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File #: 173537

January 19, 2021

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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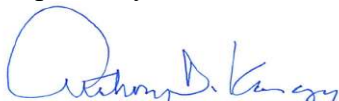
**Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P.**  
**Docket Nos. C-2018-3006116 and P-2018-3006117**

Dear Secretary Chiavetta:

Enclosed for filing is the Reply Brief of Range Resources – Appalachia, LLC (“Range”) in the above-referenced proceeding. The Public Version of Range’s Reply Brief is being electronically filed with the Pennsylvania Public Utility Commission (“Commission”). Due to the COVID-19 pandemic, the **HIGHLY CONFIDENTIAL** version of Range’s Reply Brief is being filed with the Commission via e-mail to Secretary Rosemary Chiavetta.

Copies will be provided as indicated on the Certificate of Service. The **HIGHLY CONFIDENTIAL** version of Range’s Reply Brief will only be served upon counsel for parties that have executed an appropriate non-disclosure certificate pursuant to the Protective Order issued in this proceeding.

Respectfully submitted,



Anthony D. Kanagy

ADK/jl  
Enclosures

cc: Honorable Elizabeth Barnes  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: January 19, 2020



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Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn	:	Docket No. C-2018-3006116
Rosemary Fuller	:	Docket No. P-2018-3006117
Michael Walsh	:	
Nancy Harkins	:	
Gerald McMullen	:	
Caroline Hughes	:	
Melissa Haines	:	
Andover Homeowners Association	:	Docket No. C-2018-3003605
Melissa DiBernardino	:	Docket No. C-2018-3005025
Rebecca Britton	:	Docket No. C-2018-3006898
Laura Obenski	:	Docket No. C-2018-3996905
v.	:	
Sunoco Pipeline L.P.	:	

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**REPLY BRIEF OF  
RANGE RESOURCES – APPALACHIA, LLC**

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**I. INTRODUCTION**

On December 16, 2020, Range Resources – Appalachia, LLC (“Range” or the “Company”) and the other parties to this consolidated complaint<sup>1</sup> proceeding filed their respective Main Briefs.<sup>2</sup> In this Reply Brief, Range responds to the briefs of other parties that either support or join the Complainants’ request for injunctive relief and/or address the evidence presented by Range. Range submits that the Complainants or Complainant-aligned intervenors have failed to demonstrate that they are entitled to any of the injunctive relief sought regarding the Mariner East Pipelines.<sup>3</sup>

Range continues to support Sunoco Pipeline, L.P.’s (“Sunoco” or “SPLP”) arguments in opposition to the specific allegations and relief sought by the Complainants and continues to focus on the substantial public harms that would result if the Complainants’ requested injunctive relief were to be granted. Contrary to the assertions made by the Complainants and the other parties that support the injunctive relief sought, a cessation of service over the Mariner East

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<sup>1</sup> The “Complaints” and the “Complainants refers collectively to: (1) the Second Amended Formal Complaint filed by Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines (“Flynn Complainants”) on June 18, 2019 at Pennsylvania Public Utility Commission (“Commission”) Docket No. C-2018-3006116 (the “Flynn Complaint”); (2) the Formal Complaint filed by Andover Homeowners’ Associations, Inc. (“Andover”) on July 24, 2018 at Docket No. C-2018-3003605; (3) the *pro se* Formal Complaint filed by Melissa DiBernardino on October 1, 2018 at Docket No. C-2018-3005025; (4) the *pro se* Formal Complaint filed by Rebecca Britton on December 27, 2018 at Docket No. C-2018-3006898; and (5) the *pro se* Formal Complaint filed by Laura Obenski at Docket No. C-2018-3996905.

<sup>2</sup> The following main briefs were filed by the other parties: (1) the Complainants’ respective Main Briefs; (2) the joint brief of West Chest Area School District (“WCASD”) and Twin Valley School District (“TVSD”) (Range will refer to this main brief as the “WCASD and TVSD M.B.”); (3) the joint brief of Downingtown Area School District (“DASD”), Rose Tree Media School District (“Rose Tree”), Twin Valley School District (“TVSD”), East Goshen Township (“East Goshen”) and Pennsylvania Senator Thomas Killion (“Pa. Sen. Killion”) (Range will refer to this main brief as the “DASD et. al. M.B.”); (4) the Main Brief of the County of Chester (“Chester”); (5) the joinder of Uwchlan Township (“Uwchlan”) in the Main Brief filed by Chester; (6) the Main Brief filed by Middletown Township (“Middletown”); (7) the joinder of West Whiteland Township (“WWT”) in the Complainants’ and other Complainant-aligned intervenors’ briefs, “insofar as they support the relief requested by the Township in its Petition to Intervene,” WWT Joinder at 1; and (8) the Main Brief of Ms. Virginia Kerslake (“Kerslake”).

<sup>3</sup> The Mariner East 1 pipeline (“ME1”), Mariner East 2 pipeline (“ME2”) and the Mariner East 2X pipeline (“ME2X”) are collectively referred to as the “Mariner East Pipelines.”



Pipelines will substantially harm Range, Range’s Pennsylvania-based royalty owners, other shippers on ME1, ME2 and ME2X, and the public as a whole.

For these reasons and the reasons more fully explained below and in Range’s Main Brief, the Complainants’ requests for injunctive relief should be denied by the ALJ and the Commission.

## **II. REPLY TO COMPLAINANTS’ AND COMPLAINANT-ALIGNED INTERVENORS’ STATEMENT OF APPLICABLE LEGAL STANDARDS**

### **A. STANDARDS FOR INJUNCTIVE RELIEF**

The Complainants and Complainant-aligned intervenors fail to reference, let alone address, the applicable standards required to obtain injunctive relief. As noted by Range, as the Complainants have sought mandatory injunctive relief that alters the status quo, *i.e.*, the Mainer East Pipelines currently transport NGLs across Pennsylvania and the Complainants seek an order requiring such activities to cease, the Complainants must make a “very strong showing”<sup>4</sup> that their right to relief is “entirely clear.”<sup>5</sup> However, the Complainants have failed to show that the relief sought is necessary to prevent a legal wrong for which there is no adequate redress at law,<sup>6</sup> or that the need for the requested relief is immediate and that they would experience irreparable harm if the relief is not granted.<sup>7</sup> Range submits that the legal standards applicable to injunctive relief, as set forth in Range’s and Sunoco’s respective Main Briefs should be adopted and applied

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<sup>4</sup> *Woodward Twp. v. Zerbe*, 6 A.3d 651, 658 (Pa. Cmwlth. 2010); *see also Crums Mill Assoc., et al. v. Dauphin Consolidated Water Supply Company*, Docket No. C-00934810, 1993 Pa. PUC LEXIS 89, at \*10 (Interim Emergency Order Denying Relief dated Mar. 23, 1993) (citing *Allen v. Colautti*, 417 A.2d 1303 (Pa. Cmwlth. 1980)).

<sup>5</sup> *See Allen*, 417 A.2d at 401.

<sup>6</sup> *Buffalo Twp. v. Jones*, 571 Pa. 637, 644, 813 A.2d 659, 663 (Pa. 2002), *cert. denied*, 157 L. Ed. 2d 41, 2003 U.S. LEXIS 6042 (2003) (describing the requirements that must be satisfied to obtain permanent injunctive relief).

<sup>7</sup> *See Buffalo Twp.* 813 A.2d at 663 (describing the additional requirements that must be satisfied to obtain temporary injunctive relief).

in this case, and the relief requested should be denied. Range M.B., Section III.B.; Sunoco M.B., Section IV.C.

**III. SUMMARY OF REPLY ARGUMENT**

The Flynn Complainants' arguments in their Main Brief regarding the substantial economic harms that would result from their requested injunctive relief should be rejected. As explained below, the Flynn Complainants mischaracterize the evidence presented and attempt to undermine the testimony of Range witness Mr. Alan Engberg without any support. Despite their claims, Range presented credible expert testimony regarding the substantial economic harms that would result to Range, Range's royalty owners, other shippers on the Mariner East Pipelines, consumers of natural gas and propane in the Northeastern United States, and Pennsylvania as a whole. As explained below, and in Range's Main Brief, these harms will occur because Range does not have adequate alternatives to effectively and economically transport ethane, propane and butane across Pennsylvania if the Mariner East Pipelines are shut down. Although the Complainants attempt to disparage Range's analysis of economic impacts, the fundamental flaw in their claims is that they had the opportunity to seek the data underlying Mr. Engberg's testimony, but failed to even request it. Finally, the Flynn Complainants' attempted comparison of the economic harms identified by Range and Sunoco to the economic harms they claim will result from loss of human life is improper and should be rejected.

For the reasons explained below, and the reasons more fully explained in Range's Main Brief, the Complainants and Complainant-aligned Intervenors are not entitled to the extraordinary remedies they seek, let alone any relief at all, with respect to the consolidated Complaints at issue in this proceeding.

**IV. REPLY ARGUMENT**

**A. THE REQUESTED INJUNCTIVE RELIEF WILL RESULT IN SUBSTANTIAL HARMS TO RANGE AND THE PUBLIC.**

Range has presented unrebutted and credible testimony that a shutdown of the Mariner East Pipelines will result in substantial harms to Range and the public at large. Range M.B., Section V.A. Range witness Mr. Alan Engberg credibly testified regarding the economic impacts of past shutdowns of ME1 and ME2 on Range, and estimated the potential impacts of a further shutdown as requested by certain of the Complainants. Range M.B., Section V.A.1. Range further demonstrate that, in addition to the direct impacts on Range, the Complainants' requests injunctive relief would have wide-ranging, indirect economic impacts on Pennsylvania and the Northeastern United States natural gas market. Range M.B., Section V.A.2. As such, the Complainants' requested injunctive relief is not in the public interest and should be denied.

The Flynn Complainants, however, unavailingly attempt to undermine the credibility of Range's witness and evidence. The Flynn Complainants: (a) mischaracterize the testimony of Mr. Engberg regarding the economic impacts of a scheduled shutdown of the Mariner East Pipelines that occurred in September 2019;<sup>8</sup> (b) repeatedly attempt to conflate Range's testimony regarding the transportation of ethane and the transportation of propane and butane;<sup>9</sup> (c) speculate—without any evidence to the contrary—about perceived flaws in Mr. Engberg's calculations in an attempt to disparage his testimony;<sup>10</sup> and (d) attempt to compare Range's quantification of economic harms of their requested relief to their alleged harms to human life.<sup>11</sup> On each of these points, the Flynn Complainants mischaracterize the evidence of substantial public harms, and further fail to rebut it. Ultimately, the Flynn Complainants could not

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<sup>8</sup> Flynn Complainants M.B. at 47-48 (¶¶ 211, 217), 95.

<sup>9</sup> Flynn Complainants M.B. at 48 (¶¶ 212-213).

<sup>10</sup> Flynn Complainants M.B. at 48 (¶¶ 214, 217), 95.

<sup>11</sup> Flynn Complainants M.B. at 48 (¶ 218), 95.

substantiate their various theories, and therefore the Commission should reject all of the Flynn Complainants' arguments, as explained below.

**1. Range Presented Credible Expert Testimony Regarding The Economic Impacts Of The Complainants' Requested Injunctive Relief.**

The Flynn Complainants assert that the testimony of Range witness Mr. Engberg is “not credible.” Flynn Complainants M.B. at 48 (¶ 215).<sup>12</sup> They specifically rely upon Mr. Engberg's review of a September 2019 Range press release, which detailed the impacts of a scheduled shutdown of ME1 in September 2019. Flynn Complainants M.B. at 47-48 (¶ 211). There are two primary flaws in this argument.

First, the Flynn Complainants' reliance on a scheduled, temporary, voluntary shutdown of a pipeline is not comparable to an unscheduled, permanent, forced shutdown as demanded here. In the event of a scheduled and temporary cessation of flow, as in September 2019, while there are impacts, the commercial entities are able to take steps to mitigate those impacts through planning. In this situation, the shipper, like Range, is provided advance notice regarding the planned event which allows time and resources to be devoted to alternatives for transport in order to mitigate against significant financial impact, including the shutting in of producing natural gas wells. The same is true for those down the supply chain.

Indeed, Mr. Engberg explained the important distinction between a scheduled and unscheduled shutdown of the pipeline, when he explained “Fortunately, we had a couple month's warning, since it was a planned outage [of ME1], so we were able to make alternate arrangements for moving ethane.” Tr. 2817 (emphasis added). In this regard, as Range

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<sup>12</sup> Range notes that Your Honor has previously determined Mr. Engberg to be a credible witness. *See Flynn et al. v. Sunoco Pipeline, L.P.*, Docket Nos. C-2018-3006116, P-2018-3006117, p. 15 (Order Denying Petition For Emergency Interim Relief And Certifying Material Question dated Dec. 11, 2018) (“I also find Range Resources' witness Engberg to be credible.”).

explained in its Main Brief, a *scheduled* shutdown is dissimilar to an *unscheduled* shutdown (i.e., what the Complainants seek to force here) due to the amount of pre-planning that is able to take place to avoid more significant losses. Significantly, the scheduled outage, as explained by Mr. Enberg, was limited in duration, whereas the injunction sought would be permanent and, therefore, result in far greater economic harm to Range. Range M.B. at 19. Rather than show that Mr. Enberg’s estimate lacks credibility, the Flynn Complainants’ reliance upon the September 2019 scheduled outage of the pipeline further underscores the significant economic harm of the drastic relief demanded here and corroborates Range’s estimates of the financial impact on the company and beyond.

Second, the Complainants’ attempt to focus on the September 2019 scheduled outage of ME1 ignores the unrebutted evidence Range presented regarding the additional costs it incurred during the three prior shutdowns of the pipeline. Range M.B. at 19; *see also* Range St. 1-R at 10-12. During each of the three prior shutdowns of ME1, Mr. Enberg demonstrated that Range incurred [BEGIN HIGHLY CONFIDENTIAL] [REDACTED]

[REDACTED] [END HIGHLY CONFIDENTIAL]. *See* Range St. 1-R at 10-12. Mr. Enberg’s quantification of future harms was calculated using a similar methodology that he calculated the historic additional costs incurred from prior shutdowns, i.e., [BEGIN HIGHLY CONFIDENTIAL] [REDACTED]

[REDACTED] [END HIGHLY CONFIDENTIAL] Tr. 2787. The Flynn Complainants ignore this evidence.

Therefore, the Commission should reject the Flynn Complainants’ attempt to discredit the testimony of Mr. Engberg regarding the significant economic harms that would result from the requested drastic relief using a single scheduled outage that occurred in September 2019. Range has demonstrated that it has been harmed in the past when ME1 was shut down, and will be harmed by an injunction of the operations of the Mariner East Pipelines as requested by the Complainants.

**2. Range Lacks Adequate Alternatives For Both The Transportation Of Ethane And The Transportation Of Propane And Butane Over The Mariner East Pipelines.**

The Flynn Complainants further attempt to discredit Mr. Engberg’s testimony by conflating Range’s ability to transport ethane across Pennsylvania and Range’s ability to transport propane and butane across Pennsylvania. First, the Flynn Complainants’ assert that Mr. Engberg contradicted himself by testifying that “ethane is like natural gas in that it can only be effectively transported in large volumes by pipeline” and that “large volumes of natural gas can indeed be transported by means other than pipeline.” Flynn Complainants M.B. at 48 (¶ 212). Second, the Flynn Complainants assert that Mr. Engberg acknowledged that “multiple different pipelines” can carry ethane from Western Pennsylvania besides the Mariner East pipelines. Flynn Complainants M.B. at 48 (¶ 213). Each of these arguments should be rejected.

The Flynn Complainants incorrectly conflate the transportation of ethane with the transportation of propane and butane. Range explained that large volumes of ethane can only be transported by pipeline due to its boiling point that makes large scale bulk truck or rail transportation ineffective and uneconomic. *See* Range St. 1-R at 7-8. Propane and butane, however, can more easily be chilled and/or compressed for transportation by rail or truck. Range St. 1-R at 8. More specifically, the Flynn Complainants’ Main Brief cites to Clean Air Council’s suggestion in cross examination that there may soon be additional rail transportation alternatives

for Range’s ethane production. Flynn Complainants M.B. at 48 (citing Tr. 2818-2820). However, Range has already explained the flaws in this comparison and demonstrated that the referenced hypothetical alternative cannot reasonably be expected to supplement the existing limited rail transportation alternatives that Mr. Engberg has concluded are inadequate, particularly with respect to ethane. Range M.B. at 15.

In addition, the Flynn Complainants’ focus on possible available pipeline alternatives for ethane also ignores the fact that other pipelines in the region are not viable alternatives for the movement of propane and butane currently transported on the Mariner East Pipelines. Range M.B. at 16-17. Range transports substantial volumes of propane and butane on ME2, and lacks alternatives to transport these products in the event that ME2 is shutdown. Furthermore, although there may be other pipeline alternatives for ethane,<sup>13</sup> the Flynn Complainants have presented no evidence that capacity is, in fact, available on these pipelines.<sup>14</sup> Without this information, there is no basis for the Commission to determine they are adequate alternatives to the Mariner East pipelines for Range’s ethane, propane and butane transportation.

**3. The Flynn Complainants’ Failure To Seek Adequate Discovery Does Not Discredit Mr. Engberg’s Testimony.**

The Flynn Complainants further attempt to argue that Mr. Engberg’s testimony is based upon “limited assumptions and self-serving information.” Flynn Complainants M.B. at 94. They claim that Mr. Engberg’s calculations of economic impacts did not account for an “upside” to the shutdown of the Mariner East Pipelines. Flynn Complainants M.B. at 48 (¶ 214). In addition, they also argue that Range has not justified the assumptions made by Mr. Engberg and

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<sup>13</sup> See Range M.B. at 16, n.9.

<sup>14</sup> Rather, record evidence shows that, with respect to propane, there is only one other pipeline available to transport propane from Western Pennsylvania and there are no other pipeline alternatives for transporting normal butane. Range St. 1-R at 10. Without the Mariner East Pipelines, the record evidence demonstrate that there is not sufficient capacity to transport Range’s propane and butane production and Range would be forced to shut-in production at the wellhead. See Range St. 1-R at 10.

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that there is no reasonable basis in the record to support Range’s “calculation of damages.” Flynn Complainants M.B. at 94-95. Each of these claims should be rejected.

As an initial matter, the Flynn Complainants presented no expert testimony regarding the economic impacts—positive or negative—of a shutdown of the Mariner East Pipelines. In this regard, their entire argument is speculative and based upon perceived flaws in Range’s economic analysis, without any supporting evidence of record.

Yet, the Flynn Complainants concede that Sunoco and Range presented expert testimony on the economic impacts of a shutdown. In their Main Brief, they state that both “Sunoco and Range’s economic experts testified both as to the potential economic impact of a pipeline shutdown on their businesses and the potential impact on the Pennsylvania economy.” Flynn Complainants M.B. at 95. Indeed, Range presented unrebutted expert testimony from Mr. Engberg regarding the calculation of the economic harms of the Complainants’ requested injunctive relief on Range, Range’s royalty owners, and the public at large. *See* Tr. 2776.

It is not enough for the Flynn Complainants to simply speculate as to flaws in Range’s evidence; they must present more than “[m]ere bald assertions, personal opinions or perceptions” in order to rebut Range’s evidence. *See Mid-Atlantic Power Supply Ass’n v. Pa. Pub. Util. Comm’n*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000); *see also Bobchock v. Unemployment Comp. Bd. of Review*, 525 A.2d 463, 465 (Pa. Cmwlth. 1987) (“speculation does not amount to substantial evidence. Substantial evidence requires more than a scintilla of evidence or suspicious of the existence of a fact to be established.”).

Relatedly, the Flynn Complainants’ reliance upon *Delahanty v. First Pennsylvania Bank*, 464 A.2d 1243, 1257 (Pa. Super. 1983) is misplaced. Flynn Complainants M.B. at 95. Therein, the Pennsylvania Superior Court specifically explained that a “fact-finder may make a just and



reasonable estimate of the damage based on relevant data, and in such circumstances may act on probable and inferential, as well as upon direct and positive proof.” *Id.* at 1257. Moreover, it explained that the law only requires “sufficient facts must be introduced so that the court can arrive at an intelligent estimate without conjecture.” *Id.* at 1257-58.

Mr. Engberg’s testimony more than satisfies this standard because Mr. Engberg fully explained the bases for his calculations. Mr. Engberg provided a credible basis for his calculations of the harms to Range (Range M.B. at 19), Range’s royalty owners (Range M.B. at 20-21), natural gas and propane consumers (Range M.B. at 21-24), Pennsylvania jobs (Range M.B. at 24) and the Commonwealth’s collection of drilling impact fees (Range M.B. at 25). Range further demonstrated that these harms could exacerbate the adverse impacts of COVID-19 on Pennsylvania. Range M.B. at 25-27.

Moreover, the Flynn Complainants’ argument that Range’s quantification of impacts on Pennsylvania and the Northeastern United States should not be accepted because it did not account for “the economic upsides” of a shutdown misses the point. Flynn Complainants M.B. at 48 (¶ 214). To the extent that the Complainants’ believe there are upsides to a shutdown, it is their burden to produce evidence regarding such upsides and they have not done so.

For these reasons, and the reasons more fully explained in Range’s Main Brief, Range submits that Range’s quantification of harms are fully supported and the Flynn Complainants’ claims to the contrary should be rejected.

**4. The Flynn Complainants’ Comparison Of Economic Harms Is Misleading and Unsubstantiated.**

The Flynn Complainants close their brief by arguing that if the Commission considers the arguments regarding the economic harm of the relief sought by the Complainants, it should also take notice of the value of human life. Flynn Complainants M.B. at 95. They attempt to advance

a comparison of “100 dead citizens in Chester or Delaware Counties represent a loss of \$1 billion dollars,” but this comparison should be rejected because it is misleading, unsupported and egregious.

It is important to recognize that although the Complainants have attempted to raise concerns about Sunoco’s integrity management program and the existence of corrosion within the Mariner East Pipelines, the Complainants have failed to present any evidence regarding the risk or probability of an incident happening. *See* Sunoco M.B., Section V.B. Without this information, the Flynn Complainants’ attempt to compare the alleged economic harms associated with a loss of human life to the economic harms shown by Range is flawed, because there is no evidence regarding the probability or likelihood that this loss of life will occur; furthermore, this type of unsubstantiated, speculative assertion is egregious and a flagrant misrepresentation of the factual record. Conversely, Range’s claims of economic harm are based upon past shutdowns that have actually occurred and, therefore, account for the likelihood that the same harms will result from future shutdowns. *See* Range M.B., Section V.A.; *see also* Section IV.A.1-3. *supra*. The Flynn Complainants’ misleading and egregious comparison should be rejected.

**5. Conclusion.**

As explained above and in Range’s Main Brief, the Complainants’ requested injunctive relief will cause significant direct and indirect economic harms to Range, its Pennsylvania royalty owners, natural gas and propane consumers throughout the Northeastern United States and the Commonwealth as a whole. The Complainants have not demonstrated any legal right to the relief that they request. The Complainants’ requested injunctive relief should, therefore, be denied by both the ALJ and the Commission.

**B. THE OTHER PARTIES’ ARGUMENTS IN SUPPORT OF THE COMPLAINANTS’ REQUESTED INJUNCTIVE RELIEF SHOULD ALSO BE REJECTED.**

Several other parties have either specifically requested injunctive relief as a part of their briefs,<sup>15</sup> and/or join in the Complainants’ requests for relief to the extent that it is consistent with the relief they have sought.<sup>16</sup> These parties’ arguments in favor of injunctive relief and/or joinder in the arguments raised by the Flynn Complainants’ requests for injunctive relief should be denied for the reasons explained in Range’s Main Brief and the additional reasons explained above.

**C. THE JOINT ARGUMENT OF DASD, RTMSD, EAST GOSHEN AND SENATOR KILLION REGARDING RANGE’S POSITION ON THE RELIEF SOUGHT BY THESE PARTIES SHOULD BE REJECTED.**

Although Range specifically focused upon the injunctive relief sought by the Complainants in its Main Brief, Range addresses here the arguments raised in the DASD et. al. M.B. regarding those joint-intervenors’ requested relief. In their brief, DASD, RTMSD, East Goshen and Senator Killion claim that Range “does not know whether any of the relief requested” by them “would have any adverse effect on Range Resources.” DASD et. al. M.B. at 11 (¶¶ 15-17). The joint intervenors specifically argue that Mr. Engberg did not know whether the installation of a mass early warning system or whether providing municipalities specific comprehensive public education and emergency response plan would have any adverse effect on Range. DASD et. al. M.B. at 11 (¶¶ 16-17).

Range submits that none of the relief sought by any of the parties is warranted for the reasons set forth in Sunoco’s Main Brief and Reply Brief. *See* Sunoco M.B., Sections V.A.-D.; *see also* Sunoco R.B., Sections II.A.-D. As noted in Sunoco’s Main Brief: (1) none of the parties

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<sup>15</sup> *See* Britton M.B. at 4; DiBernardino M.B. at 2; Obenski M.B. at 8; Andover M.B. at 32, 37; DASD et. al. M.B. at 17.

<sup>16</sup> WWT M.B. at 1; WCASD and TVSD M.B. at 3; Kerslake M.B. at 2.

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have demonstrated that Sunoco's operation of the Mariner East Pipelines in high consequence areas violates Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501 (*see* Sunoco M.B., Section V.A.; *see also* Sunoco R.B., Section II.A.); (2) none of the parties have demonstrated that there is any basis for relief concerning Sunoco's integrity management, cathodic protection, or corrosion control of ME1 and the 12-inch pipelines (*see* Sunoco M.B., Section V.B.; *see also* Sunoco R.B., Section II.B.); (3) the parties have failed to show that Sunoco's Public Awareness Plan does not comply with PHMSA's regulations at 49 C.F.R. § 195.440 (*see* Sunoco M.B., Section V.C.; *see also* Sunoco R.B., Section II.C.); and (4) Sunoco showed that the siting, construction and environmental issues presented by the other parties are beyond the scope of the Commission's jurisdiction and do not constitute violations of Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501 (*see* Sunoco M.B., Section V.D.; *see also* Sunoco R.B., Section II.D.).

**V. CONCLUSION**

WHEREFORE, Range Resources – Appalachia, LLC respectfully requests that the Administrative Law Judge Elizabeth J. Barnes and the Pennsylvania Public Utility Commission: (1) dismiss with prejudice the Complaint filed at Docket No. C-2018-3006116 by Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines on June 18, 2019; (2) dismiss with prejudice the Complaint filed by the Andover Homeowners Association at Docket No. C-2018-3003605 on July 24, 2018; (3) dismiss with prejudice the *pro se* Complaint filed by Melissa DiBernardino at Docket No. C-2018-3005025 on October 1, 2018; (4) dismiss with prejudice the *pro se* Complaint filed by Rebecca Britton at Docket No. C-2018-3006898 on December 27, 2018; (5) dismiss with prejudice the *pro se* Complaint filed by Laura Obenski at Docket No. C-2018-3006905 on January 2, 2019; and (6) close the above-captioned dockets.

Respectfully submitted,



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