

Melissa DiBernardino
1602 Old Orchard Lane
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August 17, 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;

Melissa DiBernardino Response to SPLP's Motion for Partial Summary Judgement On Corrosion Control and Cathodic Protection

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Rebecca Britton's reply to Sunoco Pipeline L.P.'s Motion for Partial Summary Judgment on Consequence Without Probability.

If you have any questions regarding this filing, please contact the undersigned.

Sincerely,

Melissa DiBernardino

Pro se

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Rosemary Chiavetta, Secretary
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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*

:

Docket Nos.C-2018-3006116

v.

:

SUNOCO PIPELINE L.P.,

Respondent.

:

:

**Melissa DiBernardino Response to SPLP's Motion for Partial Summary
Judgement On Corrosion Control and Cathodic Protection**

Pursuant to 52 Pa. Code § 5.102, Sunoco Pipeline L.P. ("SPLP") has moved for partial summary judgment of the above-captioned matter. As stated in my response to SPLP's Motion for Partial Judgement On Consequences without Probability, I admitted to not providing written expert testimony. The reason for this was because after motioning first the complaints to be consolidated, Counsel whined incessantly regarding repetition and unnecessary time wasted. It was my belief that because I personally did not submit written testimony, I could not participate in written rebuttals and surrebuttals. In an attempt to avoid further complaints, wasting the court's time and knowing my right to friendly and direct cross examination during the upcoming hearing, I was relying on the the hearing to take place. In order for my due process to be honored, I respectfully ask that this motion be denied.

According to the **Federal Rules of Civil Procedure: Rule 56. Summary Judgment** (d) *When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:*(1) *defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.* “*The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to a judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. First Mortgage Co. of Pennsylvania v. McCall, 459 A.2d 406 (Pa. Super. 1983); Mertz v. Lakatos, 381 A.2d 497 (Pa. Cmwlth. 1976). Summary judgment will be granted only where the right is clear and free from doubt.*

While the complainants have the burden of proof in a formal complaint, for this particular motion to be granted, as the moving party, Counsel bears the burden of proving that they are entitled to it. Most information is hidden behind confidentiality and security rules and as a pro se complainant, although the PUC allows me and gives me the rights to those an attorney would, SPLP's counsel claims that because we are not attorneys, we are prohibited from signing a NDA and viewing the material. Clearly this makes it difficult for me to present substantial evidence in many areas when SPLP has the ability to deem anything they want 'highly sensitive' or 'confidential'. This leaves me unable to file certain evidence that counsel claims without having, makes a hearing unnecessary.

I filed my complaint nearly two years ago. This was understanding that this process takes approximately 6 months. At the time, even 6 months seemed far too long to wait for relief from what the potential consequences are. Counsel has delayed, bullied us and attempted to sabotage our case(s) since the beginning, many filings seeming to be not in good faith. With so many unknowns and unanswered questions, even regarding BI&E's complaint declaring a 'statewide concern' regarding integrity, it does not seem appropriate or in the best interest of the public to grant this motion.

My due process and others' has been questionable multiple times throughout this procedure. This motion and the other filed at the same time is an outright attempt to have our due process rights violated.

Therefore, So that all consolidated complainants' due process is met and the Public Utility Commission can be confident, without a doubt, that a utility that they have the responsibility to regulate and see that they are providing safe, adequate, reliable and reasonable service, I respectfully ask that Your Honor deny this motion for partial summary judgement.

Respectfully,
Melissa DiBernardino

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 1.54 (relating to service by a party).

This document has been filed via electronic filing:

VIA ELECTRONIC FILING

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