

March 19, 2020



Via Electronic Filing

Rosemary Chiavetta,
Secretary Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Flynn, et al. v. Sunoco Pipeline LP Docket Nos. C-2018-3006116 and P-2018-3006117

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission in the above-captioned proceeding and consolidated dockets please find Clean Air Council's Response to Sunoco's motion to stay proceedings.

Thank you very much for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathryn Urbanowicz". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kathryn Urbanowicz, Esq.
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
kurbanowicz@cleanair.org

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.	:	

**RESPONSE OF INTERVENOR CLEAN AIR COUNCIL
TO SUNOCO'S MOTION TO STAY PROCEEDINGS**

As an organization started by lung associations and focused in large part on health, Clean Air Council is sensitive to the toll COVID-19 is having and will continue to have on Pennsylvania's residents, and in turn, Pennsylvania's judicial system and agencies. To the extent that the pandemic is hampering the Public Utility Commission's ability to conduct business, the Council does not oppose staying for 30 days aspects of the case that PUC cannot administrate during this time. However, it is also important to note that other aspects of the case, such as Sunoco's responsibility to respond to discovery requests, can and should proceed as scheduled.

The goal of all parties at this time should be to minimize disruption to the established schedule to the extent possible. While it plainly benefits Sunoco to take advantage of every opportunity to delay these matters so long as it continues construction, the important questions posed by this case directly implicate the health and safety of the public, and slowing their resolution should not be undertaken lightly or unnecessarily. It defies logic that Sunoco's attorneys and experts cannot continue their duties, which largely involve phone calls and working from computers from the safety of their homes, when Sunoco is simultaneously plowing forward with its construction crews on the ground, in people's yards, heedless of the Governor's

restrictions and the families they are jeopardizing. The Council urges Your Honor not to allow Sunoco to capitalize on this bleak situation by awarding a full and extended delay that Sunoco cannot justify and that is wholly inconsistent with Sunoco's own actions.

Finally, the Council notes that while Sunoco has represented the Council as taking a shifting position regarding the stay, Sunoco failed to present the Council with an accurate picture as to happenings at the PUC and other parties' positions. The Council is concerned that to the extent other parties have reportedly concurred with Sunoco's request for a 60-day stay, they have done so based on misinformation or incomplete information from Sunoco. The Council thus concurs with Flynn Complainants that a conference call to resolve the question of a stay would be the best course of action at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn Urbanowicz', with a large, stylized flourish at the end.

Kathryn Urbanowicz
Attorney for Clean Air Council
135 South 19th Street
Suite 300
Philadelphia, PA 19103
kurbanowicz@cleanair.org

March 19, 2020

CERTIFICATE OF SERVICE

I, Kathryn Urbanowicz, certify that a true and correct copy of the forgoing was served upon the following parties on March 19, 2020 via electronic mail.

March 19, 2020



Kathryn Urbanowicz, Esq.
Clean Air Council
135 South 19th Street
Suite 300
Philadelphia, PA 19103
kurbanowicz@cleanair.org

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*

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*

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 Intervenors
East Goshen Township and County of Chester*

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*

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

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*

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

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

Pro se Intervenor

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

Counsel for County of Delaware

Virginia Marcille-Kerslake
103 Shoen Road
Exton, PA 19341
vkerslake@gmail.com

Pro Se Intervenor

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

Pro se Complainant

Thomas J. Sniscak
Whitney E. Snyder
100 North Tenth Street,
Harrisburg, PA 17101
tjsniscak@hmslegal.com
[wesnvder@hmslegal.com](mailto:wesnvderr@hmslegal.com)

Counsel for Sunoco Pipeline L.P.