topical examples that contain these same flaws include public awareness, emergency response, construction, events at Lisa Drive in Chester County, BIE investigations, groundwater, etc.

16. Andover's requests are also overbroad in that they seek information regarding not just SPLP's Mariner East pipelines, but information regarding all of Energy Transfer. Amended Motion to Compel Answer to RFPs at 6-7. SPLP is not arguing that Energy Transfer documents applicable to the Mariner East pipelines are not discoverable, but instead that documents regarding other Energy Transfer pipelines are not relevant here and given the number of pipelines Energy Transfer owns and operates this request is overbroad and unduly burdensome.

17. Complainant's Set 1 Interrogatories then piggy back on those RFPs, lodging corresponding interrogatories that at first glance may appear to be a reasonable question, but when interpreted with the corresponding instructions actually seek identification of any document that supports or relates to the answer given. That is overbroad and unduly burdensome coupled with the request for production of those same documents in the Set 1 RFPs. Each Interrogatory begins with the request to "identify and describe." Describe is defined as:

"Describe" shall mean state what is requested to be described, including all facts and opinions known and held regarding, relating to, or pertinent to what is requested to be described, and (i) *the identity of each person or entity involved or having any knowledge of each fact or opinion that relates to what is so described*, (ii) the identity of each document evidencing the answer or response given or relating, referring or pertaining to said subject-matter in any way, and (iii) all relevant or material dates

and time periods, specifying the way in which said dates or time periods are pertinent to the subject-matter described.

Interrogatories at p.2. Identify is defined as:

7. "Identify" when used in reference to a natural person means to state the person's full name, business and home address, business telephone number, present or last known title or business position and employer or other business affiliation.
8. "Identify" when used in reference to a document or to a communication contained in a document means to:
 - (1) State the title or other description of the document;
 - (2) State the date of the document;
 - (3) Identify the author and each recipient and addressee and all persons who also received copies of the document; and
 - (4) State the identification number, if any, of the document.

Id. at pp. 2-3.

18. So for example, when Complainants say in Interrogatory 12: "Identify and describe the pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania," they mean describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. That is extremely overbroad, particularly given the overbreadth of the RFPs. Moreover, it is unduly burdensome and would require an unreasonable investigation on SPLP's part.

19. Complainants Interrogatories and RFPs Set 1 are a giant and disallowable fishing expedition. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them

through to gather evidence.") (quoting American Car & Foundry Company v. Alexandria Water Company, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

20. Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

21. SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its manipulation of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the amount of requests, SPLP raised individual objections, but reserved its rights to lodge further objections in the future.

22. Andover “responds” by arguing SPLP has the burden to prove that none of the requests could lead to any admissible evidence. Amended Motions at 2-4. That is based on inapplicable Pennsylvania Courts of Common Pleas cases. The Commission’s discovery standards do not allow discovery that causes unreasonable burden, expense, or investigation, and that is exactly what the entirety of Andover’s Interrogatories does. Moreover, as the proponent of an order, under the Public Utility Code Andover inarguably has the burden of proof:

(a) Burden of proof.--Except as may be otherwise provided in section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, the proponent of a rule or order has the burden of proof.

66 Pa. C.S. § 332(a) (emphasis added); *cf.* § 333 (containing provisions regarding discovery that do not alter the burden of proof for motions to compel).

23. Moreover, Andover’s Amended Motions are not a “response” to SPLP’s objections, they are motions seeking affirmative relief to compel SPLP to undertake a huge and unreasonable discovery burden. Andover wholly failed to meet its burden to show any of its Interrogatories or RFPs should be responded to.

24. SPLP is not attempting to “evade all discovery” in this matter. Amended Motions at 1. Instead, SPLP is refusing to respond to Andover’s broad requests. Each and every request is infected with the same overbreadth and undue burden flaw. Andover chose to frame its requests this way, not SPLP. SPLP is entirely justified in refusing to respond where valid objections exist because it is only required to respond to discovery to which it has not objected. 52 Pa. Code § 5.342(f).

25. To the extent Andover is continuing to attempt to strike SPLP’s Objections based on the incorrect assertion that they were not signed, this argument is frivolous. *See* Amended Motion to Compel Answer to RFPs at 3. Andover alleges that SPLP’s objections to its

interrogatories should be stricken because one of SPLP's attorneys did not sign the objections document. There is no requirement that all attorney sign a document and in any event the objections document did contain the signature of Attorney Fox. SPLP's objections complied with required procedures and this argument is frivolous. Objections to discovery cannot be stricken on this basis. Moreover, Attorney Snyder submitted to Andover a copy of the objections with an additional signature from Attorney Snyder. *See Attachment A.*

II. Arguments Regarding Individual RFPs and Objections

A. Litigation Materials RFPs (1-2, 127-128)

26. These requests all seek information regarding SPLP's witnesses in these proceedings. However, instead of seeking identification of witnesses (which SPLP already did in its prehearing memorandum), these requests are totally overbroad, seeking all documents relating or referring to all communications the witness relied upon for testimony and any document the witness has authored relating to pipelines. There is no time constraint or scope, geographic or otherwise. A witness in this proceeding may have reviewed hundreds of thousands of documents over the course their employment with SPLP on which their testimony would be based. Interpreted literally this question would seek all of those documents, plus any documents related thereto. This is not allowable. Moreover, these requests are contrary to the use of pre-filed written testimony as it essentially asks for the information in advance of it being filed, impermissibly asks for production or disclosures not allowed under the Commission's rules regarding expert testimony, and would include drafts of documents or attorney-client privileged communications or privileged attorney mental impressions or work product which are not producible under the Commission's rules for pre-filed testimony and discovery. Pa. Code §§

5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

27. Andover makes the irrelevant argument that the pipelines are a large project and generate a large number of documents. Amended Motion to Compel Responses to RFPs at 9. That does not mean Andover is entitled to all documents generated and SPLP fails to see how this argument is relevant to these requests. Moreover, Andover alleges SPLP has previously had to produce such documents. *Id.* Andover provides no support for this incorrect contention. Andover's Amended Motion wholly fails to justify its overbroad discovery requests and should be denied. *Supra City of York.*

B. Integrity Related RFPs (3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96)

28. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. *Supra City of York.* Amended Motion to Compel Answer to RFPs at 13-14. Instead, Andover misconstrues SPLP's objection as refusing to produce its "195 Manual." That is not SPLP's objection and in fact SPLP's integrity management plan has been produced in response to Flynn Set 1 Discovery and is available for Andover's counsel to access. Instead, SPLP is objecting to the all documents nature of the requests, which Your Honor has already upheld. June 6, 2019 Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set 1 at p. 32, Docket No. C-2018-3006116 *et al.* (Denying request to identify/produce "all documents in which your PIMP [Pipeline Integrity Management Plan] is found" as unduly burdensome and ordering instead production of the integrity management plan).

29. Andover also argues it is entitled to information regarding all of Chester and Delaware County, not just Thornbury Township. However, many of these requests are not in fact limited to that scope, instead seeking information (by use of the word “you” which means SPLP and Energy Transfer) regarding other Energy Transfer pipelines or the Mariner East pipelines outside these counties. *See, e.g.*, RFPs 23, 29, 84.

30. Andover’s Amended Motion wholly fails to justify its overbroad discovery requests and should be denied. *Supra City of York*.

C. Locational RFPs (10- 20, 121)

31. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 15-16. Instead, Andover argues it is entitled to information regarding siting of the project to show the siting process was “inadequate.” *Id.* Andover also argues that these requests are beyond the scope of discovery known to the Association in other matters before the Commission. *Id.*

32. Andover is wrong. Your Honor has already denied similar all documents requests in the Flynn proceeding. June 6, 2019 Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1 at pp. 33-37, Docket No. C-2018-3006116 *et al.* (Denying requests to identify/produce “all records reflecting planning for the location of ME pipelines in Chester and Delaware counties” and all documents showing location and depth as unduly burdensome). SPLP produced information regarding siting and location of its pipelines in response to Flynn Set 1, which Andover’s counsel can access.

33. Andover’s Amended Motion wholly fails to justify its overbroad discovery requests and should be denied. *Supra City of York*.

D. Lisa Drive Related RFPs (27-28, 63, 65, 124)

34. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 17. Instead, Andover incorporates its arguments raised in Section C above. *Id.* SPLP has also already produced certain information regarding Lisa Drive in response to Flynn Set 1. *See* June 6, 2019 Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set 1 at pp. 27-28, Docket No. C-2018-3006116 *et al.*

35. Andover's Amended Motion wholly fails to justify its overbroad discovery requests and should be denied. *Supra City of York.*

E. Emergency Response and Public Awareness Related RFPs (38-39, 46-50, 83, 87-89, 97-101, 113-114)

36. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 19. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

F. Construction and Geology Related RFPs (40-44, 56-57, 59-62, 66-67, 80-81, 94-93, 111-112, 115-119, 102, 123, 126)

37. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 22. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

G. Revolution Pipeline (RFP 68)

38. Here, Andover seeks to obtain all documents that refer or relate to the Revolution Pipeline incident in Beaver County on September 10, 2018. SPLP does not and did not operate this pipeline, which is not at issue here, is not a public utility and is located half way across the state. Complainant does not have standing to pursue issues regarding the Revolution pipeline. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

39. This request seeks information regarding a pipeline not at issue here, which is not a public utility and is located half way across the state. The only jurisdiction the Commission has over that pipeline is pursuant to Act 12 of 2011. Neither that Act nor the Public Utility Code Section 701 allow for the public to make complaints against non-public utility pipeline operators. Only the Commission's Bureau of Investigation and Enforcement has the ability to make such complaint before the Commission. Moreover, Andover fails to show how allegations concerning that pipeline, which is a natural gas gathering pipeline governed as applicable under Part 192, have any bearing on the hazardous liquid pipelines governed under Part 195 at issue here. These requests do not seek information relevant to this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence as required under the Commission's regulations. 52 Pa. Code § 5.321(c). Andover's contention that denying discovery into the September 2018 event will "substantially harm" its ability to litigate its Complaint is simply untrue considering its Complaint was filed in July 2018, prior to the event occurring.

40. Moreover, this all documents request is a disallowable fishing expedition. *Supra City of York*. Andover's Amended Motion wholly fails to justify its irrelevant and overbroad discovery requests and should be denied.

H. Private/Public Water Communication Related RFPs (51-55)

41. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 25. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

I. Siting and Planning Related RFPs (82, 103-104, 120)

42. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 26. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

J. Agency Investigation/Order Related RFPs (64, 75-77, 125)

43. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 27. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

K. Municipal Permit Related RFPs (78-79)

44. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 29. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

L. Tariff/Production Related RFPs (105-110)

45. SPLP objected to these requests on various grounds including geographic scope, overbreadth and undue burden of each of these all documents requests. Andover wholly fails to justify its disallowable fishing expedition. Amended Motion to Compel Answer to RFPs at 30. Instead, Andover incorporates its arguments raised in Section C and D above. *Id.* SPLP incorporates its arguments above as if set forth in full.

III. Arguments Regarding Individual Interrogatories and Objections

46. Andover's Amended Motion to Compel Responses to Interrogatories is needlessly lengthy and repetitive. It raises a total of four arguments to attempt to justify response to its 154 overbroad and unduly burdensome interrogatories that also contain requests for production of documents. In an attempt to assist Your Honor with considering these arguments, SPLP has grouped its responses by compiling the interrogatories for which Andover has simply referenced its prior argument – for example, Andover raises the same argument for interrogatories 9-36, 39-56, 68-73, so SPLP will respond to that argument with respect to all interrogatories in one section below.

47. First, SPLP will address Andover's untrue argument that it could not understand SPLP's objections where SPLP in its Objections to Interrogatories referred to objections contained within its Objections to Requests for Production of Documents. Andover states in "response" to all of SPLP's objections that: "Sunoco's objection is vague and its objection irrelevant. Absent knowledge of what Sunoco intends, the Association is fully unable to evaluate any relevance to any objection." *See e.g.* Amended Motion at pp. 7-10. Andover is fully aware and admits that its Interrogatories are duplicative of its Requests for Production of Documents. SPLP provided objections to those Requests for Production of Documents and then referred

Andover to find SPLP's objection to the duplicative Request for Production of documents. Perhaps Andover would have had an easier time with this if it had correlated the numbering between the two duplicative sets. Andover created this discovery mess and cannot place the blame on SPLP for its inability to correlate duplicative materials. SPLP has attached both sets of its Objections as **Attachment B**.

A. Interrogatories 1-8

48. Andover provides no argument justifying its motion to compel for these interrogatories, instead claiming it cannot understand SPLP's objection. Accordingly, Andover's Amended Motion should be denied as it failed to provide any support or justification to meet its burden to obtain an order compelling discovery.

49. These requests all seek information regarding SPLP's witnesses in these proceedings. However, instead of just seeking identification of witnesses (which SPLP already did in its prehearing memorandum), these requests are totally overbroad. These requests correspond to Request for Production of Documents 1, 2, 127, 128, where SPLP provided the following objection that equally applies to these interrogatories:

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence.

SPLP further objects to these requests as seeking information beyond what is allowable under the privilege for litigation preparation. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

50. SPLP further explained in its objections to definition and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the Amended Motion denied.

B. Interrogatories 9-36, 39-56, 68-73

51. After falsely alleging it cannot understand SPLP’s objections, Andover attempts to justify compelling responses to approximately 50 interrogatories by stating:

Further, Sunoco is fully able to provide a narrative of actions it took in response to a project which has only been operational for approximately three (3) years. The Mariner East system did not exist twenty years ago, as, to the Association’s knowledge, planning only began for this system in approximately 2012. Sunoco knows what plans it made and what assessments it performed since it launched this program. Sunoco suffers no burden by providing a narrative of its actions.

Amended Motion at p. 10.

52. SPLP’s objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover’s argument totally ignores that it did not just ask for a narrative of actions taken for the Mariner East project. Review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) (“Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he

should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

53. SPLP also objected to these requests on grounds that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

54. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the Amended Motion denied.

C. Interrogatories 37, 57-67, 86-91

55. After falsely alleging it cannot understand SPLP’s objections, Andover attempts to justify compelling responses to these approximately 17 interrogatories by incorporating its “response” to number 9 (quoted above), then stating:

Further, the Association is under the belief that, based on the answers provided in prior testimony by Sunoco witnesses before the Commission, that it manages its public awareness programs on a national basis in alleged compliance with 49 CFR 195.440. If in fact Sunoco does not develop a project-specific Public Awareness Program for each separate pipeline, the contents, implementation,

relevance and utility of any Sunoco Public Awareness Program is wholly relevant.

Amended Motion at p. 20.

56. SPLP's objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover's incorrect argument to justify responses covers only one topic and does not fully address SPLP's objections. Andover is basically saying that it is entitled to all documents and information regarding SPLP or Energy Transfer public awareness materials for any Energy Transfer pipeline. That is extremely overbroad considering the number of pipelines this implicates. Just because the same public awareness plans or materials may be used for multiple pipelines does not mean any information for any pipeline related to public awareness or emergency response is relevant to one particular set of pipelines. Moreover, review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending

proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

57. SPLP also objected to these requests on ground that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

58. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the Amended Motion denied.

D. Interrogatories 74-83, 85, 91-154

59. After falsely alleging it cannot understand SPLP’s objections, Andover attempts to justify compelling responses to these approximately 73 interrogatories by incorporating its “response” to number 9 and 37 (quoted above), then stating:

Further, Sunoco failed to aver that it operates the Mariner East system on a dedicated, isolated control system away from other pipelines it operates in Pennsylvania and elsewhere. Its practices in operating pipelines, as applied to Mariner East and other similarly situated pipelines, is wholly relevant to evaluate if Sunoco is operating this pipeline in compliance with applicable law. Sunoco could offer as a defense to a defect in its Mariner East system “we run all of our pipelines this way”, which would, at that point, make the operation of any and all similarly operated pipelines throughout Sunoco’s or Energy Transfer’s system relevant. The Association seeks to discover here if its allegations of inadequate service and operations are isolated to Mariner East or are endemic to additional Sunoco or Mariner East assets.

Amended Motion at p. 34.

60. SPLP’s objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover’s incorrect argument to justify

responses covers only one topic and does not fully address SPLP's objections. Andover is basically saying that it is entitled to all documents and information regarding SPLP or Energy Transfer materials for any Energy Transfer pipeline. That is extremely overbroad considering the number of pipelines this implicates. Just because the same practices or documents may be used for multiple pipelines does not mean any information for any pipeline is relevant to one particular set of pipelines. Moreover, review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

61. SPLP also objected to these requests on ground that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

62. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the Amended Motion denied.

E. Interrogatory 84

63. Andover’s entire argument to justify this request is apparently an attempt to modify its request:

The Association incorporates its answer to #74 above in full as if reproduced here. Further, the existence of permits, or the nonexistence of permits, is relevant to Sunoco’s plans to manage emergencies and is not a legal conclusion. If Sunoco holds no permits that address these situations, it should just state as much as a response to this interrogatory. If it holds such permits, it should identify them.

Amended Motion at p.38. This modification fails to show how the request is relevant. The Commission does not have jurisdiction to enforce environmental permits and Andover fails to justify how such permits or lack thereof is likely to lead to the discovery of relevant evidence. Again, Andover fails to acknowledge that they are not just seeking identification of permits.

64. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the Amended Motion denied.

IV. CONCLUSION

WHEREFORE, SPLP respectfully requests Andover's Amended Motions to Compel be denied.

Respectfully submitted,



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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: November 6, 2019

ATTACHMENT A

From: Whitney Snyder
Sent: Monday, October 14, 2019 12:55 PM
To: Rich Raiders <rich@raiderslaw.com>
Cc: Thomas Sniscak <tjsniscak@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes <NWitkes@mankogold.com>; Diana Silva <DSilva@mankogold.com>
Subject: RE: FW: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Rich – if this response was intended to be sent to us, we understand and are willing to work with you on personal scheduling issues. SPLP’s Answers to the Motions to Compel are due Wednesday, so please respond prior to 10 AM Wednesday.

From: Rich Raiders <rich@raiderslaw.com>
Sent: Monday, October 14, 2019 12:40 PM
To: Whitney Snyder <WESnyder@hmslegal.com>
Cc: Thomas Sniscak <TJSniscak@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes <NWitkes@mankogold.com>; Diana Silva <DSilva@mankogold.com>
Subject: Re: FW: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Dana, I can respond to this on Wednesday. I am heading to Boston for a funeral this afternoon that will consume all of my Tuesday. Thank you for your understanding.

Rich

On 10/14/2019 12:24 PM, Whitney Snyder wrote:
Rich,

Concerning the motions you served per the below email:

1. Motions to Strike - I have attached copies of SPLP’s objections that now include my signature. The copies I originally served on September 30, 2019 did have an electronic signature from Attorney Fox and a cover letter and certificate of service with my signature. Moreover, you did not include with your motions the required notice to plead. The motions to strike are frivolous and we request that you withdraw them.
2. Motions to Compel - What you served does not match what you filed with the Commission per the document descriptions that appear on the Commission’s website (both reflect that you filed motions regarding interrogatories) and you appear not to have in fact filed or served a motion to compel responses to requests for production of documents (while one of the file names of the documents you served indicates “Andover RPD Motion to Compel” it appears to be a copy of the motion to compel interrogatories). Again, you failed to include the required notices to plead with your motions. Your motions were also a day late. We request you properly file and serve the motions with required notices to plead tomorrow (the Commission is closed today), and agree that service tomorrow will start the answer period for the motions. We will not challenge the motions as untimely if you correct and perfect service of the motions with the required notices to plead.

We see no reason to require the ALJ to address these issues and believe we can cooperate and work them out ourselves as professionals.

ATTACHMENT A

Feel free to call to discuss.

Whitney E. Snyder | Partner

Hawke McKeon & Sniscak LLP

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From: Rich Raiders <rich@raiderslaw.com>

Sent: Friday, October 11, 2019 2:16 PM

To: Whitney Snyder <WESnyder@hmslegal.com>

Cc: Melissa DiBernardino <lissdibernardino@gmail.com>; mmorris@regerlaw.com;
joe_minott@cleanair.org; abomstein@cleanair.org; Ernest Logan Welde (lwelde@cleanair.org)
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<EBARNES@pa.gov>

Subject: Re: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Your Honor, Counsel and Pro Se Intervenors,

Please see attached filed with the Commission's electronic filing system today. Thank you. A Word copy of the body of the document to Judge Barnes will follow.

Rich Raiders, Esq.

On 9/30/2019 4:27 PM, Whitney Snyder wrote:

Rich,

Please see attached.

Regards,

Whitney E. Snyder

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ATTACHMENT A

This e-mail message, and any attachment(s) thereto, contain(s) information that is confidential, may be protected by the attorney/client or other privileges and may constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please immediately notify the sender and delete all copies of this message, including any printout thereof. Unauthorized use, dissemination, or reproduction of this message is strictly prohibited and may be unlawful.

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ATTACHMENT A

ATTACHMENT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS' ASSOCIATION, INC	:	
	:	C-2018-3003605
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.	:	

**SUNOCO PIPELINE L.P. OBJECTIONS TO COMPLAINANT ANDOVER
HOMEOWNERS' ASSOCIATION, INC'S REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Pursuant to 52 Pa. Code § 5.342, Sunoco Pipeline L.P. (SPLP) submits these Objections Complainant's Set 1 Requests for Production of Documents (RFP). As explained below, SPLP objects in whole to this set of RFPs because they are an abuse of the discovery process in that they are so overbroad that it is difficult to envision a document in SPLP's possession regarding its Mariner East pipelines and related practices and procedures that would not fall within the scope of these RFPs as propounded. They are essentially unlimited in time and scope, duplicative, and would place a totally undue burden on SPLP if it were required to respond. Your Honor should uphold SPLP's objections to RFP Set 1 in full and place the burden on Complainant to propound reasonable requests for production of document in the first instance instead of lodging an inappropriate fishing expedition that puts a heavy burden on SPLP to argue and Your Honor to determine what is in the realm of fair and reasonable discovery.

52 Pa. Code § 5.361 does not permit fishing expeditions or discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id. Complainant's Set 1 is all of the above and so overbroad as to constitute an abuse of the discovery process.

SPLP also objects to individual instructions, definitions and RFPs Complainant propounded in Set 1 because they seek information that is privileged, not relevant to the issues raised and/or allowable in this proceeding, and not likely to lead to the discovery of relevant or admissible evidence in this proceeding.

Under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). In addition, under Section 5.323, discovery may not include disclosure of legal research or legal theories. 52 Pa. Code § 5.323(a).

The interrogatories and requests for production of documents to which SPLP objects seek information that is exempt from discovery under the Commission's regulations.

I. OBJECTIONS TO ENTIRETY OF RFP SET 1

RFP Set 1 is so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every textual material in whatever form

in your possession. That giant fishing expedition is obviously disallowable under the Commission's regulations,¹ and Andover's attempt to disguise such request using 128 RFPs is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable request. Your Honor should uphold SPLP's objection to the entirety of Complainant Set 1 RFPs because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents, Complainant's have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be produced. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant's attempt to turn this process on its head must be rejected.

First, SPLP will demonstrate the overbreadth of these requests. RFP 1, page 6 requests production of "any and all documents that refer to, relate to, or constitute in any way to" and then goes on to list 128 separate RFPs referring to broad swaths of materials that are essentially unlimited in time or scope. Notably, "document" has an extremely broad definition that basically constitutes any textual materials in any form whatsoever. *See* RFP at pp. 1-3 (definition of document, sprawling approximately 1.5 pages in length). Keeping the original

¹ *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("**Anything in the nature of a mere fishing expedition is not to be encouraged.** Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting [*American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 \(Pa. Super. Ct. 1908\)](#)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is **relevant to a pending proceeding** and **reasonably calculated to lead to the discovery of admissible evidence**. 52 Pa. Code § 5.321(c) (emphasis added).

request for all documents referring or relating or constituting to and the definition of documents in mind, the individual RFPs are absurdly overbroad. For example:

- RFP 1 seeks: “For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;” – this is not just a request for documents relied upon for testimony, but all documents relating or referring to those documents. That is absurd. There is no time constraint or scope, geographic or otherwise. A fact witness in this proceeding may have reviewed hundreds of thousands of documents over the course their employment with SPLP on which their testimony would be based. Interpreted literally this question would seek all of those documents, plus any documents related thereto. This is not allowable. Moreover, the request is contrary to the use of pre-filed written testimony as it essentially asks for the information in advance of it being filed, impermissibly asks for production or disclosures not allowed under the Commission’s rules regarding expert testimony, and would include drafts of documents or attorney-client privileged communications or privileged attorney mental impressions or work product which are not producible under the Commission’s rules for pre-filed testimony and discovery. Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).RFPs 3-9, 21-26, 29-37, and 58 (among others) all relate to inspections, testing, maintenance and integrity management. While each is overbroad in its own right seeking all documents related or referring to the topic of the request, they are also duplicative and taken together essentially seek any documents related to the integrity of the pipelines. RFP 58 is the prime example. It seeks all documents relating, referring, or constituting: “Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual”. The term your is defined not just as SPLP (which operates pipelines in other jurisdictions than

Pennsylvania), but also all of Energy Transfer. RFPs at p. 4. So, this request by its terms seeks not just versions over time of integrity management program(s), manuals, procedures, and all communications related thereto, but also by use of the term relating would also encompass any documents implementing the plans/programs. There is no time limitation, no geographic scope, no scope by pipeline. It swallows all of the other related requests that may appear to have some form of geographic or time or scope request. Again, this is a disallowable fishing expedition, is not reasonably tailored to obtain relevant information, and causes unreasonable burden on SPLP if it had to respond.

- RFP 59 seeks all documents relating, referring, or constituting to “The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania.” It does not relate to any specific event or anything relevant but rather is a lazy cast of the fishing net. The request does not use the word current and is not limited in time. Thus, it seeks every document related to status of construction of these pipelines since the inception of the idea. This is clearly a fishing expedition and not reasonable tailored to obtain relevant information.

- RFP 115 seeks all documents related, referring or constituting to “the selection of drilling methods, including the switching from Horizontal Direction Drilling to open cut and/or shorter HDD”. There is no pipeline, geographic, or time limitation to this request. It is essentially seeking all documents related to any pipeline construction where SPLP or ET has ever considered using some form of drilling. Again, this is an absurdly overbroad and disallowable fishing expedition.

These are just some of the most glaring examples of the complete overbreadth of these requests. Other topical examples that contain these same flaws include public awareness,

emergency response, construction, events at Lisa Drive in Chester County, BIE investigations, groundwater, etc.

Complainants RFPs Set 1 is one giant fishing expedition and it is not allowable.

Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.

City of York v. Pa. P.U.C., 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) (quoting [*American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 \(Pa. Super. Ct. 1908\)](#)). Andover and its counsel have done none of these. Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is ***relevant to a pending proceeding*** and ***reasonably calculated to lead to the discovery of admissible evidence***. 52 Pa. Code § 5.321(c) (emphasis added).

Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its fishing expedition abuse of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the number of requests, SPLP raises individual objections below, but reserves its rights to lodge further objections in the future.

II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

- SPLP objects to the instructions and definitions contained in Complainant RFPS, Set 1 to the extent any such instructions or definitions are inconsistent with the Commission’s regulations. Lack of specific written objection to any instruction or definition shall not construed as SPLP’s agreement with such instruction or objection.
- To the extent any of SPLP’s responses contain confidential, proprietary, highly confidential, or confidential security information, SPLP will only provide such materials pursuant to the terms of the Amended Protective Order² once it is entered in this proceeding.
- SPLP objects to Definition 4, which states:

The term “document” is used in its customary broad sense, whether recorded, filmed or reproduced by any mechanical

² SPLP will be submitting a motion to amend the Protective Order in this proceeding if it is not consolidated with the *Flynn* Complaint proceeding.

process, or written or produced by hand, and whether an original, master, or copy, and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise. "Document" includes, without limitation, the following items: agreements; books; records; letters; accounts; notes; summaries; forecasts; appraisals; surveys; Investigation Materials and correspondence as defined below; estimates; diaries; desk calendars; reports; communications; cablegrams; radiograms; telegrams; telexes; facsimiles; memoranda; intra-office memoranda; testimony; summaries; notes and records of telephone conversations, meetings and conferences; notes and records of personal conversations or interviews; ledgers; invoices; receipts; order forms; purchase orders; change orders; order confirmations; reservations; orders; shipping logs; packing slips; contracts; notices; drafts of any documents; marginal or other comments or notes appearing on any documents; business records; charts; maps; plans; diagrams; specifications; schedules; press releases; computer printouts; e-mails; text messages; Internet postings; webpages; instant messages or similar online real-time discussions (including transcripts from such discussions), including without limitation Gmail Chat, Google Hangout, Messenger, Facebook messages, and Skype; transcripts of voicemails; screenshots; word processing documents; computer files; any documents stored on a hard drive, online, or in the cloud; computer tapes, discs, and diskettes; flash drives; microfilm; microfiches; active, archival, and/or residual electronic information; photographs; slides, negatives; motion pictures; video, graphic or oral recordings or representations of any kind, including without limitation, tapes, cassettes, cartridges, discs, YouTube or other Internet videos, chips, records and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other information containing paper, writing or physical thing in the actual or constructive possession, custody or control of you, or any of your agents, representatives or attorneys.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). Section 5.323(a) of the Commission's regulations also exempts preliminary or draft versions of testimony and exhibits from discovery, whether or not the final versions of the testimony or exhibits are offered into evidence. 52 Pa. Code §

5.323(a). In addition, the Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4).

Complainant Definition E defines "Document" in a manner which is unreasonably burdensome, unreasonably broad as opposed to focused as required in *City of York*, and seeks information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence.

Complainant Definition 4 specifically seeks to include all prior drafts of any document, and handwritten notes, notations, records or recordings of any conversation in the definition of "Document." Any prior drafts of a document are irrelevant and immaterial to the issues in this proceeding and are not likely to lead to the discovery of admissible evidence. To the extent that a document is relevant to the issues in this proceeding, the content of that document speaks for itself and does not require inquiry into any prior draft(s). Moreover, such drafts are exempt from discovery under the Commission's regulations. In addition, production of prior drafts, and any handwritten notes, notations, records or recordings of any conversation is unreasonably burdensome. Production of such materials would require an unreasonably extraordinary and burdensome effort by SPLP, and only serve to inefficiently delay this proceeding.

Moreover, Definition 4 seeks to include materials and documents that were created in preparation of litigation in its definition of Document. To the extent that any document or other material was prepared in anticipation or preparation of litigation, such materials are privileged and exempt from discovery.

Based on the foregoing, SPLP objects to Complainant Set 1 Definition 4 as unreasonably burdensome, and as seeking information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. SPLP reserves the right to further object to any

question that similarly seeks discovery of an overly broad classification or category of materials or documents.

- SPLP objects to Definition 6, which provides:

The term "agent" shall mean past or present agents or representatives, including any attorneys, accountants, consultants, and independent contractors or subcontractors.

SPLP object to Definition 6 to the extent it seeks disclosures of an attorney's mental impressions, advice or work product and to the extent it seeks production of information exempt from discovery under 52 Pa. Code § 323(a) (litigation preparation materials).

- SPLP objects to Definition 21, which provides:

"You" or "Your" refers to Sunoco Pipeline L.P. and/or Energy Transfer Partners, L.P.

SPLP objects to Definition 21 to the extent it seeks information regarding any subsidiary or company other than Sunoco Pipeline L.P. or any pipeline other than the Mariner East pipelines.

- SPLP objects to Instruction 1. The Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 1 seeks to unreasonably burden SPLP efforts to respond to requests for productions of documents by seeking all copies of any document requested. That is unreasonably burdensome and not reasonably tailored to lead to the discovery of relevant evidence. Instead it is a fishing expedition which wishes impermissibly to sift through

- SPLP objects to Instruction 2. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged). However, the Commission's regulations do not require a party to maintain a privilege log for any material or materials for which privilege is asserted. In addition, the Commission's

regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 2 seeks to unreasonably burden SPLP efforts to respond to discovery requests, which specifically inquire into matters which are exempt from discovery under the Commission's regulations, by imposing a requirement on SPLP that is not contemplated by the Commissions regulations.

- SPLP objects to Instruction 8, which seeks not only production of documents, but extensive identification of documents. That is unreasonably burdensome, particularly given the scope of these requests for production of documents. It is also not reasonably tailored to lead to the discovery of relevant evidence. Complainant should be able to locate identifying information from the documents themselves and to the extent any particular information about a document is needed, can use the discovery process to more particularly obtain allowable information.

- SPLP also objects to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover's work.

III. OBJECTIONS TO INDIVIDUAL RFPS

A. Litigation Materials RFPS (1-2, 127-128)

These RFPS state:

produce any and all documents that refer to, relate to, or constitute in any way to:

1. For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;
2. For each witness for whom you to intend to present testimony, all texts, article, reports, theses, other publications, and any other witness testimony or statement offered in any state or federal judicial or administrative proceeding related to pipelines;

127. Any and all documents you intend to present at any hearing in this matter; and

128. Any and all reports and witness statements of any experts or witnesses you intend to have testify at any hearing in this matter.

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence.

SPLP further objects to these requests as seeking information beyond what is allowable under the privilege for litigation preparation. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

B. Integrity Related RFPs (3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

3. Any and all actions taken by you or on your behalf to assess the condition, adequacy, efficiency, safety, and reasonableness of ME1, ME2, ME2X and Point Breeze-Montello pipeline in and around Delaware and Chester Counties, Pennsylvania;

4. The integrity of the ME1 pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

5. The integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

6. Any and all actions taken by you or on your behalf to assess the integrity of the ME1 pipe, including without limitation

the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

7. Any and all actions taken by you or on your behalf to assess the integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

8. The materials that ME1, ME2, ME2X and Point Breeze-Montello are made of in and around Delaware and Chester Counties, Pennsylvania;

9. The pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

21. The types of welded seams on ME1 (e.g., oxygen-acetylene welding, electric resistance welded seams) in and around Delaware and Chester Counties, Pennsylvania;

22. Any and all inspections or testing of the welded seams on ME1 in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

23. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in ME1;

24. Your Second Post Grouting Report, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

25. Any and all inspections or testing of the welded seams on Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

26. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in Point Breeze-Montello;

29. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in ME1;

30. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used in ME1 are compatible with the materials of ME1 is made;

31. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in Point Breeze-Montello;

32. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used

in Point Breeze-Montello are compatible with the materials of Point Breeze-Montello is made;

33. Any and all in-line inspections of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

34. Any and all welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

35. Any and all training and tests administered to welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

36. Any and all records of all PHMSA operator qualification ("OQ") qualifications for each person so required to hold OQ qualifications constructing ME2 or ME2X.

37. Any and all records of all involved in ME2 or ME2X who performed construction duties on ME2 or ME2X construction while failing to hold the appropriate OQ qualifications, the length of time such persons performed work on ME2 or ME2X absent proper OQ qualifications, and all responsive actions you took to remedy any unqualified workers from performing further work on ME2 or ME2X.

45. The Maximum Allowable Operating Pressures for ME1, ME2, ME2X and Point Breeze-Montello;

58. Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual;

69. The failure that occurred on the Point Breeze-Montello Pipeline in Delaware County and/or Philadelphia County on or about June 19, 2018;

70. The removal and replacement of portions of ME2 and/or ME2X in or around Delaware County in or around August of 2018;

71. How you became aware of the need to replace the portions of pipe on ME2 and/or ME2X referenced in the proceeding paragraphs;

72. Any and all other areas along ME2 and ME2X that you replaced portions of the pipeline, and the reasons, dates and locations for such replacement;

73. Falsified inspection reports related to welds along ME2 and/or ME2X;

74. Any and all investigations made by you in response to any and all claims regarding falsified inspection reports related to welds along ME2 and/or ME2X;

84. Specifications for any and all hydrocarbon detection systems in use in your NGL facilities, including locations, specifications and design parameters;

85. Any and all specifications for critical components of valve sites, including but not limited to metallurgy, gaskets, valves,

meters, pig-related equipment and other features of valve sites installed or proposed within Delaware and Chester Counties, Pennsylvania;

86. Any and all plans, designs, permits or relevant documents showing how you would deinventory a pipeline segment in need of repair or maintenance, including documentation concerning how NGL product would be removed from an isolated pipeline segment. Include all provisions for protecting the public during a release of the volume of an entire pipeline segment and any agency oversight that would or should be expected during such a release.

90. Any and all studies identifying a potential impact radius of a NGL pipeline incident on ME1, ME2, ME2X or Point Breeze-Montello, specifically for incidents within Delaware or Chester Counties, Pennsylvania. Include critical population and critical infrastructure information for locations within one (1) mile of any Mariner East pipeline in Delaware or Chester Counties, Pennsylvania.

94. Any and all actions taken by you or on your behalf to evaluate the integrity of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

95. Any and all risks or threats identified by you or on your behalf related to ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

96. Any and all remedial, preventative and mitigative measures taken by you or on your behalf to address the risks or threats related to ME1, ME2, ME2X and Point Breeze-Montello;

122. Any documentation concerning the steel used in construction of ME2, ME2X or any interchange between ME2 or ME2X and Point Breeze-Montello or ME1; including but not limited to steel thickness for each type or order of pipe used for all pipelines, technical specifications of all coatings provided or field applied to each grade and type of pipe and precautions required to avoid or minimize damage to pipe, coating and other features of pipe;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. *See e.g., BI&E v. SPLP* (Morgantown Complaint Order on Interventions).

C. Locational RFPs (10-20, 121)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

10. The depth of cover over ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester County, Pennsylvania;

11. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over ME1 is less than 48 inches;

12. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over Point Breeze-Montello is less than 48 inches;

13. The distance (or proposed distance) of ME1 from ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania in places where these lines are co-located or substantially co-located;

14. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from private dwellings in and around Delaware and Chester Counties, Pennsylvania for all private dwellings within 2,000 feet of any listed pipeline;

15. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each and every school located in and around Delaware and Chester Counties, Pennsylvania, including all schools within one (1) mile of any listed pipeline;

16. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each hospital, nursing home, day care center, or rehabilitative care facility in and around Delaware

and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

17. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each mall or shopping center located in and around Delaware and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

18. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from places of public assembly, including without limitation playgrounds, recreation areas, theaters, and houses of worship in and around Delaware and Chester Counties for all such facilities within one (1) mile of any listed pipeline;

19. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supply wells in Delaware and Chester Counties within one (1) mile of any listed pipeline;

20. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supplies in Delaware and Chester Counties, Pennsylvania within one (1) mile of each listed pipeline;

21. Areas in which ME2 and ME2X will not be collocated with the existing right of way for ME1 in Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. (*City of York, supra.* (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”)).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

D. Lisa Drive Related RFPs (27-28, 63, 65, 124)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

27. The Pipeline Elevation Monitoring Data, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

28. The Strain Gauge Data, including but not limited to, those document provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

63. Any and all investigations made by you or on your behalf related to the all sinkholes and depressions that occurred in and around Lisa Drive in 2017 and 2018;

65. The status of any and all activities undertaken or to be undertaken by you or on your behalf to remediate address sinkholes and depressions in and around Lisa Drive, West Whiteland Township, Chester County.

124. Any and all communications with Amtrak regarding construction of ME2 and M2X in and around Lisa Drive, including the identification of any sinkholes and depressions in the location;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. Complainants here cannot pursue issues on behalf of residents of the Lisa Drive Area.

E. Emergency Response and Public Awareness Related RFPs (38-39, 46-50, 83, 87-89, 97-101, 113-114)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

38. Your emergency response plans, practices and procedures in and around Delaware and Chester Counties, Pennsylvania, including but not limited to all pertinent portions of your 49 CFR 195 Manual;

39. Coordination with fire, police, the Pennsylvania Emergency Management Agency, PHMSA, and other federal and state agencies in responding to a release or ignition of highly volatile liquids from ME1, ME2 or ME2X within and around Delaware and Chester Counties, Pennsylvania;

46. Your public awareness program for ME1, ME2, ME2X and Point Breeze-Montello, including all relevant portions of your 49 CFR 195 Manual;

47. Any and all actions taken by you to warn and protect the public from danger associated with ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

48. Any and all actions taken by you to reduce the hazards to employees, customers, residents and others related to ME1, ME2 or ME2X in and around Delaware and Chester Counties, Pennsylvania;

49. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in ME1;

50. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in Point Breeze-Montello;

83. Any and all information, studies or other documents you may have produced, had produced on your behalf or otherwise obtained describing variations in emergency response and public awareness standards for NGL transportation;
87. Any and all documentation, information and studies you used to create a public awareness program for NGL transportation services. Include information which may change based on the composition of NGL being transported and for situations where one line may transport a heavier than air NGL and an adjacent line may transport a lighter than air NGL, and other situations which anticipate an incident impacting more than one Mariner East pipeline at a specific location.
88. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate or shelter in place in the event of a NGL incident in your transportation system, including impacts on ground features, elevation, grade, and other hazards potentially faced by the public.
89. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate without creating a electrical spark or energy source that could potentially ignite a vapor cloud or a boiling liquid vapor cloud explosion ("BLEVE").
97. Any and all actions taken by your or on your behalf to advise the public of the risks or threats associated with ME1, ME2, ME2X and Point Breeze-Montello;
98. Any and all information provided to the public by you or on your behalf on how to respond in the event of a release or other emergency associated with ME1, ME2 or ME2X;
99. Any and all proposed or anticipated changes to information provided by your or on our behalf on how to respond in the event of a release or other emergency associated with ME1. ME2 or ME2X;
100. Any and all communications between you and any school district or higher education institution based in Delaware or Chester Counties, Pennsylvania;
101. Any and all communications between you and any operator of any private educational institution in Delaware or Chester Counties, Pennsylvania;
113. Any and all communications between you and Delaware and Chester Counties, Pennsylvania local emergency management officials;
114. Any and all communications between you and Chester County or Delaware County emergency management officials;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. This is particularly true here regarding requests for communications with schools, county and local officials, etc.

F. Construction and Geology Related RFPs (40-44, 56-57, 59-62, 66-67, 80-81, 94-93, 111-112, 115-119, 102, 123, 126)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

40. Any and all geophysical studies conducted by you or on your behalf (including without limitation electrical resistivity, gravity, microgravity surveys, multi-channel analysis of surface waves and other seismic methods) at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;

41. Any and all geotechnical studies conducted by you or on your behalf at and around at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;
42. Any and all geological bores undertaken by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
43. Any and all fracture trace analyses conducted in or around Delaware and Chester Counties, Pennsylvania;
44. Each and every instance where you or someone on your behalf identified an anomaly, or “soft zone” from geophysical or geotechnical testing, or geologic borings in Delaware and Chester Counties, Pennsylvania;
56. Any and all sink holes and depressions, including their location, observed by you or your consultants while constructing ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;
57. Any and all sink holes and depressions, including their location, caused or contributed by activities conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
59. The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
60. The proposed method of installing ME2 and ME2X in and around all areas where construction has not been completed as of the date of service of this document in Delaware and Chester Counties, Pennsylvania;
61. The status of applications to DEP for permit(s) to construct ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
62. Any and all sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018 related to the construction of ME2 and ME2X;
66. The impacts to private water supplies in Delaware and Chester Counties, Pennsylvania after January 1, 2017 related to the construction of ME2 and ME2X;
67. Any and all actions taken by you or on our behalf to remedy the water seeps and/or flooding in Delaware or Chester Counties, Pennsylvania;
80. Any and all studies performed by you, your consultants, contractors and other agents on your behalf concerning Karst, igneous or metamorphic rock formations where you installed or proposed to install ME2 or ME2X;
81. Any and all information concerning engineering evaluations performed by you or under your direction concerning

challenges in installing NGL pipelines in Karst, igneous or metamorphic rock, including but not limited to using direct boring or Horizontal Directional Drilling ("HDD");

91. Any and all complaints made to you by the public (including but not limited to complaints related to noise, dust, smoke or particulates, water supply, water pressure, flooding, sinkholes or depressions) related to the construction or operation of ME1, ME2 or ME2X;

92. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

93. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

111. Groundwater in the right-of-way for the Mariner East Project in Delaware and Chester Counties, Pennsylvania, including but not limited to flow and infiltration paths and patterns, the water table, the aquifer system(s), and soil and/or geologic characteristics;

112. Any and all karst, igneous or metamorphic geology identification, testing or sampling collected for, or related to, the Mariner East Project;

115. The selection of drilling methods, including the switching from Horizontal Directional Drilling to open cut and/or shorter HDD;

116. The preparation, drafting, submission or completion of the Void Mitigation Plan for Karst Terrain and Underground Mining prepared by Tetra Tech, Inc. on November 18, 2016, including any document communications about the Void Mitigation Plan;

117. Any and all communications about your Prevention, Preparedness, and Contingency Plan;

118. Any and all communications about the preparation, drafting, submission, completion of the Inadvertent Return Plan;

119. Landscape design plan prepared by or on behalf of you to address water at 103 Schoen Road;

102. Any and all communications related to the Aqua public water source in or around Drill 381, including but not limited to the establishment of the monitoring well in that location;

123. Any and all grout plugs used in any drilling in and around Delaware and Chester Counties, Pennsylvania;

126. Sunoco Logistics Engineering Design Basis Memorandum dated February 22, 2018, version D, or any other later version, an

earlier version of which is marked as SPLP 29 at the hearing on the Amended Petition for Emergency Relief;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

G. Revolution Pipeline (68)

RFP 68 states:

produce any and all documents that refer to, relate to, or constitute in any way to:

68. The failure that occurred on the Revolution Pipeline in or around Center Township, Beaver County on or about September 10, 2018;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests

could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

Moreover, this request seeks information regarding a pipeline not at issue here, which is not a public utility and is located half way across the state. The only jurisdiction the Commission has over that pipeline is pursuant to Act 12 of 2011. Neither that Act nor the Public Utility Code Section 701 allow for the public to make Complaints against non-public utility pipeline operators. Only the Commission’s Bureau of Investigation and Enforcement has the ability to make such Complaint before the Commission. Moreover, Complainants’ fail to show how allegations concerning that pipeline have any bearing on the pipelines at issue here. These requests do not seek information relevant to this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence as required under the Commission’s regulations. 52 Pa. Code § 5.321(c).

H. Private/Public Water Communication Related RFPs (51-55)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

51. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities prior to 2018;
52. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities prior to 2018;
53. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities in 2018 and thereafter;
54. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities in 2018 and thereafter;
55. Any and all testing of public or private water supplies conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

I. Siting and Planning Related RFPs (82, 103-104, 120)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

82. Any and all studies you performed or had performed on your behalf concerning appropriate siting of NGL valve sites in residential or commercial areas, including but not limited to setback distances to highways, residences, commercial properties, restaurants, and other facilities where the public may congregate;

103. Any and all efforts made by you to avoid areas containing private dwellings, industrial buildings, and places of public assembly;

104. Any and all investigations of alternative routes for the construction of ME2 and ME2X;

120. The surveying and routing conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including the identification of any and all collocated utilities in the existing Mariner East Project Right of Way;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

J. Agency Investigation/Order Related RFPs (64, 75-77, 125)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

64. Any and all investigations made by the PUC, PHMSA, DEP or any other government organization related to the sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018;

75. Any and all Notices of Probable violations issued to you by PHMSA or the PUC in the last 5 years;

76. Any and all Orders, Consent Orders, or Consent Agreements issued to you by PHMSA or the PUC in the last 5 years;

77. Any and all civil penalty assessments or consent assessments of civil penalties issued to you by PHMSA or the PUC in the last 5 years;

125. Any and all facts, investigation, review, inquiries, communications regarding any investigation by the Commission's Bureau of Investigation and Enforcement ("BIE");

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. ("But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work. SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

K. Municipal Permit Related RFPs (78-79)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

78. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME2 or ME2X work in Delaware or Chester Counties, Pennsylvania;

79. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME1 or Point Breeze-Montello work in Delaware or Chester Counties, Pennsylvania since January 1, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

L. Tariff/Production Related RFPs (105-110)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

105. Any and all PUC tariffs related to ME1, ME2, ME2X or Point Breeze-Montello;

106. Any and all products approved for conveyance through ME1, ME2, ME2X and Point Breeze-Montello.

107. Any and all products conveyed through ME1, ME2, ME2X and Point Breeze- Montello since 2014;

108. Any and all products approved for intrastate conveyance through ME1, ME2, ME2X and Point Breeze-Montello;

109. Any and all products conveyed intrastate through ME1, ME2, ME2X and Point Breeze-Montello since 2014.

110. The Application to the Commission to expand service, and which was granted on August 21, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of

relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

SPLP further objects to these requests because they do not seek information relevant to this proceeding, instead seeking information in an attempt to argue SPLP is not a public utility. . The Commission and appellate courts have repeatedly and conclusively decided SPLP is a PUC-certificated utility and that its Mariner pipelines provide public utility service. Moreover, evidence regarding specific destinations, rates, and the inter or intra-state nature of transportation on the pipeline would not even be dispositive to whether SPLP is providing service to or for the

public. The test is whether SPLP is willing and able to provide service to or for the public. It is. Complainant's legally incognizable theory regarding bearing risk for non-Pennsylvania services is nothing more than attempting to rehash SPLP's public utility status. Such claims are not relevant here.

IV. CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. objects to Complainant Set 1 Request for Production of Documents in full as well as the individual objections discussed herein.

Respectfully submitted,

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Dated: September 30, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS' ASSOCIATION, INC	:	
	:	C-2018-3003605
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.	:	

**SUNOCO PIPELINE L.P. OBJECTIONS TO COMPLAINANT ANDOVER
HOMEOWNERS' ASSOCIATION, INC'S INTERROGATORIES**

Pursuant to 52 Pa. Code § 5.342, Sunoco Pipeline L.P. (SPLP) submits these Objections Complainant's Set 1 Interrogatories. As explained below, SPLP objects in whole to this set of Interrogatories because they are an abuse of the discovery process in that they are unduly burdensome and overbroad and duplicative of Andover's First Set of Requests for Production of documents. Like the RFPs, the Interrogatories are essentially unlimited in time and scope, duplicative, and would place an undue burden on SPLP if it were required to respond. Your Honor should uphold SPLP's objections to RFP Set 1 in full and place the burden on Complainant to propound reasonable interrogatories in the first instance instead of lodging an inappropriate fishing expedition that puts a heavy burden on SPLP to argue and Your Honor to determine what is in the realm of fair and reasonable discovery.

52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

- (a) Discovery or deposition is not permitted which:
- (1) Is sought in bad faith.
 - (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
 - (3) Relates to matter which is privileged.
 - (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id. Complainant's Set 1 is all of the above and so overbroad as to constitute an abuse of the discovery process.

SPLP also objects to individual instructions, definitions and Interrogatories that Complainant propounded in Set 1 because they seek information that is privileged, not relevant to the issues raised and/or allowable in this proceeding, and not likely to lead to the discovery of relevant or admissible evidence in this proceeding.

Under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). In addition, under Section 5.323, discovery may not include disclosure of legal research or legal theories. 52 Pa. Code § 5.323(a).

The interrogatories to which SPLP objects seek information that is exempt from discovery under the Commission's regulations.

I. OBJECTIONS TO ENTIRETY OF SET 1 INTERROGATORIES

Complainant's Set 1 Interrogatories are duplicative of their Set 1 RFPs, seeking identification and description of documents requested in the RFPs, or otherwise seeking details

that would be readily available from such documents if they were produced. Like the RFPs, the Interrogatories are an unacceptable and disallowable fishing expedition.

RFP Set 1 is so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every textual material in whatever form in your possession. That giant fishing expedition is obviously disallowable under the Commission’s regulations,¹ and Andover’s attempt to disguise such request using 128 RFPs is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable request. Your Honor should uphold SPLP’s objection to the entirety of Complainant Set 1 RFPs because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents, Complainant’s have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be answered. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant’s attempt to turn this process on its head must be rejected.

As described in SPLP’s Objections to Complainants Set 1 RFPs, those RFPs are totally overbroad and essentially seek all documents related to multiple subject matters and are not reasonably tailored to lead to the discovery of admissible evidence. Complainant’s Set 1

¹ See, e.g., *City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is **relevant to a pending proceeding** and **reasonably calculated to lead to the discovery of admissible evidence**. 52 Pa. Code § 5.321(c) (emphasis added).

Interrogatories then piggy back on those RFPs, lodging corresponding interrogatories that at first glance may appear to be a reasonable question, but when interpreted with the corresponding instructions actually seek identification of any document that supports or relates to the answer given. That is absurd and unduly burdensome coupled with the request for production of those same documents in the Set 1 RFPs. Each RFP begins with the request to “identify and describe.”

Describe is defined as:

"Describe" shall mean state what is requested to be described, including all facts and opinions known and held regarding, relating to, or pertinent to what is requested to be described, and (i) *the identity of each person or entity involved or having any knowledge of each fact or opinion that relates to what is so described*, (ii) the identity of each document evidencing the answer or response given or relating, referring or pertaining to said subject-matter in any way, and (iii) all relevant or material dates and time periods, specifying the way in which said dates or time periods are pertinent to the subject-matter described.

Interrogatories at p.2. Identify is defined as:

7. “Identify” when used in reference to a natural person means to state the person's full name, business and home address, business telephone number, present or last known title or business position and employer or other business affiliation.
8. “Identify” when used in reference to a document or to a communication contained in a document means to:
 - (1) State the title or other description of the document;
 - (2) State the date of the document;
 - (3) Identify the author and each recipient and addressee and all persons who also received copies of the document; and
 - (4) State the identification number, if any, of the document.

Id. at pp. 2-3.

So for example, when Complainants say in Interrogatory 12: “Identify and describe the pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania,” they mean describe the facts, any person that knows these

facts, and identify all documents evidence the answer or relating or referring to the subject matter. That is absurdly overbroad given the overbreadth of the RFPs. Moreover, it is unduly burdensome and would require an unreasonable investigation on SPLP's part.

Complainants Interrogatories Set 1 is one giant fishing expedition and it is not allowable. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting [*American Car & Foundry Company v. Alexandria Water Company*](#), 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

- (3) Relates to matter which is privileged.
- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its manipulation of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the amount of requests, SPLP raises individual objections below, but reserves its rights to lodge further objections in the future.

II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

- SPLP objects to the instructions and definitions contained in Complainant Interrogatories, Set 1 to the extent any such instructions or definitions are inconsistent with the Commission’s regulations. Lack of specific written objection to any instruction or definition shall not construed as SPLP’s agreement with such instruction or objection.
- To the extent any of SPLP’s responses contain confidential, proprietary, highly confidential, or confidential security information, SPLP will only provide such materials pursuant to the terms of the Amended Protective Order² once it is entered in this proceeding.

² SPLP will be submitting a motion to amend the Protective Order in this proceeding if it is not consolidated with the *Flynn* Complaint proceeding.

- SPLP objects to Definitions 5, 7, and 8 as unreasonably burdensome and requiring an unreasonable investigation. To the extent SPLP is required to produce any document and that document contains the information sought by any interrogatory, Complainants can obtain that information directly from the source. To force SPLP to respond and identify every document related to the subject matter is absurd and not allowable under the Commission's regulations.
- SPLP objects to Definition 9 because it seeks legal opinions, which are not discoverable under the Commission's regulations.
- SPLP objects to Definition 20, which provides:

"You" or "Your" refers to Sunoco Pipeline L.P. and/or Energy Transfer Partners, L.P.

SPLP objects to Definition 21 to the extent it seeks information regarding any subsidiary or company other than Sunoco Pipeline L.P. or any pipeline other than the Mariner East pipelines.

III. OBJECTIONS TO INDIVIDUAL INTERROGATORIES

SPLP objects to each individual interrogatory on the same basis as stated in the corresponding Request for Production of Document. Those objections are incorporated herein as if set forth in full for each and every interrogatory. Complainant created these requests and can correlate the objections themselves – SPLP will not waste its time repeating objections or correlating requests when Andover should have done that itself in the first instance given the duplicative nature of these requests. SPLP lists each interrogatory below consistent with the Commission's discovery regulations and notes any objections in addition to those incorporated herein by reference. SPLP objects to each of the following requests:

1. Identify each person from whom you expect to submit fact or lay written testimony and/or who you expect to call as a fact or lay witness at hearing.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

2. For each person identified in response to paragraph 1, state the subject matter on which you expect each person to testify.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

3. For each person identified in response to paragraph 1, state the substance of the facts and opinions on which you expect the person to testify and a summary of the grounds for all such testimony.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

4. For each person identified in response to paragraph 1, identify:
- a. all documents or communications relied upon in preparing the testimony;
 - b. all persons other than counsel of record, who directly or indirectly participated in the preparation, drafting, review or approval of the testimony;
 - c. all texts, article, reports, theses, other publications, and any other witness testimony or statement offered by this person in any state or federal judicial or administrative proceeding related to pipelines.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

5. Identify each person from whom you expect to submit expert written testimony and/or call as an expert witness at hearing.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

6. For each person identified in response to paragraph 5, state the subject matter on which the expert is expected to testify.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

7. For each person identified in response to paragraph 5, state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

8. For each person identified in response to paragraph 5, identify:
- a. all documents or communications relied upon in preparing that person's testimony or expert report;

b. all persons other than counsel of record, who directly or indirectly participated in the preparation, drafting, review or approval of the testimony or expert report;

c. all texts, article, reports, theses, other publications, and any other witness testimony or statement offered by that person in any state or federal judicial or administrative proceeding related to pipelines.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

9. Identify and describe all actions taken by you or on your behalf to assess the condition, adequacy, efficiency, public safety risk, and reasonableness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

10. Identify and describe all actions taken by you or on your behalf to assess the integrity of the ME1 pipe, including without limitation, the welds and seams thereon, in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

11. Identify and describe with specificity the materials that ME1, ME2, ME2X and Point Breeze-Montello are made of in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

12. Identify and describe the pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

13. Identify and describe the depth of cover over ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

14. Identify and describe all locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over ME1 is less than 48 inches.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

15. Identify and describe all locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over Point Breeze-Montello is less than 48 inches.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

16. Identify and describe the distance (or proposed distance) between each of ME1, ME2, ME2X or Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, noting with specificity all locations where the distance between any two of these pipelines is equal to or less than ten (10) feet.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

17. Identify and describe the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello to any United States or Pennsylvania numbered highways in and around Delaware and Chester Counties, Pennsylvania, specifically where such distance is less than one (1) mile from any pipeline in or anticipated to become in NGL service.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

18. Identify and describe all locations where the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello is less than 2,000 feet from private dwellings in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

19. Identify and describe the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each school, public or private, located in and around Delaware and Chester Counties, Pennsylvania, where such distance is less than one (1) mile from any

pipeline in NGL service or anticipated to be placed into NGL service. Identify the school district in which each public school belongs, and any affiliation of each private school within the one (1) mile radius.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

20. Identify and describe the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each daycare, hospital, senior living facility, nursing home, or rehabilitative care facility in and around Delaware or Chester Counties, Pennsylvania, where such facilities are within one (1) mile of any Sunoco pipeline in or proposed to be placed in NGL service.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

21. Identify and describe the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each mall or shopping center located in and around Delaware and Chester Counties, where such facilities are within one (1) mile of any Sunoco pipeline in or proposed to be placed in NGL service.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

22. Identify and describe the distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from places of public assembly, including without limitation

playgrounds, recreation areas, theaters, public libraries and houses of worship in and around Delaware and Chester Counties, Pennsylvania, where such facilities are within one (1) mile of any subject pipeline of NGL service.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

23. Identify and describe the distance (or proposed distance) of ME1, ME2 and ME2X from all public water supply wells and reservoirs in Delaware and Chester Counties, Pennsylvania, where such facilities are within one (1) mile of any subject pipeline in NGL service.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

24. Identify and describe the types of welded seams on ME1 (e.g., oxygen-acetylene welding, electric resistance welded seams) in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

25. Identify and describe any and all inspections or testing of the welded seams on ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain

gauges, and radiographic inspections. Please include all testing performed within the last five (5) years from the date of service of this document.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

26. Identify and describe the findings of any and all inspections or testing of the welded seams on ME1 and Point Breeze-Montello in and around Delaware or Chester Counties, Pennsylvania in the last five (5) years.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

27. Identify and describe the investigations, tests, repairs, replacements and changes made by you or on your behalf related to the flow reversal or product change in ME1 or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

28. Identify and describe all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in ME1 and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

29. Identify and describe all investigations made by you or on your behalf to determine whether the hazardous liquids proposed or presently being transported in ME1 or Point Breeze-Montello are compatible with the materials of which ME1 and Point Breeze-Montello are made.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

30. Identify and describe all in-line inspections of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties in the last five (5) years.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

31. Identify all welders who worked on ME1, ME2, ME2X, and the Point Breeze-Montello pipeline in the last five (5) years in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

32. Identify and describe all training and tests administered to welders who worked on ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

33. Identify and describe all Operational Qualification certifications required pursuant to 49 CFR part 195 Subpart G held by all welders who worked on ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

34. Identify and describe all work on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania where any worker required to hold OQ qualifications did not hold such qualifications at the time such worker performed work on any part of ME2 or ME2X.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

35. Identify and describe your emergency response plans, practices and procedures in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

36. Identify and describe all relevant portions of your 49 CFR part 195 Manual that address compliance with 49 CFR § 195.440 that have been in effect for any NGL service for the last five (5) years within the United States. Please include all prior versions that have been superseded by newer versions of your 49 CFR part 195 Manual.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

37. Identify and describe all changes to any relevant portions of your 49 CFR part 195 Manual that address compliance with 49 CFR § 195.440 that have been in effect for any NGL service within the last five (5) years in effect anywhere within the United States.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

38. Identify and describe how you intend to coordinate with fire, police, the Pennsylvania Emergency Management Agency, PHMSA, and other federal and state agencies in responding to a release (with or without ignition) of highly volatile liquids from ME1, ME2, ME2X or Point Breeze-Montello within and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

39. Identify and describe all geophysical studies conducted by you or on your behalf (including without limitation electrical resistivity, gravity, microgravity surveys, multi-channel analysis of surface waves and other seismic methods) at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

40. Identify and describe all geotechnical studies conducted by you or on your behalf at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

41. Identify and describe all geological bores undertaken by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies concerning ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

42. Identify and describe the results all geophysical studies, geotechnical studies and geologic bores conducted by you or on your behalf at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

43. Identify and describe all hydrological studies conducted by you or on your behalf at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 40 and 41 as if set forth in full.

44. Identify and describe the results of all hydrological studies conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 40 and 41 as if set forth in full.

45. Identify and describe any and all karst geology identification, testing and sampling conducted by you or on your behalf in Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 80 and 112 as if set forth in full.

46. Identify and describe the results of all karst geology identification, testing, and sampling conducted by you or on your behalf in and around West Whiteland Township, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 80 and 112 as if set forth in full.

47. Identify and describe any and all metamorphic or igneous geology identification, testing and sampling conducted by you or on your behalf in Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 80 and 112 as if set forth in full.

48. Identify and describe the results of all igneous or metamorphic geology identification, testing, and sampling conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including without limitation, the dates, locations, and methods for all such studies.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 80 and 112 as if set forth in full.

49. Identify and describe all precautions taken by you concerning karst, igneous or metamorphic rock encountered or anticipated to be encountered during ME2 and ME2X construction in Delaware and Chester Counties, Pennsylvania during all phases of design, engineering, construction or permitting.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 80 and 112 as if set forth in full.

50. Identify and describe all groundwater in the right-of-way for the Mariner East Project in Delaware and Chester Counties, including but not limited to flow and infiltration paths and patterns, the water table, the aquifer system(s), and soil and/or geologic characteristics.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

51. Identify and describe each and every fracture trace analysis conducted in or around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

52. Identify and describe each and every instance where you or someone on your behalf identified an anomaly, or "soft zone" from geophysical, geotechnical testing, or geologic borings in Delaware or Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

53. Identify and describe all collocated utilities in the existing Mariner East project right-of-way in Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

54. Identify and describe all areas in which you do not propose to collocate ME2 and ME2X with the existing right-of-way for ME1 in Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

55. What are the Maximum Allowable Operating Pressures (“MAOP”) for ME1, ME2, ME2X and Point Breeze-Montello? Please identify any changes in MAOP for any segment of each line in the last five (5) years, and the reason for such a change in MAOP.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

56. Identify and describe your public awareness program for ME1, ME2, ME2X and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

57. Identify and describe any differences in your NGL public awareness programs across the United States where any aspects of your public awareness program in place for ME1, ME2, ME2X and Point Breeze-Montello differs from other locations where you offer NGL transportation services in the United States.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

58. Identify and describe all portions of your 49 CFR part 195 Manual that document your public awareness program.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

59. Identify and describe all actions taken by you to warn and protect the public from danger associated with ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

60. Identify and describe all actions taken by you to reduce the hazards to employees, customers, residents and other persons related to ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

61. Identify and describe how you would contact residents within one (1) mile of ME1, ME2, ME2X and/or Point Breeze-Montello of an ongoing release of NGLs. Specifically, describe how such contact would not create a spark or other energy release that could ignite a vapor cloud.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

62. Identify and describe the buoyancy properties of each material potentially transported in ME1, ME2, ME2X and/or Point Breeze-Montello in a boiling liquid to vapor cloud transition likely to occur in Delaware or Chester Counties.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

63. Identify and describe the differences in public awareness and emergency response plans required to react to a release of ethane, propane, butane, gasoline, diesel fuel and other liquid products potentially transported by you in Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

64. Identify and describe each risk assessment performed by you in the United States and Canada in the last ten (10) years related to NGLs.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3, 68, and 90 as if set forth in full.

65. Identify and describe any modifications to any emergency response or public awareness programs based on the buoyancy of any material transported by you via pipeline.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 49, 53, 87 as if set forth in full.

66. Describe and identify how a first responder or the public would know what product(s) are being transported during a release from any NGL pipeline or pipeline(s) from each of ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 39-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

67. Identify and describe the differences in how the public should react to a NGL leak based on the composition of the contents of a leaking pipeline, including but not limited to differentiation between ethane response and butane response, liquid and NGL response, and other differentiations that could require the public or first responders to take different action in response to a leak on your pipelines in Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 39-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

68. Identify and describe the risks of you, a first responder, the government or the public making telephone calls to residences, travelers, occupants or the general public within one (1) mile of the site of a NGL leak.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 39-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

69. Identify and describe the risks of you, a first responder, the government or the public operating electrical devices within a vapor cloud to residences, travelers, occupants or the general public within one (1) mile of the site of an NGL leak. Include, but not limit, your response to electric garage door openers, electric security systems, electric fences of any type, transformers, emergency generators, and other electric, electronic or mechanical spark-generating devices likely to be located within one (1) mile of ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 39-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

70. Identify and describe the minimum standards for distance of NGL valve sites from known or suspected sources of ignition, including but not limited to highways, restaurant kitchens, residences, other valve sites, other commercial or industrial operations, or other sources of ignition.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 39-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

71. Identify and describe anywhere you have installed or proposed to install any NGL valve site within 2,000 feet of any

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 82, 103-104, 120 as if set forth in full.

72. Identify and describe how each municipal government within one (1) mile of ME1, ME2, ME2X or Point Breeze-Montello instructs its respective public to respond to any NGL pipeline incident, including, but not limited to contradictory instructions of any nature from instructions offered by You.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

73. Describe any and all audits, reviews or evaluations performed by any person, entity or governmental body concerning your compliance with API Recommended Practice RP1162 in the last five years. Describe and identify all results, audit findings and corrective measures taken in response to any such audits.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 64, 75-77, 125 as if set forth in full.

74. Identify and describe any and all remote-activated early warning systems in place to alert nearby public to any NGL leak on any pipeline, terminal, transfer station or other facility you operate in the United States or Canada.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

75. Identify and describe and all requests you received to install hydrocarbon detectors and early warning systems along any segment of ME1, ME2, ME2X and/or Point Breeze-Montello in the last five (5) years.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

76. Describe and identify why hydrocarbon detection and early warning systems are not installed at each valve site in any Mariner East service.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

77. Describe and identify all hydrocarbon detection and early warning systems you install at your facilities handling NGL materials anywhere in your system.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

78. Describe and identify the costs to install hydrocarbon detection and warning systems at a valve site.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

79. Describe and identify each decision you made in the last five (5) years to install or not install hydrocarbon detection and early warning systems in any NGL service, and why you made the decision to install or not install such systems.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

80. Describe and identify how your supervisory control and data acquisition (“SCADA”) system did or did not detect each leak of NGLs from any system you own, operate or control in the last five (5) years. Further identify how you learned of each release, failure, leak or other incident where any amount of NGL was released from any facility, pipeline, valve site or other operation in NGL service.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

81. Describe and identify the expected size of failure required to where your SCADA system would identify the release.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

82. Describe and identify how you would deinventory a pipeline segment in ME1, ME2, ME2X or Point Breeze-Montello in the event of a release or incident on any segment of any Mariner East pipeline in Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

83. Describe and identify the procedures to safely remove product from a pipeline segment in the event of an incident. Describe and identify the amount of product in each impacted pipeline segment in Delaware and Chester Counties, the location(s) where such product would be removed from each segment, the procedure to remove such products, the equipment required to safely remove such product, and the burden on the location hosting such operations.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

84. Describe and identify and all environmental permits that are or would be required to remove a pipeline segment full of NGLs, and designate if you hold such permits. If you do not hold such permits, describe how you would obtain authority to deinventory one or more segments of ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full. SPLP further objects to this request as seeking a legal conclusion.

85. Describe and identify the differences in inventory procedures between liquid product (i.e., gasoline, diesel fuel, jet fuel, kerosene, transmix, etc.) and NGLs (i.e., ethane, propane, butane, Y-grade, etc.).

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

86. Identify and describe how your public awareness program instructs the public to determine prevailing wind direction during an NGL incident.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

87. Identify and describe how your public awareness program guides the public with regard of traveling uphill or downhill in response to an NGL incident.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

88. Describe and identify how your public awareness program guides the public in regard to determining when a safe area is reached.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

89. Describe and identify the guidance in your public awareness program that pertains to how people who are elderly, very young, or who have physical disabilities that affect their mobility should respond to a leak of NGLs.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

90. Identify and describe any requests you have received from any party, entity or governmental entity to provide remote leak detection and public warning concerning the Mariner East project. Identify any changes you made in response to any such request.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

91. Identify and describe each NGL leak on any pipeline asset you own, control, manage or operate since January 1, 2010, reported to PHMSA or not, of any amount of any NGL.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

92. Identify and describe each liquids leak on any pipeline asset you own, control, manage or operate since January 1, 2010, reported to PHMSA or not, of any amount of any hydrocarbon product or commodity, including but not limited to gasoline, diesel fuel, jet fuel, kerosene, crude oil, condensate, fractionated hydrocarbons or any other commodity not referenced in the above paragraph.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

93. Describe the pipe thicknesses, materials of construction of all gaskets and materials used to connect the pipe to ancillary equipment, coatings (field applied or factory applied) used to protect any pipe used in this project, steps required to protect the pipe from damage during storage, construction or field work (including but not limited to light-related degradation due to excessive storage times) and other concerns which you have considered in implementing the Mariner East project.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

94. Identify and describe each change to your 49 CFR part 195 Manual you made in response to each such incident listed above.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96 as if set forth in full.

95. Identify and describe all changes made to your public awareness program to accommodate the flow reversal and product change in ME1 or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

96. Identify and describe all changes made to your public awareness program to accommodate NGL service, as compared to other hazardous liquids such as gasoline, diesel, jet fuel, kerosene or other liquid hydrocarbon products transported at ambient conditions without pressurization required for liquid transportation.

OBJECTION:

SPLP incorporates herein its objection to Request for Production of Document(s) 38-39, 46-50, 83, 87-89, 97-101, 113-114 as if set forth in full.

97. Identify and describe all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware or Chester Counties, Pennsylvania that you advised of pipeline construction activities prior to 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

98. Identify and describe all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities prior to 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

99. Identify and describe all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities in 2018 and thereafter.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

100. Identify and describe all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities in 2018 and thereafter.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

101. Identify and describe any and all testing of public or private water supplies conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

102. Identify and describe all sinkholes and depressions, including their location, observed by you or any agent acting in your behalf while constructing ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

103. Identify and describe all sinkholes and depressions, including their location, caused or contributed by activities conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

104. Identify and describe your integrity management program.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

105. Identify and describe all relevant portions of your 49 CFR § 195 Manual addressing integrity management anywhere in the United States or elsewhere regarding NGL pipeline transportation.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

106. Identify and describe the status of construction of ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

107. Identify and describe the proposed method of installing ME2 and ME2X in and around areas in Delaware and Chester Counties, Pennsylvania where construction has not been completed as of date of service of this document.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

108. Identify and describe the status of applications to DEP for permit(s) to construct ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

109. Identify and describe the status of applications to DEP for permit(s) to construct ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

110. Identify and describe the status of required municipal permits to construct ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

111. Identify and describe all expired required municipal permits to construct ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania and any required steps you must take to renew or refile any such permits.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

112. Identify and describe the causes of all sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018 related to the construction of ME2 and ME2X.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

113. Identify and describe all investigations made by you or on your behalf related to the all sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

114. Identify and describe all investigations made by the PUC, PHMSA, DEP or any other government organization related to the sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

115. Identify and describe the status of all activities undertaken or to be undertaken by you or on your behalf to remediate and/or address sinkholes and depressions in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

116. Identify and describe any and all communications with Amtrak regarding the construction of ME2 and M2X in and around Delaware and Chester Counties, Pennsylvania, including the identification of any sinkholes and depressions in the location.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

117. Identify and describe any and all grout plugs used in any drilling in and around Delaware or Chester Counties, Pennsylvania, and the reasons for using such grout plugs.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

118. Identify and describe the failure that occurred on the Revolution Pipeline in or around Center Township, Beaver County on or about September 10, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

119. Identify and describe the cause of the failure that occurred on the Revolution Pipeline in or around Center Township, Beaver County on or about September 10, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

120. Identify and describe the failure that occurred on the Point Breeze-Montello Pipeline in Delaware County and/or Philadelphia County on or about June 19, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

121. Identify and describe the cause of the failure that occurred on the Point Breeze-Montello Pipeline in Delaware County and/or Philadelphia County on or about June 19, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

122. Identify and describe the incident in which an Aqua water company contractor struck the ME2 or ME2X in or around Middletown Township, Delaware County on or about May 21, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

123. Fully explain how and why the incident occurred in which an Aqua water company contractor struck ME2 or ME2X in Middletown Township, Delaware County on or about May 21, 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

124. Identify and describe your activities, including dates and locations, to remove and replace portions of ME2 and/or ME2X in or around Delaware and Chester Counties, Pennsylvania in 2017 or 2018.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

125. Identify and describe all reasons why you removed and replaced portions of ME2 and/or ME2X in or around Delaware or Chester County after January 1, 2017.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

126. Identify and describe how you became aware of the need to replace the portions of pipe on ME2 and/or ME2X referenced in the proceeding paragraphs.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

127. Identify and describe any other areas along ME2 and ME2X that you replaced portions of the pipeline, and the reasons, dates, and locations for such replacement.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

128. Identify and describe all investigations made by you in response to any and all claims regarding falsified inspection reports related to welds along ME2 and/or ME2X.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

129. Identify and describe all investigations made by you in response to any and all claims regarding falsified inspection reports related to welds in other pipelines constructed, owned, operated or otherwise managed by you or covered under any 49 CFR part 195 Manual you use to comply with PHMSA regulations.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

130. Identify and describe all Notices of Probable Violation issued to you by PHMSA or the PUC in the last 5 years for any pipeline owned, constructed, operated or otherwise managed by you.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

131. Identify and describe all Orders or Consent Orders issued to you by PHMSA or the PUC in the last 5 years.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

132. Identify and describe all civil penalty assessments or consent assessments of civil penalties issued to you by PHMSA or the PUC in the last 5 years.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

133. Identify and describe all complaints made to you by the public (including but not limited to complaints related to noise, dust, smoke or particulates, water supply, water pressure, flooding, sinkholes or depressions) related to the construction or operation of ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

134. Identify and describe all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

135. Identify and describe the status of all requests made by you to the Delaware River Basin Commission to change the method of pipeline construction from Horizontal Directional Drilling to some other method of construction.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

136. Identify and describe all actions taken by you or on behalf to evaluate the integrity of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

137. Identify and describe all risks or threats identified by you or on your behalf related to ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

138. Identify and describe all remedial, preventative and mitigative measures taken by you or on your behalf to address the risks or threats related to ME1, ME2, ME2X and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

139. Identify and describe all actions taken by your or on behalf to advise the public of the risks or threats associated with ME1, ME2, ME2X and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

140. Identify and describe all information provided to the public by you or on your behalf on how to respond in the event of a release or other emergency associated with ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

141. Identify and describe any proposed or anticipated changes to information provided by your or on our behalf on how to respond in the event of a release or other emergency associated with ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

142. Identify and describe all communications between you and each school district operating within Delaware or Chester Counties, Pennsylvania.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

143. Identify and describe all communications related to the Aqua public water source in or around Drill 381, including but not limited to, the establishment of the monitoring well in that location.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

144. Identify and describe any and all efforts made by you to avoid areas containing private dwellings, commercial or industrial buildings, critical infrastructure, such as highways, rail lines and airports, and places of public assembly.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

145. Identify and describe all investigations of alternative routes for the construction of ME2 and ME2X.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

146. Identify and describe any and all PUC tariffs related to ME1, ME2, ME2X or Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

147. Identify and describe all products approved for conveyance through ME1, ME2, ME2X and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

148. Identify and describe all products conveyed through ME1, ME2, ME2X and Point Breeze-Montello since 2014.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

149. Identify and describe all products approved for intrastate conveyance through ME1, ME2, ME2X and Point Breeze-Montello.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

150. Identify and describe all products conveyed intrastate through ME1, ME2, ME2X and Point Breeze-Montello since 2014.

OBJECTION:

SPLP incorporates herein its objection to the corresponding Request for Production of Document(s) as if set forth in full.

151. Identify and describe all differences in your answers to any questions asked above concerning the Mariner West or Mariner South pipelines, including any segments of such pipelines in the Dominion of Canada.

OBJECTION:

SPLP incorporates herein all prior objections including objections to RFPs as if set forth in full.

152. Identify and describe the differences in your answers to any questions asked above concerning other NGL services offered by you or any affiliate, subsidiary or parent of you in the United States.

OBJECTION:

SPLP incorporates herein all prior objections including objections to RFPs as if set forth in full.

153. Identify each person involved or having knowledge of the information requested in each of the preceding interrogatories.

OBJECTION:

SPLP objects to this request as inconsistent with the Commission's discovery regulations. To the extent SPLP is compelled to provide a written interrogatory response, it will identify who has provided such response consistent with the Commission's regulations. Moreover, SPLP objects to this request as unduly burdensome and requiring an unreasonable investigation given

the breadth of information sought and thus the corresponding persons that may have knowledge of such information.

154. Identify and describe all persons other than your counsel of record, who directly participated in the preparation of the answers to these interrogatories.

OBJECTION:

SPLP objects to this request as inconsistent with the Commission's discovery regulations. To the extent SPLP is compelled to provide a written interrogatory response, it will identify who has provided such response consistent with the Commission's regulations.

IV. CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. objects to Complainant Set 1 Interrogatories in full as well as the individual objections discussed and incorporated herein.

Respectfully submitted,

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