

Laura Obenski
14 S Village Avenue
Exton, PA 19341

The Honorable Judge Barnes
Administrative Law Judge
Office of the Administrative Law Judge
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

March 19, 2020

Re: Laura Obenski v. Sunoco Pipeline L.P., #C-2019-3006905 #C-2019-3006116
Obenski Response to Motion For Stay

Honorable Judge Barnes,

Please accept this correspondence as a response to Sunoco's Motion to Stay, as filed on March 18, 2020.

Sunoco incorrectly states in their filing that I "oppose any stay". As evidenced in my correspondence with them from March 17, 2020 (exhibit A), I oppose any stay in this proceeding so long as their construction on the Mariner East project continues. Sunoco may not claim the presence of a public health crisis and the state's subsequent emergency directives as reason to stay this administrative proceeding while also continuing to put my community at risk with the ongoing construction of this project during a public health crisis. If their argument is such that litigation must be paused, then the state and this Commission's ability to oversee and regulate this project has also been hindered and construction *must cease immediately*.

As the "good neighbor" that Sunoco enjoys advertising themselves as, the need to cease construction during this time should be self evident. Seeing this is not the case, they should consider the fact that responsible residents who are exercising social distancing to prevent the spread of COVID-19 in their communities are now in their homes 24/7, home schooling their kids with the disruption of construction and out of state workers on their properties. They are subject to noise, vibration, and lack of privacy during this scary time. They are likely experiencing a disruption to their own work and pay while out of state workers continue to move freely in the community, impeding on their property, remain in close proximity to one another, and continue behavior that is completely out of compliance with the Governor's directives that have been issued with dire regard to the public's health and safety.

Sunoco's correspondence regarding their request for a stay and representation of the facts and subsequent effects of the COVID-19 pandemic in our state have been in bad faith, at best, and grotesquely deceptive at worst. The Commission has full jurisdiction over public

utilities, and remains a very important agency of oversight for this project which has pushed the legal and ethical boundaries of behavior from the very beginning. That has not changed even though our state is now facing a pandemic.

It is within full jurisdiction of the Commission to vary, reform and revise contracts as guided by 66 Pa.C.S.A. § 508, which states, in pertinent part,

“The commission shall have power and authority to vary, reform, or revise, upon a fair, reasonable, and equitable basis, any obligations, terms, or conditions of any contract heretofore or hereafter entered into between any public utility and any person, corporation, or municipal corporation, which embrace or concern a public right, benefit, privilege, duty, or franchise, or the grant thereof, or are otherwise affected or concerned with the public interest and the general well-being of this Commonwealth.”

Given the disruption this pandemic has caused, I am not blind to the fact that this proceeding may be disrupted in one way or another. As a pro se complainant, I can not always articulate in legal terms the precedent set for cases like this, but it is clear the Commission retains oversight on public utilities and has the ability and the responsibility to regulate their utilities, especially and even during times of a public emergency.

I can assert in no uncertain terms that I will object to this motion to stay proceedings until construction has been halted- by authority or by choice- and Sunoco abides by public health and safety guidance to protect our communities in the way that any ‘good neighbor’ would enthusiastically and voluntarily commit to.

I respectfully request Your Honor deny this motion in entirety. I trust that Your Honor will offer guidance on how this proceeding may be affected by the COVID-19 pandemic from an official capacity when necessary and appropriate.

Respectfully submitted,


Laura Obenski, *pro se*

Dated: March 19, 2020
cc: All parties via email

EXHIBIT A



Laura Obenski <ljobenski@gmail.com>

Flynn et al.- Consolidated Docket No. C-2018-3006 - Stay of Litigation in Light of COVID-19

ljobenski@gmail.com <ljobenski@gmail.com>

Tue, Mar 17, 2020 at 10:01 PM

To: Diana Silva <DSilva@mankogold.com>

Cc: "Michael S. Bomstein (mbomstein@gmail.com)" <mbomstein@gmail.com>, Rich Raiders <rich@raiderslaw.com>, "rotenberg@mcr-attorneys.com" <rotenberg@mcr-attorneys.com>, "mmorris@regerlaw.com" <mmorris@regerlaw.com>, "vpompo@lambmcerlane.com" <vpompo@lambmcerlane.com>, "mlf@curtinheefner.com" <mlf@curtinheefner.com>, "jaw@curtinheefner.com" <jaw@curtinheefner.com>, "jflandreau@pfbaw.com" <jflandreau@pfbaw.com>, "patbiswanger@gmail.com" <patbiswanger@gmail.com>, "abaumler@mcerlane.com" <abaumler@mcerlane.com>, "gdonatelli@lambmcerlane.com" <gdonatelli@lambmcerlane.com>, "jdalton@utbf.com" <jdalton@utbf.com>, "akanagy@postschell.com" <akanagy@postschell.com>, "glent@postschell.com" <glent@postschell.com>, "emcdowell@rangeresources.com" <emcdowell@rangeresources.com>, "jbyrne@mbmlawoffice.com" <jbyrne@mbmlawoffice.com>, "lissdibernardino@gmail.com" <lissdibernardino@gmail.com>, "vkerslake@gmail.com" <vkerslake@gmail.com>, "rbrintonlegal@gmail.com" <rbrintonlegal@gmail.com>, "jmaxwell@downingtown.org" <jmaxwell@downingtown.org>, "tcaseylegal@gmail.com" <tcaseylegal@gmail.com>, "mppierce@piercelandhughes.com" <mpierce@piercelandhughes.com>, "joe_minott@cleanair.org" <joe_minott@cleanair.org>, "abomstein@cleanair.org" <abomstein@cleanair.org>, "lwelde@cleanair.org" <lwelde@cleanair.org>, "kurbanowicz@cleanair.org" <kurbanowicz@cleanair.org>, "Tom Sniscak (tjsniscak@hmslegal.com)" <tjsniscak@hmslegal.com>, "Whitney Snyder (WESnyder@hmslegal.com)" <WESnyder@hmslegal.com>, Bryce Beard <brbeard@hmslegal.com>, Robert Fox <RFox@mankogold.com>, Neil Witkes <NWTikes@mankogold.com>

I could not possibly overstate my objection to this proposal.

Construction on this project continues, and my objection will follow suit. Perhaps I would have a change of heart if and when the pipeline construction also has a stay in light of the unprecedented situation we are in, but since we are home all day trying to school our kids and following mandatory measures to protect the health of our community while construction continues haphazardly in our backyards, that will be a proposal for another day.

Laura Obenski, Pro Se

Sent from my iPhone

On Mar 17, 2020, at 8:53 PM, Diana Silva <DSilva@mankogold.com> wrote:

All:

In light Governor Wolf's orders and federal guidance over the last several days regarding COVID-19, after conferring with Michael Bomstein this morning, we are jointly proposing a 60-day stay of this litigation, with a meet-and-confer after 30 days to reassess and develop appropriate steps to move forward.

We attempted to reach most of the parties this afternoon, and believe each of the following has indicated that they do not oppose the proposed stay:

- Andover HOA
- Chester County
- Delaware County
- Downingtown School District
- Edmont Township
- Middletown Township
- Range Resources

3/19/2020

Gmail - Flynn et al.- Consolidated Docket No. C-2018-3006 - Stay of Litigation in Light of COVID-19

- Rose Tree Media School District
- Thornbury Township
- Twin Valley School District
- West Chester School District
- West Whiteland Township

If you are a party (or counsel for a party) not listed above, please indicate your position on the proposed stay by 2 pm tomorrow.

Thank you, and stay safe.

Diana

Diana A. Silva, Esquire
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