

Melissa DiBernardino  
1602 Old Orchard Lane.  
West Chester Pa 19380

February 11, 2020

**VIA ELECTRONIC FILING**

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

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

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

**Reply to SPLP's Omnibus Motion**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is my Reply to  
SPLP's Answer Opposing Omnibus Motion.

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

Sincerely,

Melissa DiBernardino  
*Pro se*  
February 11, 2020

February 11, 2020

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

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Melissa DiBernardino**  
1602 Old Orchard Lane  
West Chester Pa 19380

:

Complainant

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

Consolidated  
MEGAN FLYNN *et al*  
v.

**Docket Nos.C-2018-3006116**

:

**SUNOCO PIPELINE L.P.**,  
Respondent.

:

**Reply to SPLP's Omnibus Motion**

Since being consolidated with other parties in this case, it is confusing as to what filings I should be responding to. Additionally, I am unsure as to what exactly SPLP is trying to compel Your Honor to order in regards to limiting or stopping discovery.

In SPLP's Exhibit A, Your Honor provided a timeline and written expert testimony was scheduled to be filed by January 15, 2020. It seems obvious that any discovery requests made and evidence filed pertaining to the written expert testimony submitted on or before this date would end there. However, as rebuttals are filed and long overdue discovery requests honored late in the game, there is new information coming forth.

**52 Pa Code § 5.331. Sequence and timing of discovery** - states the following:

*(e) Unless the presiding officer upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery will not operate to delay another party's discovery.*

Based on the code above and SPLP's exhibits, there would be no reason to not allow continued discovery. This is not a rate case. Being that operations, "regular maintenance" and construction continue, situations change and incidents arise.

SPLP uses "The clear purpose of it [52 Pa. Code § 5.243(e)] is to avoid trial by ambush and the prevention of surprise can only be achieved if the parties are confined to the scope of their direct case." Pennsylvania Public Utility Commission v. [IQJ Utilities, Inc., 1994 Pa. PUC LEXIS 138, \*85" in their argument. It is my opinion that this helps my argument more than theirs to stop discovery. Requesting discovery actually helps SPLP better understand what is being argued and presented, in turn making it less of a so called "ambush".

For how often SPLP brings up the amount of time complainants have had to request discovery, they fail to acknowledge the games they've played while avoiding the requests and dragging out the process.

Lastly, on January 15, 2019 I emailed Your Honor and all other parties to request an extension for what I believed was end of discovery requests for direct testimony. I did this to avoid having to wait until April, when rebuttals were filed. Your Honor did not seem to be aware of any discovery deadline and stated that I was able to request discovery on January 16, after the expert witness written testimony deadline.

For the reasons stated above, I respectfully ask that Your Honor deny SPLP's motion.

Respectfully,  
Melissa DiBernardino

**Exhibit A**



Barnes, Elizabeth Jan 15



to me, Bryce, Joe\_minott@clean... ▾

Ms. DiBernardino:

Thank you for your inquiry. However, I am not sure what you mean by a "discovery deadline." You may request discovery responses on January 16, 2020.

If you are asking for an extension of time to file Direct Written Testimony from January 15 to January 16, 2020, please advise and let me know if your request for change in deadline has the agreement or opposition of other parties.

Ordering Paragraphs Nos. 3 and 4 of the Procedural Order issued on June 6, 2019 directs that except for good cause, any requests for a change in the scheduled hearing dates, briefing deadlines, or other deadlines should be submitted to me in writing no later than five (5) days prior to the scheduled date, if possible. 52 Pa. Code §1.15(b). Requests for changes must state the agreement or opposition of other parties, and must be sent to the presiding officer and all parties of record.

Thomas J. Sniscak, Esq  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

Kevin J. McKeon  
[kjmckeon@hmslegal.com](mailto:kjmckeon@hmslegal.com)

Whitney E. Snyder  
[@hmslegal.com](mailto:@hmslegal.com)

Robert D. Fox, Esq.  
Neil S. Witkes, Esp.  
Diana A. Silva, Esq.  
[rfox@mankogold.com](mailto:rfox@mankogold.com)  
[nwitkes@mankogold.com](mailto:nwitkes@mankogold.com)  
[dsilva@mankogold.com](mailto:dsilva@mankogold.com)

Michael Bomstein  
[mbomstein@gmail.com](mailto:mbomstein@gmail.com)

Anthony D. Kanagy, Esquire  
Garrett P. Lent, Esquire  
[akanazy@postschell.com](mailto:akanazy@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)

Rich Raiders, Esq.  
[rich@raiderslaw.com](mailto:rich@raiderslaw.com)

Vince M. Pompo, Esq.  
Guy. A. Donatelli, Esq  
Alex J. Baumler, Esq.

[vpompo@lambmcerlane.com](mailto:vpompo@lambmcerlane.com)  
[Gdonatelli@lambmcerlane.com](mailto:Gdonatelli@lambmcerlane.com)  
[abaumler@lambmcerlane.com](mailto:abaumler@lambmcerlane.com)

Margaret A. Morris, Esq.  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Leah Rotenberg, Esq.  
[rotenberg@mcr-attorneys.com](mailto:rotenberg@mcr-attorneys.com)

Mark L. Freed  
[mlf@curtinheefner.com](mailto:mlf@curtinheefner.com)

James R. Flandreau  
[jflandreau@pfblaw.com](mailto:jflandreau@pfblaw.com)

David J. Brooman  
Richard Sokorai  
Mark R. Fischer  
[dbrooman@highswartz.com](mailto:dbrooman@highswartz.com)  
[rsokorai@highswartz.com](mailto:rsokorai@highswartz.com)  
[mfischer@highswartz.com](mailto:mfischer@highswartz.com)

Thomas Casey  
[tcaseylegal@gmail.com](mailto:tcaseylegal@gmail.com)

Josh Maxwell  
[jmaxwell@downingtown.org](mailto:jmaxwell@downingtown.org)

Laura Obenski  
[ljobenski@gmail.com](mailto:ljobenski@gmail.com)

Stephanie M. Wimer  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Michael Maddren, Esq.  
Patricia Sons Biswanger, Esq.  
[maddrenM@co.delaware.pa.us](mailto:maddrenM@co.delaware.pa.us)

[patbiswanger@gmail.com](mailto:patbiswanger@gmail.com)

James C. Dalton, Esq.

[jdalton@utbf.com](mailto:jdalton@utbf.com)

Melissa DiBernardino

[lissdibernardino@gmail.com](mailto:lissdibernardino@gmail.com)

Virginia Marcille-Kerslake

[vkerslake@gmail.com](mailto:vkerslake@gmail.com)

James J. Byrne, Esq.

Kelly S. Sullivan, Esq.

[jjbyrne@mbmlawoffice.com](mailto:jjbyrne@mbmlawoffice.com)

[ksullivan@mbmlawoffice.com](mailto:ksullivan@mbmlawoffice.com)

Honorable Elizabeth Barnes

[ebarnes@pa.gov](mailto:ebarnes@pa.gov)