



December 14, 2020

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

Via PUC Electronic Filing

RE: *Flynn et. al. v. Sunoco Pipeline L.P., C-2018-3006116*

Dear Secretary Chiavetta,

Please find the attached motion of the Flynn Complainants, Clean Air Council and Andover Homeowners' Association, Inc. in the above referenced matter filed with the Commission today.

Please let me know if you have any questions. Thank you.

Sincerely,

/s/ Rich Raiders

Rich Raiders, Esq.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins,	:	P-2018-3006117
Gerald McMullen, Caroline Hughes, and Melissa Haines	:	C-2018-3006116
	:	
Andover Homeowners' Association, Inc.	:	C-2018-3003605
	:	
Melissa DiBernardino	:	C-2018-3005025
	:	
Rebecca Britton	:	C-2019-3006898
	:	
Laura Obenski	:	C-2019-3006905
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.	:	

JOINT MOTION OF FLYNN COMPLAINTANTS, CLEAN AIR COUNCIL AND ANDOVER HOMEOWNERS' ASSOCIATION, INC. FOR LEAVE TO SUPPELMENT RECORD

Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haynes ("Flynn Complainants"), Clean Air Council and Andover Homeowners' Association, Inc. ("Association"), together described as "Movants", jointly move for leave to allow additional evidence into the record in the above-captioned matter, and aver in support thereof as follows:

1. Sunoco Pipeline, L.P. ("Sunoco") operates the Mariner East ("ME") pipeline system, regulated as a public utility service by the Pennsylvania Public Utility Commission ("Commission").
2. Another former Sunoco entity, Sunoco Inc. ("Sunoco Inc."), previously owned a refinery in the City of Philadelphia, Philadelphia County now known as the former Philadelphia Energy Solutions Refining and Marketing ("PESRM") facility.

3. PESRM operates or operated one or more pipeline facilities not regulated by the Commission in public utility service.
4. On August 26, 2020, Mr. Jeremy Haring of the Commission's staff emailed Sunoco that it had not filed a registration under Act 127 of 2011, the "Pipelines Act", 58 P.S. § 801.101 *et. seq.*, for calendar year 2019.
5. In correspondence filed by Thomas Snisack and Whitney Snyder dated December 1, 2020, Sunoco disavowed any requirement to comply with Act 127 for any part of its system. *See, PA PUC Act 127 Registration Clarification; Docket NO. A-2012-2294765, Whitney Snyder and Thomas Snisack, PUC #1686293 (Dec. 1, 2020) (Exhibit "A").*
6. The Movants believe that Sunoco will argue in its brief that Act 127 prohibits the Commission from imposing regulations upon pipeline operators more stringent than the minimum standards required by the Commission or the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). *See, 58 P.S. § 801.501(a), Garrity Statement -1 at *9.*
7. In the Pipeline Act's definition section, the General Assembly specifically excluded public utilities from applicability to any part of the Pipeline Act. *See, 58 P.S. § 801.102.*
8. However, Sunoco, by this writing, admits that Act 127 does not apply to any of its Pennsylvania operations, including any part of the Mariner East system.
9. The Movants wish to utilize this information in their briefs, which are immediately due.
10. However, the Commission has stricken portions of briefs when the parties do not protect "fundamental due process rights" when a party is denied "an opportunity to be heard on the issues, to be appraised of the evidence submitted, to cross-examine

witnesses, to inspect documents, and to offer evidence in explanation or rebuttal.”

Baker v. Sunoco Pipeline L.P., C-2018-3004294 (Dec 18. 2019), Initial Decision at *20; citing, *Hess v. Pa. Pub. Util. Comm’n*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (additional citations omitted).

11. Movants wish to include this matter in their briefs, but also wish to allow the Commission to provide Sunoco due process to respond to its party admission to the Commission that Act 127 does not apply to any part of the Mariner East system.

WHEREFORE, movants respectfully request that the Commission grant leave for the Flynn Complainants, Clean Air Council and the Association to brief Sunoco’s December 1, 2020 letter to the Commission in Docket A-2012-2294765, and provide any other relief as may be just.

Respectfully Submitted,

Date: December 14, 2020

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EXHIBIT "A"
CORRESPONDENCE BETWEEN SUNOCO AND
THE COMMISSION



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December 1, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Secretary's Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Re: PA PUC Act 127 Registration Clarification; Docket No. A-2012-2294765

Dear Secretary Chiavetta:

Sunoco Pipeline L.P. (SPLP) respectfully submits the attached Act 127 Registration Clarification in response to Jeremy Haring's August 26, 2020 email notifying Sunoco Pipeline L.P./Energy Transfer that its 2019 annual registration has not been completed.

Very truly yours,

/s/ Whitney E. Snyder

Thomas J. Sniscak
Whitney E. Snyder

Counsel for Sunoco Pipeline L.P.

WES/das
Enclosure

December 1, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor North
Harrisburg, PA 17105

Re: PA PUC Act 127 Registration Clarification; Docket No. A-2012-2294765

On August 26, 2020 Mr. Jeremy Haring sent an email notifying Sunoco Pipeline L.P./Energy Transfer (SPLP) that the Act 127 annual registration had not been completed for year 2019, which was due March 31, 2020 and referenced Docket No. A-2012-2294765.

Notification to SPLP appears to be a clerical error. The registration at Docket No. A-2012-2294765 is related to Sunoco Inc. Sunoco Inc. is not the same entity as SPLP. SPLP is not the operator of the assets registered at Docket No. A-2012-2294765. Sunoco Inc. ceased operations in September 2012 and transferred assets to new ownership as Philadelphia Energy Solutions Refining and Marketing (PESRM).

In 2013, due to transition of ownership and associated personnel of the Sunoco entities, Sunoco Legal Counsel requested that SPLP submit the 2013 Act 127 Registration filing for calendar year 2012 on behalf of the Sunoco Inc. corporate identity. The Registration and Payment was made with an electronic-filing submitted 6/27/2013. The Sunoco Inc. legal counsel signed this registration on behalf of the company and the filing was made to satisfy the registration requirements. However, SPLP only completed this one filing for Sunoco Inc., and does not own these assets. Instead, these assets were transferred to Philadelphia Energy Solutions Refining and Marketing. Refer to Docket # A-2015-2475345 PESRM – for the 2015 Filing – PUC Document #351692. The PESRM filing dated 3/27/2015 cover letter confirms transition of the assets from Sunoco INC to PESRM.

Thus, it is our understanding the assets previously owned and operated by Sunoco Inc. ACT 127 Registration were transitioned over to Philadelphia Energy Solutions (PES). A refinery accident in 2019 led to PES terminating operations. The PES refinery was shut down and as is public knowledge, the assets sold to a real estate development company.

Sunoco Pipeline L.P. respectfully requests the Commission correct the Act 127 registration records in this matter and close the Docket No A-2010-2294765 as Sunoco, Inc. no longer exists as a pipeline owner or operator since September 2012.

Please contact me if you wish to discuss this matter further.

Respectfully Submitted,

Albert Kravatz

Digitally signed by Albert Kravatz
Date: 2020.12.01 10:17:17 -05'00'

Albert Kravatz

Phone: 215-779-3001

Albert.Kravatz@EnergyTransfer.com

cc: J. Haring, L. Yalcin, (PA PUC) / T. Nardozzi, M. Milliken, C. Stambaugh, T. Sniscak, W. Snyder (SPLP)

CERTIFICATE OF SERVICE

I hereby certify that I have served the Motion to Supplement the Record upon those listed on the attached service list.

Date: December 14, 2020

/s/ Rich Raiders

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