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February 11, 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 Petition for Interim Emergency Relief. 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".

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.	:	

PETITION FOR INTERIM EMERGENCY RELIEF

Complainant, Glen Riddle Station, L.P. (“Complainant”), by and through its undersigned counsel, hereby files this Petition for Interim Emergency Relief pursuant to 52 Pa. Code § 3.6 because Respondent, Sunoco Pipeline, L.P. (“Respondent”), without prior notice, posted signs warning that all areas within 100 yards of its worksite at Complainant’s property fall within a “danger” area that must be avoided. Over 200 people live and sleep within this danger area and, therefore, cannot avoid it. Complainant wrote to counsel for Respondent, demanding that it stop its work – the activity that Respondent acknowledged created this “danger” – until these residents are notified of the extent of the danger and measures are taken to provide for their safety. Respondent responded, inexplicably, by claiming that it posted the “danger” signs mistakenly and would replace them with some other signs warning of a lesser “danger.” Respondent provided no evidence to support its assertions. Respondent provided nothing to substantiate the actual “danger” areas. Respondent did not offer any communication or information to Complainant for its employees and the Glen Riddle Residents to resolve the panic that Respondent’s unilateral pronouncement has caused. Thus, Complainant files this Peition, averring the following in support:

PARTIES AND JURISDICTION

1. The Pennsylvania Public Utility Commission (the “Commission”), with a mailing address of 400 North Street, Harrisburg, Pennsylvania 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa. C.S. §§ 101, et seq.

2. The Commission regulates public utilities engaged in the transportation or conveyance of natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit for the public for compensation. 66 Pa. C.S. § 102.

3. Complainant is Glen Riddle Station, L.P., which is a Pennsylvania limited partnership with a registered business address of One Raymond Drive, Havertown, Delaware County, Pennsylvania 19083.

4. Complainant is represented by:

Samuel W. Cortes, Esquire
Fox Rothschild LLP
747 Constitution Drive, Suite 100
Exton, PA 19341
(610) 458-7500
scortes@foxrothschild.com

5. Respondent is Sunoco Pipeline L.P., which is a limited partnership organized and existing under the laws of the State of Texas and registered to do business in the Commonwealth of Pennsylvania with a principal place of business located at 525 Fritztown Road, Sinking Spring, Pennsylvania 19608.

6. Section 501(a) of the Public Utility Code, 66 Pa. C.S. § 501(a), authorizes the Commission to execute and enforce provisions of the Public Utility Code.

7. Section 102 of the Public Utility Code, 66 Pa. C.S. § 102, defines pipeline transportation services as public utility services.

8. Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, authorizes the Commission to hear and determine complaints against persons and corporations for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, provides the Commission with original jurisdiction over claims of unreasonable or unsafe conditions with respect to a public utility service. See id., see also Baker v. Sunoco Pipeline, No. C-2018-3004294, 2019 WL 7403546, **12-13 (Pa. P.U.C. 2019).

10. Section 1505(a) of the Public Utility Code, 66 Pa. C.S. § 1505(a), provides that when the Commission “finds that the service or facilities of any public utility are unreasonable, unsafe, inadequate, insufficient, or unreasonably discriminatory, or otherwise in violation of this part, the commission shall determine and prescribe, by regulation or order, the reasonable, safe, adequate, sufficient, service or facilities to be observed, furnished, enforced, or employed, including all such repairs, changes, alterations, extensions, substitutions, or improvements in facilities as shall be reasonably necessary and proper for the safety, accommodation, and convenience of the public.” 66 Pa. C.S. § 1505(a).

11. 66 Pa. C.S. § 502 authorizes the Commission to use its equitable powers to restrain violations of the Public Utility Code, applicable regulations, and/or orders of the Commission, and to enforce obedience with respect to same. 66 Pa. C.S. § 502.

12. 52 Pa. Code § 3.6 allow Complainant to file a petition for an interim order during the course of a proceeding.

FACTUAL BACKGROUND

A. The Taking Action

13. On or about May 13, 2020, Respondent filed a Declaration of Taking in the Court of Common Pleas of Delaware County, Pennsylvania, captioned, In Re: Condemnation By Sunoco Pipeline L.P. Of Temporary Workspace Easement And For The Transportation Of Ethane, Propane, Liquid Petroleum Gas, And Other Petroleum Products In Middletown Township, Delaware County, Pennsylvania, Over the Lands of Glen Riddle Station, L.P., No. CV-2020-003193 (the “Taking Action”).

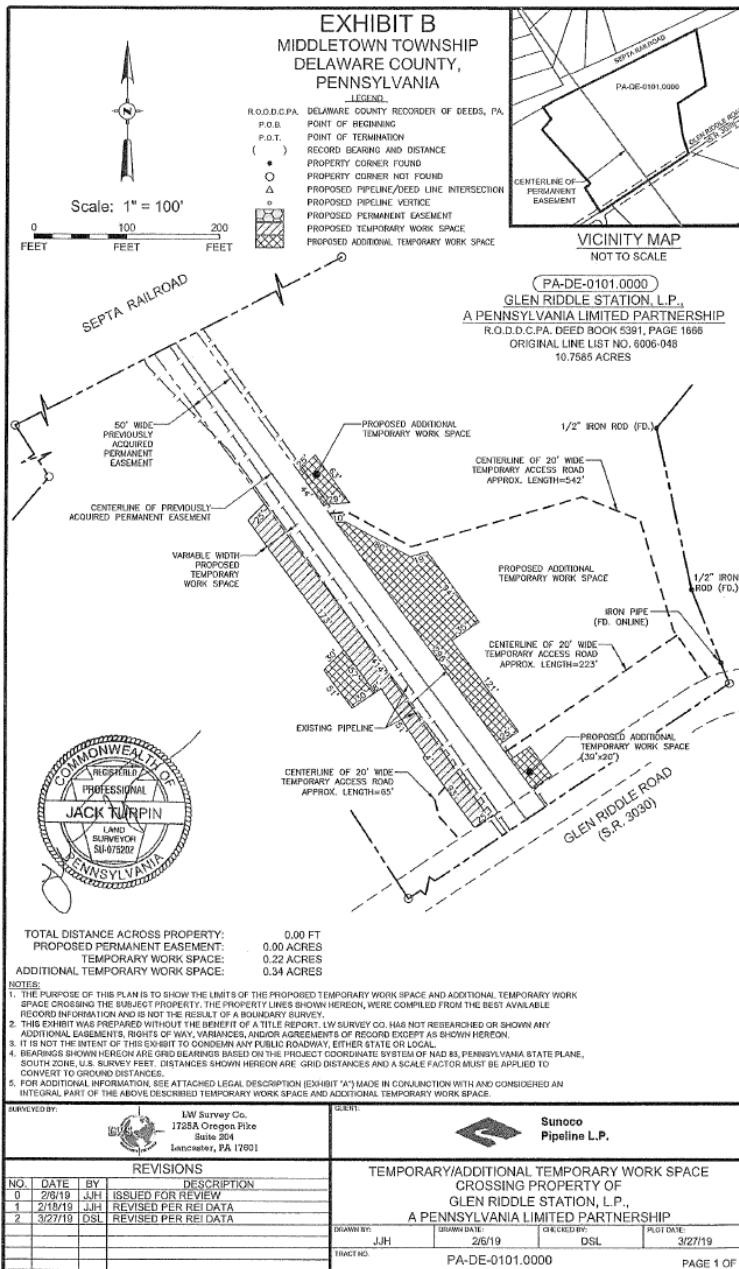
14. The Taking Action concerns certain portions of Complainant’s property known as the Glen Riddle Station Apartments in Middletown Township, Delaware County, Pennsylvania, Tax Parcel ID No. 27-00-00780-00 (the “Property”).

15. The Property includes 124 residential dwelling units.

16. Over 200 Pennsylvania residents reside at the Property (the “Glen Riddle Residents”).

17. In the Taking Action, Respondent condemned temporary workspace easements and a temporary access road easement over the Property (collectively, the “Temporary Easement”) ostensibly for purposes of completing its installation of a portion of Respondent’s Mariner East 2 pipeline project (the “Pipeline Project”).

18. The Temporary Easement includes the temporary workspace indicated in the following drawing:



19. The Temporary Easement also includes a temporary access road easement across the Property that is 20 feet wide and extends for approximately 223 feet.

20. The Property is located on Glen Riddle Road, a busy two lane road that intersects with State Route 452 (Pennell Road) approximately 400 feet east of the Property.

21. Below is a satellite view of the Property, showing its location on Glen Riddle Road in relation to Route 452.



B. The Permanent Easement

22. On June 20, 2016, Respondent acquired a permanent easement on the Property that was recorded with the Delaware County Recorder of Deeds on July 14, 2016, in Volume 5842, Page 1859 (the “Permanent Easement,” attached to the Complaint¹ as Exhibit A).

23. As part of that Permanent Easement, Respondent agreed that its “construction, operation and maintenance of the [Pipeline Project] will be performed in compliance with all applicable environmental, health and safety laws, standards, and regulations.” [Id.]

¹ On December 2, 2020, Complainant commenced this action by filing a formal complaint (“Complaint”), which is incorporated herein by reference.

C. Respondent's Public Awareness Plan And Standard Operating Procedures

24. In an action before the Commission commenced by State Senator Andrew E. Dinniman, at Docket Nos. P-2018-3001453 and C-2018-3001451 (the “Dinniman Action”), the Commission temporarily enjoined Respondent from working on the Pipeline Project in Chester County, Pennsylvania.

25. In the Dinniman Action, the Commission ordered Respondent to submit a public awareness plan demonstrating how it intended to better communicate with four groups: affected public; emergency officials; public officials; and excavators. Dinniman v. Sunoco Pipeline, L.P., Nos. P-2018-3001453, C-2018-3001451 (Pa. P.U.C. June 15, 2018) (the “June 15th Dinniman Opinion and Order”).

26. On June 22, 2018, Respondent filed the required public awareness plan (the “Public Awareness Plan”) and certain of its standard operating procedures (“SOPs”) with the Commission pertaining to its work within Pennsylvania on the Pipeline Project. [See Public Awareness Plan, and relevant SOPs contained therein, a true and correct copy of which are attached to the Complaint as Exhibit B.²]

27. In the Public Awareness Plan, Respondent admits that all of its work on the Pipeline Project is subject to numerous state and federal laws designed to ensure the safety of residents affected by work on utilities, including, without limitation, 49 C.F.R § 195.440 (relating to public

² The Public Awareness Plan contains Respondent’s SOPs relating to, among other things, Respondent’s communications with stakeholders, safety issues, and compliance. [See Complaint, at its Ex. B (Public Awareness Plan).]

awareness and implementation of a written continuing public education program).³ [Id., generally.]

28. After Respondent filed the Public Awareness Plan, the Commission reviewed Respondent's compliance with the directives set forth in its June 15, 2018 Order. See Dinniman v. Sunoco Pipeline, L.P., Nos. P-2018-3001453, C-2018-3001451 (Pa. P.U.C. August 18, 2018) ("August 18, 2018 Dinniman Order").

29. The Commission found Respondent's Public Awareness Plan and SOPs compliant with the Commission's June 15, 2018 Order, while recognizing that Respondent's "ongoing implementation of the outlined policies and notice requirements . . . is a separate and ongoing compliance matter" that is properly within the jurisdiction of the Commission. [Id., at pp. 24-25; see also Baker, 2019 WL 7403546, at **12-13 (holding that the Commission has jurisdiction over unsafe conditions relating to Respondent's Pipeline Project).]

30. Respondent must comply with its Public Awareness Plan and SOPs, which require, among other things, Respondent to undertake certain activities, including group meetings, personal contacts, and the distribution of print materials, for any planned major maintenance/construction activity. [See Complaint, at its Ex. B (Public Awareness Plan), at pp. 5-15, at Procedure No. HLA.17, 7.0-7.4.5.]

31. Respondent's Public Awareness Plan further requires that Respondent's communications comply with Respondent's SOP located at HLI.40, which establishes the guidelines for communications with the affected public. [Id., at p. 11, at HLA.17, at 7.4.1; see

³ In the Public Awareness Plan, Respondent also cites to the following provisions of the Texas Administrative Code: RRC 8.235 (relating to natural gas pipelines education and liaison); 8.310 (relating to hazardous liquids and carbon dioxide pipelines public education and liaison); and 8.315 (relating to hazardous liquids and carbon dioxide pipelines or pipeline facilities located within 1,000 feet of a public school building or facility). Although these Texas laws are inapplicable here, they are consistent with Pennsylvania laws designed to restrain unreasonable or unsafe conditions relating to a public utility service. See 66 Pa. C.S. §§ 1501, 1505; see also Baker, 2019 WL 7403546 at **12-13.

also Public Awareness Plan – Communication with API RP 1162 – defined Stakeholders, at Procedure No. HLI.40 (“Public Awareness Plan – Communication with API RP 1162”), a true and correct copy of which is attached to the Complaint as Exhibit C (setting forth guidelines for pipeline operators to follow to communicate and interact with the affected public).

32. In the Dinniman Action, Respondent represented to the Commission that it would comply with the Public Awareness Plan and its SOPs for its work throughout Pennsylvania and that this compliance would resolve the serious safety and communication complaints at issue in the Dinniman Action. [See Complaint, at its Ex. B (Public Awareness Plan), at p. 1, at Section 1.0 (Purpose); see also August 18, 2018 Dinniman Order, at pp. 7, 10-14.]

33. Additionally, through its Public Awareness Plan, Respondent promised the Commission “continuous improvement in communications with a variety of key audiences in the communities where [] [Respondent] operates pipelines.” [See Complaint, at its Ex. B (Public Awareness Plan), at p. 1, at Section 2.0 (Scope); see also August 18, 2018 Dinniman Order, at pp. 7, 10-14.]

34. As such, Respondent must communicate with residents located along the Pipeline Project about, among other things, hazards and prevention measures undertaken, any planned major maintenance/construction activities, special incident response notification and/or evacuation measures if appropriate, and how residents may obtain additional information about their concerns. [Id.]

35. Respondent has failed to comply with its Public Awareness Plan and, instead, has knowingly put the lives and homes of the Glen Riddle Residents in what Respondent admitted to be “danger,” all without first communicating with Complainant or the Glen Riddle Residents about the danger.

36. The Commission can and should enjoin Respondent's work on the Property pending compliance with its Public Awareness Plan and SOPs, as well as its mandatory statutory obligations to maintain a safe worksite and open lines of communications with the surrounding public. See 66 Pa. C.S. § 502; 66 Pa. C.S. § 1501; Baker, 2019 WL 7403546, at **12-13; 49 C.F.R. § 195.440 (requiring Respondent to "develop and implement a written continuing public education program"); 52 Pa. Code § 59.33(a) (requiring Respondent to "exercise reasonable care to reduce the hazards to which employees, customers, and others may be subjected to by reason of its equipment and facilities"); see also June 15th Dinniman Opinion and Order, generally, and at pp. 50-51.

D. The February 10, 2021 "Danger" Exigency

37. The immediate emergency necessitating this motion began on February 10, 2021, when Respondent posted signs demanding that all persons avoid coming within 100 yards of Respondent's worksite on the Property due to the "danger" that Respondent's activities create within that area (the "Danger Area").

38. It is impossible for the Glen Riddle Residents to avoid the Danger Area because their homes fall within it; in other words, the Glen Riddle Residents live and sleep within the Danger Area.

39. More specifically, on February 10, 2021, Respondent posted signs throughout the Property warning anyone entering the Property to stay at least 100 yards from the construction zone ("Warning Signs"). A true and correct photograph of one of the Warning Signs is attached hereto as Exhibit 1.

40. Respondent posted the Warning Signs without prior notice to Complainant or to any of the Glen Riddle Residents.

41. Respondent placed the Warning Signs on the Property in conjunction with its announcement that it would begin new drilling work at the Property imminently.

42. The Property, as described above, consists of five residential apartment buildings, occupied by the Glen Riddle Residents, which include working families, children, the elderly, and the disabled.

43. Four of the residential buildings, and part of the fifth, fall within the 100 yard radius of the worksite itself and are, therefore, within the Danger Area declared by Respondent. [See Affidavit of Stephen Iacobucci attached as Exhibit 2, generally.]

44. Thus, many of the 200+ Glen Riddle Residents are now living and sleeping within the Danger Area, without prior notice to any of them.

45. On February 11, 2021, counsel to Complainant wrote to counsel to Respondent, demanding that Respondent suspend its work on the Property until the appropriate safety guidance and safety measures are in place to protect those living within Respondent's Danger Area. [A copy of the February 11, 2021 letter is attached as Exhibit 3.]

46. Respondent then emailed counsel for Complainant stating that the "sign[s]...were incorrectly placed" and that the Warning Signs would be replaced with a milder warning concerning a lesser "danger" area. [A copy of an email exchange between counsel for Complainant and Respondent is attached as Exhibit 4.]

47. Had counsel for Complainant not sent the letter about the Warning Signs and demanding that the work cease until the affected public is notified and measures are taken to provide for their safety, those Warning Signs would remain in place.

48. Nothing about the project or construction activity has changed since Respondent chose to utilize the Warning Signs.

49. In response to Respondent's "mistake" claims, Complainant's counsel requested the information relied upon by Respondent, including any analysis, to support the replacement of the Warning Signs with new signs identifying a lesser "danger" area. See Exhibit 4. In other words, Complainant asked for the evidence relied upon by Respondent to make this important safety decision.

50. Many of the Glen Riddle Residents and Complainant's principals and employees are now aware of the Warning Signs and that Respondent declared their homes and office, respectively, within the Danger Area created by Respondent's ongoing work.

51. Work cannot continue at the Property without, at a minimum, causing a panic until the safety issues identified in this Petition are addressed by Respondent and an appropriate communication is sent to the affected public advising them that (a) they need to find an at least temporary residence immediately or (b) their homes are safe - and providing the evidentiary support for either conclusion.

52. As of the filing of this Petition, Respondent continues and intends to continue its admittedly "dangerous" construction activities without disclosing to the affected public its safety plan, if any, its analysis as to the Danger Area, if any, and without communicating with Complainant or the Glen Riddle Residents as to how it arrived at its decisions regarding the Danger Area.

REQUEST FOR EMERGENCY INTERIM RELIEF

53. A petition for an interim emergency order is appropriate where, as here, (A) the right to relief is clear, (B) the need for relief is immediate, (C) the injury would be irreparable if relief is not granted, and (D) the relief requested is not injurious to the public interest. 52 Pa. Code § 3.6(b).

54. An “emergency” is “[a] situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting.”

Application of Fink Gas Co. for Approval of the Abandonment of Service by Fink Gas Co. to 22 Customers Located in Armstrong Cty, Pa., and the Abandonment by Fink Gas Co. of all Natural Gas Services and National Gas Distribution Services, No. A-2015-2466653, 2015 WL 5011629, at *4 (Pa. P.U.C. Aug. 20, 2015) (citing 52 Pa. Code § 3.1).

55. Here, an emergency interim order is necessary to protect the health and safety of the Glen Riddle Residents, the principals of Glen Riddle, and others in the vicinity of the Danger Area, and to resolve the serious safety issues and panic caused by Respondent.

A. Complainant’s Right To Relief Is Clear

56. To find that a petitioner’s right to relief is clear, the Commission requires “only a determination that a petition raises a substantial legal question, rather than a determination of the merits of a controversy.” Application of Fink Gas Co., 2015 WL 5011629, at **3-4 (citing Core Communications, Inc. v. Verizon Pennsylvania, Inc. and Verizon North LLC, Docket No. P-2011-2253650 (Order entered September 23, 2011)); T.W. Phillips Gas & Oil Co. v. Peoples Nat. Gas Co., 492 A.2d 776, 781 (Pa. Commw. Ct. 1985) (holding, “the ‘clear right to relief’ element does not require the chancellor to determine the merits of the controversy at the preliminary injunction stage; rather, the chancellor need only determine, in addition to the other criteria, that the claim raises substantial legal questions”).

57. Public interest issues affecting the safety and operation of utilities raise substantial legal questions that satisfy the ‘clear right to relief’ element. See T.W. Phillips, 492 A.2d at 781; see also Patriot-News Co. v. Empowerment Team of Harrisburg Sch. Dist. Members, 763 A.2d 539, 547 (Pa. Commw. Ct. 2000).

58. Here, Respondent admits that its work on the Property is subject to statutory obligations to maintain a safe worksite and open lines of communications with the surrounding public. [See Complaint, at its Ex. B (Public Awareness Plan), generally; 66 Pa. C.S. § 502; 66 Pa. C.S. § 1501; 49 C.F.R. § 195.440; 52 Pa. Code § 59.33(a); see also August 18, 2018 Dinniman Order, at pp. 7, 10-14.]

59. Respondent's actions relating to the Property have raised substantial legal questions because, among other reasons, they violate the following laws intended to protect the safety of Respondent's operations:

- a. Respondent's failure to take appropriate steps to address and/or rectify the above-identified safety issues constitutes violations of Sections 1501 and 1505 of the Public Utility Code. 66 Pa. C.S. § 1505(a);
- b. Respondent's failure to take appropriate steps to address and/or rectify the above-identified safety issues violates the Public Awareness Plan, which mandates transparency with impacted by the Pipeline Project and requires Respondent to provide a "safe, reliable transportation of hazardous liquids and pipeline safety information to people living and working near the company's pipelines." [See Complaint, at its Ex. B (Public Awareness Plan), at p. 1 and generally]; see also 49 C.F.R. § 195.440 (requiring pipeline operators to "develop and implement a written continuing public education program");
- c. Respondent's failure to take appropriate steps to address and/or rectify the above-identified safety issues violates the Public Awareness Plan, which requires Respondent to "educate the public on [] [Respondent's] ongoing pipeline integrity management activities." [See Complaint, at its Ex. B (Public Awareness Plan), at p. 1, at Section 1.0, Purpose, p. 6 at Procedure No. HLA.17, 7.1 (relating to targeting audiences for public awareness education and including residents living near the pipelines), p. 11, at Procedure No. HLA.17, 7.4.1 (relating to communication actions for the affected public), and pp. 12-15, at Procedure No. HLA.17, 7.4.5 (relating to public awareness communication summaries); see also id., at its Ex. L, SOP HLI.29, 7.5 (pertaining to clearing the Right-of-Way and working with land-owners)]; and 49 C.F.R. § 195.440 (requiring pipeline operators to "develop and implement a written continuing public education program"); and
- d. Respondent's failure to exercise reasonable care to reduce the admitted "danger" created by its work at the Property violates 49 C.F.R. § 195.440

(requiring Respondent to “develop and implement a written continuing public education program”), and 52 Pa. Code § 59.33(a) (requiring Respondent to ‘exercise reasonable care to reduce the hazards to which employees, customers, and others may be subjected to by reason of its equipment and facilities”).

60. Complainant’s safety concerns and the risks relating to Respondent’s actions and inaction raise substantial legal questions. See June 15th Dinniman Opinion and Order, p. 32 (determining that Senator Dinniman established substantial legal questions relating to Respondent’s compliance with 66 Pa. C.S. §§ 1501 and 1505 relating to “the reasonableness, adequacy, and sufficiency of facilities and services of a public utility,” which are within the Commission’s jurisdiction”).

B. Complainant’s Need For Relief Is Immediate

61. Complainant’s need for relief is immediate because the Safety Issues present an immediate risk to the safety of the Glen Riddle Residents and the Property.

62. The Commission has discretion to determine when the need for emergency interim relief is immediate. 52 Pa. Code § 3.6(b)(2).

63. Respondent’s conduct has created and continues to create safety hazards that could result in an otherwise avoidable serious injury or death—the need for immediate relief is paramount to protect the Glen Riddle Residents. See Pa. Power & Light Co. v. Leininger, 28 Pa. D. & C.3d 547, 552 (Pa. Com. Pl. Carbon Cty. 1983) (holding that an injunction was proper to address “a clear and present danger of irreparable harm to the well-being and safety” of Pennsylvania residents).

64. Respondent admitted that its ongoing work poses a clear and present “danger” to those living within Respondent’s Danger Area.

65. Respondent now claims that its admissions about the Danger Area should be ignored - without Respondent providing any information to the affected public about the Danger Area and its determinations regarding same.

66. Respondent's conduct has, by its own admission, created a risk of immediate harm to person and property.

67. Likewise, Respondent's retraction of its admission, without explanation or any communication, will create a panic throughout the Property if work continues under these circumstances.

C. The Injury To Complainant Would Be Irreparable If Relief Is Not Granted

68. If the Commission fails to grant emergency interim relief, Respondent's work could result in serious injury, or death, to those within the zone of "danger" created by Respondent, including, without limitation, the Glen Riddle Residents, Glen Riddle employees, and Glen Riddle partners. See 66 Pa. C.S. § 701 (creating a private right of action to allow persons "with an interest" to enforce the Public Utility Code against a public utility); see also 66 Pa. C.S. § 102 (defining "person" as "[i]ndividuals, partnerships, or associations other than corporations, and includes their lessees, assignees, trustees, receivers, executors, administrators, or other successors in interest").

69. Respondent's conduct at Complainant's Property, if not enjoined, threatens to cause irreparable harm to Complainant's Property and Complainant's ability to provide a safe environment for the Glen Riddle Residents and its employees, including, without limitation, the possible loss of life and irreplaceable property.

70. To determine whether an injury is irreparable, the Commission looks at "whether the harm can be reversed if the request for emergency relief is not granted." Application of Fink

Gas Co., 2015 WL 5011629, at *9; see also 52 Pa. Code § 3.6(b)(3); June 15th Dinniman Opinion and Order, p. 42 (determining existence of sufficient evidence to halt activity until Respondent complied with the requirements set forth in the Court’s Order).

71. Here, the Glen Riddle Residents and others, including, but not limited to, Complainant’s employees and partners and others in the vicinity of the Property, could be seriously injured if the Commission does not intervene.

72. Additionally, Respondent could cause the loss of the irreplaceable Property absent the issuance of the requested injunction.

73. Accordingly, the injury to Complainant and the Glen Riddle Residents would be irreparable if the Commission does not grant the requested relief. See Leininger, 28 Pa. D. & C.3d at 552 (holding that an injunction was proper to address “a clear and present danger of irreparable harm to the well-being and safety” of Pennsylvania residents); see also Matlow v. Marsh, No. 722 WDA 2017, 2019 WL 123418, at *8 (Pa. Super. Ct. Jan. 7, 2019) (finding real estate is unique and, therefore, the loss of real estate constitutes irreparable harm).

74. At a minimum, as stated above, the work must stop until the issues created by Respondent concerning the Danger Area are resolved to the Commission’s satisfaction and an appropriate communication is sent to the Glen Riddle Residents and Complainant notifying them of the resolution and explaining same.

D. The Relief Requested Is Not Injurious To The Public Interest

75. Complainant’s requested interim relief will further the public interest and is not injurious to public interest.

76. The public has an interest in the safe operation of utilities and in transparency relating to utility work that affects the public. See T.W. Phillips, 492 A.2d at 781; Patriot-News,

763 A.2d at 547; see also June 15th Dinniman Opinion and Order, p. 45 (stating, in part, that the “Commission will not hesitate to direct a shut down when and if the conditions indicate that there is an imminent threat to public safety”).

77. Here, as detailed above, Respondent’s actions ignore the rights of the public, including the Glen Riddle Residents, who are currently on notice of some existing “danger” without sufficient knowledge of Respondent’s plans and in potential danger due to Respondent’s refusal to comply with its own Public Awareness Plan, SOPs, and applicable regulations.

78. Thus, Complainant’s requested relief is for the benefit of, and narrowly tailored to, protecting the public – namely, the safety and well-being of Glen Riddle Residents, those in the vicinity of the Property (including, without limitation, Complainant’s employees and partners), and the Property itself.

WHEREFORE, Complainant respectfully requests that the Commission issue an Order enjoining and restraining Respondent from engaging in any further work at the Property until the approval of a plan addressing the scope of the Danger Area created by Respondent’s work and providing for the safety of those within its vicinity and appropriate communication regarding same to the affected public.

Respectfully submitted,

FOX ROTHSCHILD LLP

February 11, 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-
Complainant,	:	
	:	
V.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

VERIFICATION

I, Stephen A. Iacobucci, hereby state that I am authorized to make this verification on behalf of Complainant, Glen Riddle Station, L.P. ("Complainant"); that the facts set forth in the foregoing Petition for Interim Emergency Relief are true and correct to the best of my knowledge, information and belief; and that Complainant expects to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


Stephen A. Iacobucci
Stephen A. Iacobucci
Glen Riddle Station, L.P.

Dated: February 11, 2020

**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 11, 2021, I served a true and correct copy of the foregoing Petition for Interim Emergency Relief 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

EXHIBIT 1

Minicade®
PLASTICADE
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DANGER CONSTRUCTION ZONE

KEEP 100 YDS.

FROM WORK ACTIVITIES

ALL VISITORS
MUST
SIGN IN

MICHELS®

EXHIBIT 2

**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.	:	

AFFIDAVIT OF STEPHEN A. IACOBUCCI

Pursuant to 18 Pa. C.S. § 4904, I, Stephen A. Iacobucci, hereby declare as follows:

1. I am employed by AJI Properties Management LLC, which has a management contract with Glen Riddle Station, L.P. (“GRS”).
2. GRS owns a property known as the Glen Riddle Station Apartments in Middletown Township, Delaware County, Pennsylvania, Tax Parcel ID No. 27-00-00780-00 (the “Property”).
3. The Property includes 124 residential dwelling units housing more than 200 Pennsylvania residents (the “GRS Residents”).
4. On February 10, 2021, Sunoco Pipeline, L.P. (“Sunoco”) posted signs at each entrance to the Property stating that all areas within 100 yards of Sunoco’s worksite are areas of “danger” created by Sunoco’s work and that people should not come within 100 yards of those worksites. A true and correct copy of one of these signs is attached to GRS’s Petition as Exhibit 1.
5. Four of the residential buildings, and part of the fifth, on the Property in which the GRS Residents live and sleep are within 100 yards of Sunoco’s active worksite.

This Affidavit is true and correct to the best of my knowledge, information, and belief
and is submitted subject to penalties for unsworn falsification to authorities.

Dated: February 11, 2021

Stephen A. Iacobucci
Stephen A. Iacobucci

EXHIBIT 3



Eagleview Corporate Center
747 Constitution Drive
Suite 100
Exton, PA 19341-0673
Tel (610) 458-7500 Fax (610) 458-7337
www.foxrothschild.com

SAMUEL W. CORTES
Direct No: 610.458.4966
Email: SCortes@FoxRothschild.com

February 11, 2021

VIA EMAIL

George J. Krocilick, Esquire
David B. Amerikaner, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Re: Glen Riddle Station, L.P. (“Glen Riddle”) /Sunoco Pipeline, L.P. (“Sunoco”)

Dear George and David:

As you know, we represent Glen Riddle. Yesterday, Sunoco posted a sign confirming that anyone within 100 yards of Sunoco's worksite is within the zone of "danger" created by Sunoco's work and that all persons should avoid being in such proximity to the worksite at all times. We have enclosed a photograph taken of this warning posted by your client.

As you know, many residents of Glen Riddle Station live and sleep within 100 yards of Sunoco's worksite. Please confirm that Sunoco will stop its work immediately until measures can be taken to provide for the safety of these people. We demand receipt of confirmation from Sunoco on this today given the seriousness and exigency of this matter.

We are copying Middletown Township's Conflict Solicitor on this communication to put the Township on notice of this emergency as well.

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 Virginia Washington



George J. Krocilick, Esquire
David B. Amerikaner, Esquire
February 11, 2021
Page 2

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Samuel W. Cortes".

Samuel W. Cortes

SWC:jcc

Enclosure

cc: James Flandreau, Esquire

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DANGER CONSTRUCTION ZONE

KEEP 100 YDS.

FROM WORK ACTIVITIES

ALL VISITORS
MUST
SIGN IN

MICHELS®

EXHIBIT 4

Chernesky, Jean C.

From: Cortes, Samuel W.
Sent: Thursday, February 11, 2021 1:59 PM
To: Amerikaner, David B.; Chernesky, Jean C.; Krocilick, George J.
Cc: jflandreau@pfblaw.com; Beach, Ashley L.
Subject: RE: Glen Riddle Station, L.P.

David,

If I understand your email correctly, Sunoco is now claiming that this is all a big mistake? You're claiming that Sunoco posted signs warning of safety dangers without knowing the dangers that it intended to warn of? With due respect, this makes no sense for a sophisticated organization like Sunoco, represented by sophisticated counsel, with the communication and safety obligations imposed upon it by its Public Awareness Plan and litigation ongoing concerning these same safety issues at this same site. It's not a credible explanation. Nor does it address the serious level of concern amongst the 200+ affected at the site caused by the danger signs posted by Sunoco or how we address those concerns.

As we understand it, Sunoco didn't communicate with anyone affected regarding this safety issue. Sunoco, unilaterally, posted signs telling people to stay a specific distance - 100 yards – away from the worksite because of the "danger" caused by Sunoco's work, again without communicating with anyone affected by this even though at least those who posted the signs knew the seriousness of what they were doing and how it affected those who live at the site. This sign was posted as your client announced new drilling work was about to begin. And now you say that was simply a mistake – one discovered only after we sent you a letter saying stop the work because of the danger that Sunoco admitted its new drilling work created. Those signs would still be there but not for us asking you to stop the work.

The sign was specific as to the zone of danger for the new work – 100 yards. Obviously, someone acting for Sunoco felt that this area was dangerous. Now, we have an email saying in essence "forget about it," which our residents surely will not as this new work moves forward, especially without specific evidence as to what the zone of danger actually is.

The work needs to stop until this issue is addressed and sorted out and an appropriate communication is sent to all affected members of the public regarding this issue. Residents are aware of this danger because of Sunoco's signs, and are worried, obviously. We will file a petition with the PUC today on this issue and seek immediate relief as I understand your email to be a refusal by Sunoco to act reasonably here.

Please send us whatever analysis was done in the meantime on the issue of the size of the "danger" area to justify replacing the signs with the new signs that you propose below, by whom, and what you propose communicating to the residents and my client to address their fears – an email from a lawyer without evidence is not sufficient here. Hopefully, we can work this out before the PUC has to issue a ruling, but we will not sit by and let work continue under the existing circumstances.

Thank you.

Sam

Samuel Cortes
Partner
Fox Rothschild LLP
Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

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(610) 458-7337- fax

SCortes@foxrothschild.com

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From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Sent: Thursday, February 11, 2021 1:05 PM

To: Chernesky, Jean C. <JChernesky@foxrothschild.com>; Krocumick, George J. <GJKrocumick@duanemorris.com>

Cc: jflandreau@pfblaw.com; Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L.

<abeach@foxrothschild.com>

Subject: [EXT] RE: Glen Riddle Station, L.P.

Sam,

This email confirms receipt of the letter attached to your email below. The sign referenced in your letter was incorrectly placed and has been (or will be soon) removed. Replacement signs that simply warn the reader of the sign not to enter the construction area have been placed at the site or will be placed at the site soon, at all three entrances to the construction area.

Thank you,

David

From: Chernesky, Jean C. <JChernesky@foxrothschild.com>

Sent: Thursday, February 11, 2021 9:49 AM

To: Krocumick, George J. <GJKrocumick@duanemorris.com>; Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Cc: jflandreau@pfblaw.com; Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L.

<abeach@foxrothschild.com>

Subject: Glen Riddle Station, L.P.

Importance: High

Counsel: Please see the attached correspondence from Sam Cortes, Esquire. Thank you.

Jean C. Chernesky

Legal Administrative Assistant to

Ronald L. Williams, Esquire

Samuel W. Cortes, Esquire

Ashley L. Beach, Esquire

Kelsey M. O'Neil, Esquire

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