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February 10, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; Docket No. C-2020-3023129

Dear Secretary Chiavetta:

This office represents Glen Riddle Station, L.P. (“GRS”), in the referenced action. Enclosed for electronic filing is GRS’s Response to the Motion of Respondent, Sunoco Pipeline L.P., for Prehearing Conference, Revised Procedural Schedule, and Expedited Response. If you have any questions with regard to this filing, please do not hesitate to contact me. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes', written over a light blue horizontal line.

Samuel W. Cortes

SWC:jcc
Enclosure

cc: Per Certificate of Service

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina **Pennsylvania** South Carolina Texas Washington

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**COMPLAINANT’S RESPONSE TO RESPONDENT’S MOTION
FOR PREHEARING CONFERENCE, REVISED PROCEDURAL
SCHEDULE, AND EXPEDITED RESPONSE**

Complainant, Glen Riddle Station, L.P. (“Complainant”), by and through its undersigned counsel, hereby files this Response to the Motion of Respondent, Sunoco Pipeline L.P. (“Respondent), for Prehearing Conference, Revised Procedural Schedule, and Expedited Response.

I. PROCEDURAL HISTORY

1. Admitted
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

II. RESPONSE TO MOTION

7. Admitted in part and denied in part. GRS admits only that the quoted language is an accurate, but incomplete, recitation of the referenced regulation. GRS specifically denies this averment insofar as it characterizes the Commission’s regulations, which speak for themselves.

By way of further response, 52 Pa. Code § 5.222(b) provides that “the Commission, or presiding officer *may* direct that a prehearing conference be held....” (emphasis added). Here, the Prehearing Order encourages the exchange of information on an informal basis, which could include, without limitation, what Sunoco seeks here. [Prehearing Order, ¶ 13.]

8. Denied. GRS denies this averment insofar as it is without knowledge or information sufficient to form a belief regarding what Sunoco “believes.” By way of further response, GRS does not oppose a prehearing conference, however, given the exigency of the matters set forth in the Complaint, GRS does not agree to any schedule that postpones the hearing by more than two weeks. Postponing a hearing requires a showing of “good cause.” 52 Pa. Code § 1.15(b); Fran Mesticelli v. PECO Energy Co., No. C-2019-3012541, 2020 WL 758211, at *3 (Pa. P.U.C. Feb. 7, 2020) (explaining that granting a continuance of a hearing is a “rare circumstance” requiring the showing of good cause); [Prehearing Order, ¶ 3.] Further, a request to change a scheduled hearing date “must state the agreement or opposition of other parties.” [Prehearing Order, ¶ 3.] Sunoco fails to demonstrate good cause and failed to consult GRS prior to filing its Motion – further demonstrating its intention to use the extension for delay, rather than because of “good cause.” Sunoco’s averment in paragraph 10 that additional time is required for “extensive discovery” is belied by its Preliminary Objections, as set forth in the response to paragraph 10 below and its failure to even serve discovery until February 9, 2021. Moreover, Sunoco seeks an indefinite delay of the hearing in this case – essentially asking the Commission to stay the hearing. Such a request requires compelling circumstances and Sunoco has failed to allege any such circumstances here. See Pa. P.U.C., Bureau of Investigation and Enforcement v. Uber Technologies, Inc., No. C-2014-2422723, 2014 WL 3834558 (Pa. P.U.C. Jul. 25, 2014) (explaining that a request for stay requires a showing of compelling circumstances). To the

contrary, there are good and compelling reasons to maintain the current hearing schedule or, at most, extend the timeline no more than two weeks. In its Complaint, GRS alleges safety issues including, without limitation, those pertaining to GRS's inability to mitigate risk due to Sunoco's lack of communication and failure by Sunoco to safely maintain and contain its work areas. [See Complaint at its Exhibit P.] These issues and others are caused in large part by Sunoco's refusal to communicate and work with GRS (much like its failure to communicate with GRS regarding the stay it seeks here), which has only worsened since the filing of the Complaint. Sunoco's indefinite delay of the hearing will exacerbate these safety issues.

9. Admitted in part and denied in part. GRS admits that the quoted language is an accurate, but incomplete, recitation of the referenced regulation. GRS denies this averment insofar as it characterizes the Commission's regulations, which speak for themselves

III. RESPONSE TO REQUEST FOR EXPEDITED RESPONSE AND DECISION

10. Denied. GRS denies this averment insofar as it characterizes the Complaint, which speaks for itself and contains conclusions of law requiring no response. By way of further response, in its Preliminary Objections, Sunoco asserts that GRS is attempting to micromanage "[Sunoco's] construction practices," which fall within the standards within the bounds of the Public Utility Code. [Preliminary Objections, ¶¶ 7, 40-41.] Given Sunoco's allegation that its actions at the site are within its managerial discretion and that construction practices are compliant with the Public Utility Code and the Commission's regulations, it is difficult to understand why Sunoco alleges that the complaint raises "various complex issues which will require extensive discovery." In any event, Sunoco's delay in seeking discovery in this matter does not warrant an extension of the hearing date.

11. Denied. GRS denies this averment insofar as it characterizes the proceedings at the referenced docket numbers, which speak for themselves. By way of further response, GRS does not object to the use of written testimony, provided the parties make all witnesses available for cross-examination.

12. Denied. GRS denies this averment insofar as it is characterizing Commission regulations, which speak for themselves. By way of further response, GRS repeatedly attempted to meet with Sunoco regarding settlement and has not received a good faith response. GRS has also reached out to Sunoco about specific issues raised in its Complaint repeatedly, receiving no good faith response. GRS does not object to the use of written testimony or a procedural schedule for the submission of written testimony, provided that the hearing is not extended more than two weeks and provided that all witnesses are available for cross-examination.

13. Denied. GRS denies this averment as moot insofar as it is filing its response within the time period requested. Not sure what this one means GRS does not oppose an expedited decision.

IV. CONCLUSION

GRS opposes the relief sought to the extent that it seeks, without basis, an indefinite extension of the hearing date. GRS opposes schedule that extends the date of the hearing by more than two weeks. GRS incorporates its response to paragraph no. 8, above, as though set forth here in full.

WHEREFORE, Complainant respectfully requests that the Commission deny Sunoco's Motion.

Respectfully submitted,

FOX ROTHSCHILD LLP

February 10, 2021

By:



Samuel W. Cortes, Esquire
Attorney ID No. 91494
Attorneys for Complainant

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that, on February 10, 2021, I served a true and correct copy of the foregoing Response to Respondent’s Motion for Prehearing Conference Revised Procedural Schedule, and Expedited Response, upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

Email and First Class U.S. Mail
Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101



Samuel W. Cortes, Esquire