



Thomas J. Sniscak
(717) 703-0800
tjsniscak@hmslegal.com

Kevin J. McKeon
(717) 703-0801
kjmckeon@hmslegal.com

Whitney E. Snyder
(717) 703-0807
wesnyder@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

December 30, 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.

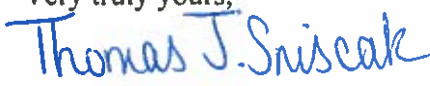
**SUNOCO PIPELINE L.P. AND COMPLAINANTS MEGAN FLYNN ET AL.
JOINT STIPULATION OF RECORD TO AMENDED PROTECTIVE ORDER
AND PROCEDURAL SCHEDULE**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P. and Complainants Megan Flynn et al.'s Joint Stipulation of Record to Amended Protective Order and Procedural Schedule (Stipulation).

SPLP and Complainants jointly request that Administrative Law Judge Elizabeth Barnes approve and enter this stipulation into the record of this proceeding.

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.

Stipulation of Record to Amended Protective Order and Procedural Schedule

Sunoco Pipeline L.P. (“SPLP”) and Complainants Megan Flynn et al. at PUC Docket C-2018-3006116 (“Complainants”) by and through undersigned counsel jointly agree to the below stipulations regarding terms and conditions of Complainants’ access to certain information and procedure for submission of materials to the Commission and the Administrative Law Judge. (“Stipulation”):

1. Solely for purposes of preparing expert testimony in this proceeding, SPLP will allow Complainants’ expert, Dr. Mehrooz Zamanzadeh and the following associates at Matergenics, Anil Kumar, Chikcrim, Edward Larkin, George Bayer and Erik Lahti, (collectively and individually “Reviewers”) during in person review sessions conducted in accordance with the Amended Protective Order in this proceeding, to take notes (“ESM Notes”) of such portions Complainants expert will designate of certain Extremely Sensitive Materials (“ESM”) described in Paragraph 2 of this Stipulation. Except as expressly set forth in this Stipulation, ESM shall continue to be governed by the Amended Protective Order entered in this proceeding.
2. The ESM to which this Stipulation applies are:
 - a. Narrative Interrogatory Responses to Flynn Set 1, Nos. 5-7.
 - b. Sunoco Logistics Pipeline Integrity Management Plan; SPLP00007094-SPLP00007161

- c. Energy Transfer Pipeline Integrity Management Plan; SPLP00007034-SPLP00007093.
- d. Appendices to Energy Transfer Pipeline Integrity Management Plan; SPLP00031808-SPLP00032109.
- e. 2013 Mariner East Hazard Assessment; SPLP00031198-SPLP00031253.
- f. 2017 ME2 Hazard Assessment; SPLP00031254-SPLP00031319.
- g. 2018 Hazard Assessment of Re-route of ME2 Pipeline; SPLP00031320-SPLP00031354.
- h. 2018 Butane Spill Assessment; SPLP00031355-SPLP00031449.
- i. Sunoco Logistics Risk Model Workbook SPLP00031450-SPLP00031521.

SPLP hereby affirms that the ESM identified above comprises the entirety of ESM materials that it has produced in discovery during this proceeding to date.

3. Complainants Reviewers shall identify by bates range the portions of the ESM in Paragraph 2 that are necessary to presentation of their case, and provide this designation to SPLP 24 hours in advance of any in-person review session pursuant to the terms of the Amended Protective Order or as otherwise agreed by counsel for Complainants and SPLP.
4. At any such session, handwritten notes (“ESM Notes”) on standard letter sized paper may be made by the Reviewers. At the conclusion of any review session, all ESM Notes shall be provided to SPLP’s review proctor. SPLP’s counsel may designate redactions of the ESM Notes as it deems necessary to protect ESM. Any disputes over the redactions shall immediately be addressed with the Administrative Law Judge via telephone. SPLP shall retain a copy of the ESM Notes. SPLP does not waive its right to a hearing on the confidentiality level of any ESM Notes.
5. ESM Notes are subject to the Amended Protective Order in this proceeding and shall be treated as ESM except that, after the review and copying described above, Reviewers may retain the original and make copies of ESM Notes as described below and only for the limited purpose of preparing expert testimony or exhibits to be submitted in the proceeding. All ESM Notes shall contain the following watermark or footer:

EXTREMELY SENSITIVE MATERIALS, CONFIDENTIAL SECURITY INFORMATION NOT SUBJECT TO DISCLOSURE TO THIRD PARTIES UNDER THE PROVISIONS AND PROCEDURES SPECIFIED IN THE AMENDED PROTECTIVE ORDER AT CONSOLIDATED PUC DOCKET C-2018-3006116 *ET AL.*, AND THE PUBLIC UTILITY CONFIDENTIAL SECURITY INFORMATION DISCLOSURE PROTECTION ACT (35 P.S. §§ 2141.1 TO 2141.6) AND THE PUC’S REGULATIONS IMPLEMENTING SUCH ACT AT 52 PA. CODE §§ 102.1 – 102.4.
6. Reviewers shall not share or otherwise disclose ESM Notes with or to anyone other than Reviewers and SPLP’s counsel or proctor representatives.
7. All ESM Notes in Reviewers’ possession shall be stored securely as follows:

- a. Only original handwritten paper notes and copies thereof shall be stored by Reviewers in a safe or other secure locked location to which only Reviewers have access.
 - b. Reviewers shall not electronically reproduce (other than for copying as described above), mail or otherwise electronically transmit ESM Notes.
8. All ESM Notes shall be destroyed in accordance with Paragraph 19 of the Amended Protective Order.
 9. If Complainants want to include any ESM in Paragraph 2 as an exhibit to testimony, Complainants counsel will inform SPLP's counsel of each document to be included. SPLP will include the designated ESM as part of its exhibits when it submits its testimony.
 10. Complainants shall, on the dates that their Direct and Rebuttal testimony are due, serve only SPLP's counsel with their testimony and exhibits via a secure link that SPLP's counsel will provide. Complainants' shall, in their testimony, indicate any portions of the testimony that are Confidential, Highly Confidential or ESM by highlighting such portion of their testimony in yellow. SPLP shall have four days¹ to review confidentiality designations and modify such designations as necessary as well as add appropriate markings on the documents pursuant to the Amended Protective Order. Within four days of receipt of the testimony, SPLP shall:
 - a. provide a redacted, public version of the testimony to Complainants' counsel for electronic service on the parties to this proceeding as well as any public exhibits;
 - b. serve counsel that are eligible reviewing representatives pursuant to the Amended Protective Order that have executed an NDA to the Amended Protective Order and the Administrative Law Judge any versions of testimony or exhibits containing Confidential or Highly Confidential Materials;
 - c. serve the Administrative Law Judge with any testimony or exhibits containing or discussing Highly Confidential, Confidential, or ESM; and

¹ Provision to other parties in the proceeding of Complainants' testimony four days after the deadline is only potentially prejudicial to one party – Range Resources. The testimony schedule in this proceeding only allows for Respondent (SPLP) and intervenors aligned with Respondent to file responsive testimony to Complainants' testimony. June 6, 2019 Procedural Order at Ordering Paragraph 2. Range Resources is the only intervenor aligned with SPLP, and thus the only other party that may file responsive testimony to Complainants' testimony. Counsel for SPLP is authorized to represent that Range Resources does not oppose this provision. Since no other party may file responsive testimony to Complainants' testimony, a delay of four days in receiving Complainants' testimony is not prejudicial.

- d. Retain for in person review by eligible reviewing representatives pursuant to the Amended Protective Order any testimony or exhibits containing or discussing ESM.
11. At hearing, SPLP shall be responsible for copying, transporting, and providing paper copies of Complainants' testimony and exhibits that are Confidential, Highly Confidential or ESM for use at hearing, including copies for the court reporter, Administrative Law Judge, and copies for use by counsel and witnesses at the hearing. Complainants' counsel shall be responsible for providing copies at hearing of all public versions of their testimony and exhibits. All copies of Confidential, Highly Confidential and ESM used at hearing and not in the possession of the ALJ or court reporter shall be returned to SPLP at the conclusion of each hearing day.
 12. SPLP shall complete post-hearing filing of Complainants' testimony and exhibits that are Confidential, Highly Confidential, or ESM pursuant to 52 Pa. Code § 5.412a(d).
 13. Complainants and SPLP will use best efforts to limit inclusion of ESM in testimony, exhibits, briefs, exceptions, and reply exceptions and to limit on the record discussion of ESM.
 14. Access to testimony, exhibits, transcripts, briefs, exceptions and reply exceptions containing Confidential, Highly Confidential, or ESM shall be in accordance with the Amended Protective Order.
 15. Complainants' shall, in their Main and Reply Briefs, indicate any portions of the brief that are Confidential, Highly Confidential or ESM by highlighting such portion of their brief in yellow. Confidentiality designations shall be made based on the confidentiality designations of testimony and exhibits of record. Complainants shall, on the date their Main Brief and Reply Brief is due, serve only SPLP's counsel with briefs for SPLP's counsel to review confidentiality designations and modify such designations as necessary. SPLP's counsel shall, within two days² of receipt of Complainants' briefs:
 - a. provide a redacted, public version of the brief to Complainants' counsel for electronic service on the parties to this proceeding as well as any public exhibits;
 - b. serve counsel that are eligible reviewing representatives pursuant to the Amended Protective Order that have executed an NDA to the Amended Protective Order and the Administrative Law Judge any briefs containing Confidential or Highly Confidential Materials;

² SPLP believes provision to other parties in the proceeding of Complainants' main brief two days after the deadline is only potentially prejudicial to one party – Range Resources. Range Resources is the only party aligned with SPLP, and thus the only party other than SPLP that should be replying to Complainant's main brief. Responsive briefs are not allowed to reply briefs, so Counsel for SPLP is authorized to represent that Range Resources does not oppose this provision. Since no other party should need to file a reply brief addressing Complainants' main brief, a delay of two days in receiving Complainants' main brief is not prejudicial.

- c. serve the Administrative Law Judge with any briefs containing or discussing Highly Confidential, Confidential, or ESM; and
 - d. Retain for in person review by eligible reviewing representatives pursuant to the Amended Protective Order any briefs containing or discussing ESM.
16. Access to versions of the Administrative Law Judge's decision in this matter containing Confidential, Highly Confidential, or ESM shall be pursuant to the Amended Protective Order.
17. Once the Administrative Law Judge issues a decision in this matter and if the decision contains ESM or Highly Confidential Materials, SPLP and Complainants shall jointly request the Commission to:
- a. extend Complainants' exceptions and reply exceptions periods from 20 days to 60 days for exceptions and 10 days to 30 days for reply exceptions;
 - b. extend for all other parties the exceptions and reply exceptions periods from 20 days to 55 days for exceptions and 10 days to 25 days for reply exceptions;³
 - c. allow Complainants and SPLP to utilize the following procedures for filing and service of Complainants' exceptions and/or reply exceptions:
 - i. Complainants' shall, in their exceptions and reply exceptions, indicate any portions of their exceptions and reply exceptions that are Confidential, Highly Confidential or ESM by highlighting such portion of their exceptions and reply exceptions in yellow. Confidentiality designations shall be made based on the confidentiality designations of testimony and exhibits of record. Complainants shall, five days prior to the respective date their exceptions or reply exceptions are due, serve only SPLP's counsel with the exceptions and reply exceptions for SPLP's counsel to review confidentiality designations and modify such designations as necessary.
 - ii. SPLP's counsel shall:
 - 1. one day prior to the date Complainants' exception or reply exceptions are due, provide a redacted, public version of the brief to Complainants' counsel for filing and service on the parties to this proceeding as well as any public exhibits;

³ These time extensions combined with the review provisions in subsection c result in the following procedure: All parties must have their exceptions done within the shorter time period, but there are five additional days built into the schedule for the filing of Complainants' exceptions and reply exceptions so that SPLP has time to review these documents for confidentiality status prior to their filing.

2. file with the Secretary and serve counsel that are eligible reviewing representatives pursuant to the Amended Protective Order that have executed an NDA to the Amended Protective Order any exceptions or reply exceptions containing Confidential or Highly Confidential Materials;
3. serve the Administrative Law Judge with any exceptions or reply exceptions containing or discussing Highly Confidential, Confidential, or ESM; and
4. file with the Secretary and retain for in person review by eligible reviewing representatives pursuant to the Amended Protective Order any exceptions or reply exceptions containing or discussing ESM.

18. Complainants' withdraw their Motion to Reclassify with prejudice dated November 8, 2019.

Thomas J. Sniscak

Thomas J. Sniscak, Attorney I.D. # 33891
 Kevin J. McKeon, Attorney I.D. # 30428
 Whitney E. Snyder, Attorney I.D. # 316625
 Hawke McKeon & Sniscak, LLP
 100 North Tenth Street
 Harrisburg, PA 17101
 (717) 236-1300
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

Michael S. Bomstein

Michael S. Bomstein, Esquire
 Pinnola & Bomstein
 Suite 2126 Land Title Building
 100 South Broad Street
 Philadelphia, PA 19110
mbomstein@gmail.com

Counsel for Flynn et al. Complainants

Robert D. Fox, Esq. (PA ID No. 44322)
 Neil S. Witkes, Esq. (PA ID No. 37653)
 Diana A. Silva, Esq. (PA ID No. 311083)
 MANKO GOLD KATCHER & FOX, LLP
 401 City Avenue, Suite 901
 Bala Cynwyd, PA 19004
 Tel: (484) 430 5700
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Counsel for Sunoco Pipeline L.P.

Approved:

 Honorable Elizabeth H. Barnes
 Administrative Law Judge

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

Michael S. Bomstein, Esquire
Pinnola & Bomstein
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
mbomstein@gmail.com

Counsel for Flynn et al. Complainants

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
Post & Schell PC
17 North Second Street, 12th Floor
akanagy@postschell.com
glent@postschell.com

*Counsel for Intervenor
Range Resources – Appalachia LLC*

Erin McDowell, Esquire
3000 Town Center Blvd.
Canonsburg, PA 15317
emcdowell@rangeresources.com

Counsel for Range Resources Appalachia

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

*Counsel for Intervenor
East Goshen Township and County of Chester*

Rich Raiders, Esquire
Raiders Law
606 North 5th Street
Reading, PA 19601
rich@raiderslaw.com

*Counsel for
Andover Homeowner's Association, Inc.*

Vincent M. Pompo
Guy A. Donatelli, Esq.
24 East Market St., Box 565
West Chester, PA 19382-0565
vpompo@lambmcerlane.com
gdonatelli@lambmcerlane.com

*Counsel for Intervenor
West Whiteland Township,
Downingtown Area School District,
Rose Tree Media School District*

Leah Rotenberg, Esquire
Mays, Connard & Rotenberg LLP
1235 Penn Avenue, Suite 202
Wyomissing, PA 19610
rotenberg@mcr-attorneys.com

*Counsel for Intervenor
Twin Valley School District
James R. Flandreau
Paul, Flandreau & Berger, LLP
320 W. Front Street
Media, PA 19063
jflandreau@pfblaw.com*

*Counsel for Intervenor
Middletown Township*

Mark L. Freed
Joanna Waldron
Curtin & Heefner LP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
mlf@curtinheefner.com
jaw@curtinheefner.com

*Counsel for Intervenor
Uwchlan Township*

Josh Maxwell
Mayor of Downingtown
4 W. Lancaster Avenue
Downingtown, PA 19335
jmaxwell@downingtwn.org

Pro se Intervenor

James C. Dalton, Esquire
Unruh Turner Burke & Frees
P.O. Box 515
West Chester, PA 19381-0515
jdalton@utbf.com

*Counsel for West Chester Area School
District, Chester County, Pennsylvania*
Virginia Marcille-Kerslake
103 Shoen Road
Exton, PA 19341
vkerslake@gmail.com

Pro Se Intervenor

Thomas Casey
1113 Windsor Dr.
West Chester, PA 19380
Tcaseylegal@gmail.com

Pro se Intervenor

Patricia Sons Biswanger, Esquire
217 North Monroe Street
Media, PA 19063
patbiswanger@gmail.com

Counsel for County of Delaware

Melissa DiBernardino
1602 Old Orchard Lane
West Chester, PA 19380
lissdibernardino@gmail.com

Pro se Complainant

Joseph Otis Minott, Esquire
Alexander G. Bomstein, Esquire
Ernest Logan Welde, Esquire
Kathryn L. Urbanowicz, Esquire
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
Joe_minott@cleanair.org
abomstein@cleanair.org
lwelde@cleanair.org
kurbanowicz@cleanair.org

James J. Byrne, Esquire
Kelly S. Sullivan, Esquire
McNichol, Byrne & Matlawski, P.C.
1223 N. Providence Road
Media, PA 19063
jjbyrne@mbmlawoffice.com
ksullivan@mbmlawoffice.com

*Counsel for Thornbury Township, Delaware
County*

Michael P. Pierce, Esquire
Pierce & Hughes, P.C.
17 Veterans Square
P.O. Box 604
Media, PA 19063
Mppierce@pierceandhughes.com


Counsel for Edgmont Township

Rebecca Britton
211 Andover Drive
Exton, PA 19341
rbrittonlegal@gmail.com

Pro se Complainant

Laura Obenski
14 South Village Avenue
Exton PA 19341
ljobenski@gmail.com

Pro se Complainant


Thomas J. Sniscak, Esquire
Kevin J. McKeon, Esquire
Whitney E. Snyder, Esquire

Dated: December 30, 2019