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December 23, 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 OPPOSING DIBERNARDINO
MOTION TO PRESERVE POTENTIAL EVIDENCE**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P.'s Answer Opposing Melissa DiBernardino's Motion to Preserve Potential Evidence.

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos. C-2018-3006116 (consolidated)
	:	P-2018-3006117
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. ANSWER OPPOSING DIBERNARDINO MOTION TO
PRESERVE POTENTIAL EVIDENCE**

Pursuant to 52 Pa. Code § 5.61,¹ Sunoco Pipeline L.P. (SPLP) submits this Answer to Melissa DiBernardino’s December 13, 2019² Motion to Preserve Potential Evidence (Motion).

I. INTRODUCTION

1. The Motion requests two forms of relief, both of which must be denied. First, Ms. DiBernardino requests preservation of “evidence” in the form of an order requiring SPLP to preserve a piece of pipe she alleges was removed and replaced in an active construction zone if the piece of pipe is the same piece that she previously photographed and submitted into evidence as DiBernardino Exhibit MD-17 (attached to Motion as Exhibit 1). Motion at p.2.

¹ Via e-mail dated December 13, 2019, Administrative Law Judge (ALJ) Barnes shortened the deadline for answer to the Motion to ten days, by December 23, 2019.

² The Motion was not served until after 4:30 PM on December 12, 2019.

2. This relief must be denied because it is moot and the portion of pipe is not potential evidence. The portion of the pipe sticking up from the ground and pictured in Exhibit MD-17, Motion Exhibit 1 was removed on June 4, 2019 and scrapped to clear workspace for the next HDD, while the remainder of the pipe underground was capped and backfilled until it is time to connect this pipe to the next HDD. Removal of the top 5.9 feet of pipe occurred five months prior Ms. DiBernardino's providing notice to SPLP of her false accusations at hearing on November 20, 2019. Moreover, to the extent Ms. DiBernardino is attempting to obtain this piece of pipe, that request must also be denied as Ms. DiBernardino has not made this request in the discovery process. SPLP has been deprived of its rights to object and an order compelling discovery cannot be obtained until after discovery has been properly requested and served, the responding party either objects or fails to answer, and then a motion is filed. 52 Pa. Code §§ 5.349, 5.371.

3. Second, Ms. DiBernardino seeks to compel discovery when she never lodged discovery requests: "Pursuant to 52 Pa Code § 5.349, I request to be granted access to the construction site to photograph the pipes closer and be accompanied by an intervenor or complainant to witness." Motion at 2.

4. This relief must be denied because allowing access to SPLP's construction site is unnecessary as this site is not evidence of what Ms. DiBernardino is alleging and there are less intrusive and safer means for Ms. DiBernardino to obtain the information she seeks and avoid safety issues regarding untrained and unauthorized persons entering active pipeline construction areas. Also, allowing such discovery will create a cascading undue burden on SPLP if other parties attempt to gain additional access to other SPLP construction sites or facilities based on a ruling here that Ms. DiBernardino is entitled to do so. Moreover, Ms. DiBernardino may not move to compel discovery when she did not serve SPLP with any discovery requests.

II. ARGUMENT

A. The Request for “Preservation of Evidence” Must Be Denied

5. Ms. DiBernardino seeks to have SPLP ordered to preserve a piece pipe that she implies has been removed and replaced in response to her testimony on November 20, 2019, that she previously photographed and entered into evidence as Exhibit MD-17 (Motion Exhibit 1).

6. At hearing, Ms. DiBernardino testified Exhibit MD-17 (Motion Exhibit 1) was taken approximately May of 2018. N.T. 1569:4-11. She alleged this photograph showed damage to the pipe after it had been pulled through in the HDD process. N.T. 1568:9-11. She also stated that she was concerned and contacted Paul Metro stating “if that portion of the pipe looked like that, what did the rest of it look like” and she was given “confirmation about cathodic protection.” N.T. 1569:19-25.

7. The Motion argues that Ms. DiBernardino saw a piece of pipe sticking out of the ground back in May of 2018, testified that in her (lay) opinion the pipe was damaged from the HDD process, and that after her testimony SPLP removed and replaced the pipe, implying that SPLP removed and replaced the pipe based on Ms. DiBernardino’s false accusations. Ms. DiBernardino makes these accusations with no first-hand knowledge of what is in fact occurring here and fails to understand what she is seeing in the photographs she attached to the Motion.

8. The top portion of pipe sticking out of the ground and pictured in Exhibit 1 was cut off and the remainder of the pipe capped and backfilled on June 4, 2019, five months before Ms. DiBernardino gave notice to SPLP of these allegations. This pipe will remain capped until the next HDD is completed at this location, at which time the pipe will be tied into the pipe pulled through for that HDD. As explained in paragraph 11 and **Attachment A**, the Affidavit of Joseph Perez, Project Manager, this is all part of normal, industry standard construction practices. SPLP is not removing and replacing pipe as Ms. DiBernardino alleges. It finished one HDD, cut off excess

pipe to clear workspace on a compact construction site where it is also constructing the connecting HDD, and once both HDDs are done, the two pipe strings will be connected.

9. Ms. DiBernardino also makes various allegations concerning pipes pictured in Exhibits 3-6 that are incorrect as explained in Mr. Perez's Affidavit. Motion at 1.

10. Ms. DiBernardino's allegations and concerns are wholly unfounded lay assertions. She admitted at hearing that she has no college degree and her assertions and opinions are based on her "spending the last two years worrying, reading late at night." N.T. 1564:10-20. She has no experience with horizontal directional drilling or pipeline construction or pipeline integrity or anything associated with pipeline safety. N.T. 1598:1-10.

11. SPLP includes and incorporates herein **Attachment A** the Affidavit of Joseph Perez, Vice President, Technical Services, Operations and Engineering. Mr. Perez explains:

2. The pipe in Exhibit 1 is the 16-inch pipe installed via HDD known as HDD 500.
3. Consistent with standard construction practices, on June 4, 2019 (months before Ms. DiBernardino testified and presented Exhibit 1 to the Motion at hearing, which was the first time she raised this issue to SPLP), the top 5.9 feet of the pipe was cut off to below grade. Thus, the entire portion of the 16-inch pipe pictured in Exhibit 1 was removed and disposed as part of standard construction practice more than 5 months before Ms. DiBernardino first presented the photograph as part of her lay testimony at the November 2019 hearing. Again consistent with standard construction practice, the end of the 16-inch pipe remaining in place below the surface had a plate welded to the end, and the area was backfilled to clear workspace for construction of HDD 490, the next segment of pipe. Referencing Motion Exhibit 4, included as **Attachment B**, the backfilled, capped pipe is approximately where SPLP has drawn a blue circle on this exhibit. This workspace is very compact. The pipe was cut and backfilled so it is out of the way while construction of HDD 490 takes place.
4. Contrary to Ms. DiBernardino's assertion, SPLP did not remove the already completed HDD 500 16 inch pipe and replace it with other pipe. Instead, the pictures attached to the Motion show what are referred to as "deadman" pipe and casing pipe – neither of these are

the actual pipe that transports product. The discarded end of the pipe that transports product is what was pictured in Exhibit 1.

5. A “deadman” pipe is a pipe that is driven into the ground to hold the HDD machine in place during construction. A casing pipe is used during the construction process to contain the transportation pipes.
6. Exhibit 2 shows both a casing pipe and a deadman pipe. The casing pipe is in the foreground and the deadman pipe is next to the barrier in the background.
7. Exhibits 3 and 6 show deadman pipes.
8. Exhibits 4 and 5 are overhead pictures of the construction site. The pipe going into the ground is casing pipe for the next HDD.
9. The removed portion of the 16-inch pipe in Exhibit 1 was scrapped, consistent with standard construction practice of how SPLP disposes of pieces of unused pipe under 10 feet in length.
10. Once construction of HDD 490 is completed, the 16-inch pipes for HDD 500 and HDD 490 will be “tied in,” meaning that the two segments will be connected. To complete the tie- in, SPLP will excavate approximately eight feet, cut off the additional excess ends of pipe, and then weld the pipes together from HDD 490 and HDD 500.
11. Consistent with regulations and best industry practices, SPLP takes numerous steps to ensure that the pipeline installed through HDD for transportation of product are fit for service after the HDD process is completed.
 - 11.1. First, pipes installed through HDD have two coatings. The outermost coating layer is specifically to protect the inner coating layer and pipe steel during the HDD process. It is called abrasive resistant overcoat, and is the white layer on the pipe pictured in Exhibit 1 to Ms. DiBernardino’s Motion. Damage to this layer of coating is both expected and normal as part of the HDD process. The next layer of coating is fusion bond epoxy coating. This is the green layer of coating seen in Exhibit 1 to Ms. DiBernardino’s Motion. This coating is one of the methods to protect the pipe steel from corrosion. Some damage to this level of coating is also normal and expected as part of the HDD installation process.
 - 11.2. Second, after the HDD pipe is pulled, SPLP performs resistivity testing on the entire segment of installed pipe. This test identifies the amount of bare steel on the pipe, that is, areas where coating may not present on the installed pipe. Results of these tests determine the methods and levels of cathodic protection applied to these pipes. Cathodic protection is the next level of protection against corrosion of an installed pipe.

- 11.3. Third, prior to a pipeline or segment of pipeline being placed in service, SPLP runs a caliper tool through the pipeline, to detect and measure any dents and anomalies.
- 11.4. Fourth, prior to a pipeline or segment of pipeline being placed in service, SPLP performs a hydrotest.
- 11.5. Fifth, to the extent there is visible damage to coating on pipes to be placed into service, the coating is repaired.
12. The pipe pictured in Exhibit 1 is not representative of the pipe beneath the ground. SPLP pulls the pipe through the HDD hole until there are no visible scratches to the coating because the portion of pipe first pulled through will have the greatest amount of damage to the coating. There are numerous reasons why the coating on a the end of a pipe installed by HDD may be damaged as shown in the portion of pipe pictured in Exhibit 1 to Ms. DiBernardino's motion, including that coating is removed for welding on the end cap, coating is removed to perform the resistivity testing described above, or it could have been scraped off in the construction process. But as described above, as part of standard construction practice, the end of the pipe on which the coating is scratched is never intended to be left in the ground for use; instead, the end is removed and disposed.

Attachment A, Affidavit of Joseph Perez, Project Manager ¶¶ 2-12.

12. As Mr. Perez's Affidavit proves, Ms. DiBernardino's concerns and allegations are wholly unfounded and lack understanding of the HDD process and regulatory and industry standards and best practices. SPLP is conducting its construction pursuant to regulatory standards and industry best practices concerning protection and testing of its HDD-installed pipes. When SPLP removed the top 5.9 feet of pipe, a portion of which Ms. DiBernardino presented in Exhibit 1, it was doing so to ensure sufficient and safe workspace for installation of the next HDD on a very compact work site. SPLP took these actions months before Ms. DiBernardino giving SPLP notice of allegations concerning the pipe at issue, which she first raised to SPLP at hearing on November 20, 2019.

13. Likewise, Mr. Perez's Affidavit shows that the portion of pipe at issue was not potential evidence. It was never intended to be used for service and is not representative of the

pipe under the ground. SPLP takes extensive steps as outlined above to protect and test pipes installed via HDD to ensure they are fit for service. The end piece of a portion of an HDD pipe that is not being used and was never intended to be used for service is not potential evidence of any wrongdoing.

14. To the extent Ms. DiBernardino is attempting to imply that she should be entitled to this portion of pipe because it may be evidence of “the damaged pipes I highlight in my complaint,” Motion at p. 2, Mr. Perez’s Affidavit also shows this is false. Ms. DiBernardino’s Amended Complaint makes allegations about pipes being exposed to sunlight and allegations that this could impact the fusion bond epoxy coating. As Mr. Perez explained, these pipes have an additional layer of abrasion resistant coating over top of the fusion bond epoxy coating. The abrasion resistant coating layer means the fusion bond epoxy coating layer was not subject to UV rays, even if these are the pipes Ms. DiBernardino alleges in her Complaint that she saw. Moreover, as SPLP explained in its Answer to the Amended Complaint, coating is inspected and repaired prior to the construction process as well as in other phases as discussed above.

15. Finally, to the extent the Motion is seeking production of the piece of pipe in question to Ms. DiBernardino, this relief must be denied because Ms. DiBernardino has not served SPLP with discovery. Thus, SPLP has been deprived of its rights to object to discovery and an order compelling discovery cannot be obtained until after discovery has been properly requested and served, the responding party either objects or fails to answer, and then a motion is filed. 52 Pa. Code §§ 5.349, 5.371; *infra* Section II.B. Moreover, such relief is moot as the piece of pipe in question has been scrapped under normal construction procedures and industry best practices.

B. Discovery May Not Be Compelled

16. Ms. DiBernardino seeks an order compelling discovery in the form of access to SPLP’s construction site. “Pursuant to 52 Pa Code § 5.349, I request to be granted access to the

construction site to photograph the pipes closer and be accompanied by an intervenor or complainant to witness.” Motion at 2.

17. This relief must be denied. First, allowing Ms. DiBernardino to access this construction site is wholly unnecessary particularly in light of safety issues presented by an untrained person obtaining access to an active pipeline construction site. As Mr. Perez’s Affidavit proves, Ms. DiBernardino’s allegations regarding this site are untrue and there is no “evidence” to photograph here. Ms. DiBernardino has already been allowed substantial leeway in presenting false, unreliable, lay opinions on photographs of pipeline infrastructure, as demonstrated in Section II.A. *supra*. There is no reason to allow her to further obtain photographs to litter the record with such false allegations and misunderstandings.

18. Moreover, there are less intrusive and safer methods of obtaining information through discovery than ordering an untrained person with no HDD construction experience to gain access to an active pipeline construction zone.³ Ms. DiBernardino should be required to exhaust such less intrusive methods prior to any order compelling access to an active construction zone. Moreover, there are multiple active construction zones and facilities in Chester and Delaware County that the plethora of parties opposing SPLP in this proceeding could attempt to gain access to if Ms. DiBernardino is allowed access. Allowing site access will be a slippery slope to an undue burden on SPLP and potential safety issues if untrained and unexperienced people are allowed access to construction sites.

19. Moreover, discovery cannot be compelled where discovery was not requested in the first instance and SPLP has been denied its due process rights to discovery procedures.

³ SPLP has procedures that require training and other precautions prior to any non-employee or non-authorized contractor being allowed access to construction sites.

20. The Commission's discovery procedures are clear – an order compelling discovery cannot be obtained until after discovery has been properly requested and served, the responding party either objects or fails to answer, and then a motion is filed. 52 Pa. Code §§ 5.349, 5.371.

21. Section 5.349 lays out the procedures that a request must be served, and the responding party may either respond or object. If the responding party does not respond or objects, the requesting party may then move for an order compelling discovery.

(a) A party **may serve on another party a request** for either of the following:

(1) To produce and permit the party making the request, or someone acting on the party's behalf, to inspect and copy designated documents—including writings, drawings, graphs, charts, photographs, computer records and other compilations of data from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonable usable form—or to inspect a copy, test or sample tangible things which constitute or contain matters within the scope of §§ 5.321(b), 5.323 and 5.324 (relating to scope; hearing preparation material; and discovery of expert testimony) and which are in the possession, custody or control of the party upon whom the request is served.

(2) To permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting and measuring, surveying, photographing, testing or sampling the property or a designated object or operation thereon, within the scope of §§ 5.321(b), 5.323 and 5.324.

(b) As an alternative to permission to inspect and copy, and if requested by the party seeking discovery, the party against whom discovery is sought shall reproduce the designated documents at the requesting party's expense. Regulated utilities shall provide copies of requested materials to Commission staff, which includes the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate at no charge.

(d) The party upon whom the request is served shall serve a written response within 10 days for rate proceedings, and 20 days after service of the request for all other cases. Time periods may be modified by the presiding officer or by agreement of the parties. The

response shall be verified or notarized, as permitted by § 1.36 (relating to verification), and state that inspection and related activities will be permitted as requested. **If the request is objected to, the objection shall be made in the manner described in § 5.342 (relating to answers or objections to written interrogatories by a party).** A party may request another party to produce or inspect documents as part of interrogatories filed under § 5.341 (relating to written interrogatories to a party). **The party submitting the request may move for an order under § 5.342(e) with respect to an objection or to other failure to respond to the request or any part thereof, or failure to permit inspection as requested.**

52 Pa. Code § 5.349 (emphasis added).

22. Section 5.371 allows the presiding officer, upon motion, to make an order compelling discovery only, as relevant here, when a party fails to answer discovery or files objections to discovery:

(a) The Commission or the presiding officer may, on motion, make an appropriate order **if one of the following occurs:**

(1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

52 Pa. Code § 5.371 (emphasis added).

23. Your Honor has already refused to compel discovery where such discovery was not in fact requested. *Flynn et al. v. Sunoco Pipeline L.P.*, October 21, 2019 Order Granting in Part and Denying in Part Flynn Complainants' Motion for Sanctions at 3 (ALJ Barnes) (holding that SPLP could not be compelled to answer discovery regarding subsidences where discovery was sought regarding sinkholes because it would deprive SPLP of the right to object).

24. That Ms. DiBernardino is a pro se party is of no moment where, as here, SPLP's substantive rights are involved. Ms. DiBernardino must be required to follow the discovery rules and procedures just like everyone else in this proceeding. To hold otherwise is not only unfair,

but also violates SPLP's due process rights to notice and opportunity to be heard regarding discovery, including the ability to raise and be heard on objections.

III. CONCLUSION

WHEREFORE, SPLP respectfully requests Your Honor deny Ms. DiBernardino's Motion to Preserve Evidence.

Respectfully submitted,

/s/ Robert D. Fox

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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: December 23, 2019

ATTACHMENT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos. C-2018-3006116 (consolidated)
	:	P-2018-3006117
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.	:	

AFFIDAVIT OF JOSEPH PEREZ

Joseph Perez states as follows:

1. My name is Joseph Perez and I am the Vice President, Technical Services, Operations and Engineering for Sunoco Pipeline L.P. and Energy Transfer. I am authorized to make this Affidavit on their behalf.
2. The pipe in Exhibit 1 is the 16-inch pipe installed via HDD known as HDD 500.
3. Consistent with standard construction practices, on June 4, 2019 (months before Ms. DiBernardino testified and presented Exhibit 1 to the Motion at hearing, which was the first time she raised this issue to SPLP), the top 5.9 feet of the pipe was cut off to below grade. Thus, the entire portion of the 16-inch pipe pictured in Exhibit 1 was removed and disposed as part of standard construction practice more than 5 months before Ms. DiBernardino first presented the photograph as part of her lay testimony at the November 2019 hearing. Again consistent with standard construction practice, the end of the 16-inch pipe remaining in place below the surface had a plate welded to the end, and the area was backfilled to clear workspace for construction of HDD 490, the next segment of pipe. Referencing Motion Exhibit 4, included as **Attachment B**, the backfilled, capped pipe is approximately where

SPLP has drawn a blue circle on this exhibit. This workspace is very compact. The pipe was cut and backfilled so it is out of the way while construction of HDD 490 takes place.

4. Contrary to Ms. DiBernardino's assertion, SPLP did not remove the already completed HDD 500 16 inch pipe and replace it with other pipe. Instead, the pictures attached to the Motion show what are referred to as "deadman" pipe and casing pipe – neither of these are the actual pipe that transports product. The discarded end of the pipe that transports product is what was pictured in Exhibit 1.
5. A "deadman" pipe is a pipe that is driven into the ground to hold the HDD machine in place during construction. A casing pipe is used during the construction process to contain the transportation pipes.
6. Exhibit 2 shows both a casing pipe and a deadman pipe. The casing pipe is in the foreground and the deadman pipe is next to the barrier in the background.
7. Exhibits 3 and 6 show deadman pipes.
8. Exhibits 4 and 5 are overhead pictures of the construction site. The pipe going into the ground is casing pipe for the next HDD.
9. The removed portion of the 16-inch pipe in Exhibit 1 was scrapped, consistent with standard construction practice of how SPLP disposes of pieces of unused pipe under 10 feet in length.
10. Once construction of HDD 490 is completed, the 16-inch pipes for HDD 500 and HDD 490 will be "tied in," meaning that the two segments will be connected. To complete the tie-in, SPLP will excavate approximately eight feet, cut off the additional excess ends of pipe, and then weld the pipes together from HDD 490 and HDD 500.

11. Consistent with regulations and best industry practices, SPLP takes numerous steps to ensure that the pipeline installed through HDD for transportation of product are fit for service after the HDD process is completed.

11.1. First, pipes installed through HDD have two coatings. The outermost coating layer is specifically to protect the inner coating layer and pipe steel during the HDD process. It is called abrasive resistant overcoat, and is the white layer on the pipe pictured in Exhibit 1 to Ms. DiBernardino's Motion. Damage to this layer of coating is both expected and normal as part of the HDD process. The next layer of coating is fusion bond epoxy coating. This is the green layer of coating seen in Exhibit 1 to Ms. DiBernardino's Motion. This coating is one of the methods to protect the pipe steel from corrosion. Some damage to this level of coating is also normal and expected as part of the HDD installation process.

11.2. Second, after the HDD pipe is pulled, SPLP performs resistivity testing on the entire segment of installed pipe. This test identifies the amount of bare steel on the pipe, that is, areas where coating may not present on the installed pipe. Results of these tests determine the methods and levels of cathodic protection applied to these pipes. Cathodic protection is the next level of protection against corrosion of an installed pipe.

11.3. Third, prior to a pipeline or segment of pipeline being placed in service, SPLP runs a caliper tool through the pipeline, to detect and measure any dents and anomalies.

11.4. Fourth, prior to a pipeline or segment of pipeline being placed in service, SPLP performs a hydrotest.

11.5. Fifth, to the extent there is visible damage to coating on pipes to be placed into service, the coating is repaired.

12. The pipe pictured in Exhibit 1 is not representative of the pipe beneath the ground. SPLP pulls the pipe through the HDD hole until there are no visible scratches to the coating because the portion of pipe first pulled through will have the greatest amount of damage to the coating. There are numerous reasons why the coating on a the end of a pipe installed by HDD may be damaged as shown in the portion of pipe pictured in Exhibit 1 to Ms. DiBernardio's motion, including that coating is removed for welding on the end cap, coating is removed to perform the resistivity testing described above, or it could have been scraped off in the construction process. But as described above, as part of standard construction practice, the end of the pipe on which the coating is scratched is never intended to be left in the ground for use; instead, the end is removed and disposed.
13. I understand that the statements set forth herein are made subject to 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Joseph Perez
Vice President, Technical Services,
Operations and Engineering
Energy Transfer Partners

Dated: December 23, 2019

ATTACHMENT B



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).

VIA ELECTRONIC MAIL

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