

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

**PUC Bureau of Investigation and
Enforcement vs. Sunoco Pipeline, L.P.
A/K/A Energy Transfer Partners**

**Public Meeting held February 27, 2020
Docket No. C-2018-3006534
3006534-ALJ**

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

On December 13, 2018, the Bureau of Investigation and Enforcement (BI&E) filed a Complaint against Sunoco Pipeline, L.P. alleging violations of federal and state gas pipeline safety regulations stemming from the April 1, 2017 corrosion related leak of highly volatile liquids (HVLs) of ethane and propane from the Mariner East 1 pipeline in Morgantown. Before us for consideration is the Initial Decision approving the Agreement entered into by BI&E and Sunoco to settle the Complaint.

The area of the Settlement that I wish to focus on is the Remaining Life Study that the Parties have agreed should be carried out by an independent pipeline expert. The Study will, among other things, provide remaining life calculations for the pipeline by: (1) segment; (2) age; (3) coating type; and, (4) soil conditions. The information collected in this Study will be invaluable for any determinations regarding the operations of Mariner East 1. Because of the importance of this Study, the independence and expertise of the entity chosen to conduct the study is critical.

The process agreed upon in the Settlement for choosing the expert is that Sunoco will provide BI&E with a list of three experts that have conducted studies for, but not limited to, the Pipeline and Hazardous Materials Safety Administration, other state commissions, the Pipeline Research Counsel International, the American Petroleum Institute, or the Interstate Natural Gas Association of America. The Settlement provides that within thirty days of entry of the order approving the Settlement, Sunoco is to forward a list of the three experts to BI&E. With this motion, I clarify that BI&E shall select the expert to conduct the remaining life study within thirty days of receipt of the list. The Settlement also states that any work done by the expert on the Mariner East 1 pipeline must be disclosed. For purposes of transparency, I believe that adding a provision requiring disclosure of any projects this expert has worked on for Sunoco's parent company, Energy Transfer Partners, or any Sunoco affiliate should also be required and furnished to BI&E in accordance with the provisions of the Settlement Agreement.

The Settlement provides that Sunoco is responsible for paying for the Remaining Life Study. To further ensure the independence of the Study, I believe that only the final form Study, not interim drafts, shall be delivered to Sunoco and BI&E on or before the end of the agreed upon six-month contract term. I believe that these modifications will ensure a transparent and objective process. With these controls put in place, I am able to support this Settlement Agreement as being in the public interest.

THEREFORE, I MOVE THAT:

1. The Initial Decision of Administrative Law Judge Elizabeth Barnes dated November 16, 2019, be modified consistent with this Motion.
2. The Office of Special Assistants shall prepare a tentative opinion and order approving the proposed Settlement Agreement, as modified by this Motion.
3. If no adverse comments are received within ten (10) days of entry of the tentative opinion and order, the modified Settlement Agreement is approved.

DATE: February 27, 2020


Gladys Brown Dutrieuille
Gladys Brown Dutrieuille, Chairman