**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Glen Riddle Station, L.P. :

 :

 v. : C-2020-3023129

 :

Sunoco Pipeline, L.P. :

**SCHEDULING ORDER**

On December 2, 2020, Glen Riddle Station, L.P. (Glen Riddle) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against Sunoco Pipeline, L.P. (Sunoco), docket number C-2020-3023129. In its complaint, Glen Riddle averred that on or about May 13, 2020, Sunoco filed a Declaration of Taking in the Court of Common Pleas of Delaware County that concerned various portions of the Glen Riddle property that contains 124 residential dwelling units. Glen Riddle further averred that, in the taking action, Sunoco condemned temporary workspace easements and a temporary access road easement over their property for purposes of completing a pipeline project. Glen Riddle further averred that Sunoco is not complying with previous requirements of the Commission regarding a public awareness plan and standard operating procedures. Glen Riddle also identified several other alleged failures of Sunoco with regard to the property, including, parking and traffic safety concerns, unsafe work site, failure to follow government-mandated pandemic safety protocols, failure to communicate regarding a potentially hazardous leak, and structural and storm drainage concerns, among other things. Glen Riddle averred that Sunoco’s actions violated several provisions of the Public Utility Code and requested that the Commission enter an order enjoining or restraining Sunoco from engaging in further work at the property until the safety concerns are addressed. Glen Riddle attached multiple documents to its complaint in support of its position.

On December 23, 2020, Sunoco filed an answer and new matter in response to the complaint. In its answer, Sunoco admitted or denied the various averments Glen Riddle made in its complaint. In particular, Sunoco denied that it has not complied with the public awareness plan or standard operating procedures it is required to comply with. Sunoco also admitted or denied the various averments made by Glen Riddle with regard to the other alleged failures of Sunoco with regard to the property that were averred in the complaint. Sunoco provided significant detail in response to the averments made in the complaint and concluded by requesting that the complaint be dismissed with prejudice. Sunoco also attached multiple documents to its answer in support of its position.

In its new matter, which was accompanied by a notice to plead, Sunoco argued that the Commission lacks jurisdiction over Glen Riddle’s allegations regarding environmental law issues and permitting obligations, the validity and scope of easements and compliance with municipal ordinances and the Governor’s orders and regulations regarding Covid-19. Sunoco also argued that Glen Riddle has failed to state a claim upon which the Commission can grant relief. In part, Sunoco argued that Glen Riddle’s allegations regarding construction means and methods and relief seeking a work plan and schedule reflecting Glen Riddle’s preferences fail as a matter of law to state a claim upon which relief can be granted and should be dismissed.

Also on December 23, 2020, Sunoco filed preliminary objections in response to Glen Riddle’s complaint. Sunoco’s preliminary objections were granted in part and denied in part via an order dated January 28, 2021.

A hearing notice was issued on January 29, 2021 establishing an initial telephonic hearing for this matter for Wednesday, March 3, 2021 at 10:00 a.m. A prehearing order was issued on the same day setting forth various rules that would govern the hearing.

On February 4, 2021, Sunoco filed a motion for a prehearing conference, revised procedural schedule and expedited response. Glen Riddle filed its answer to Sunoco’s motion on February 10, 2021. Sunoco’s motion was granted via order dated February 11, 2021. A hearing notice was issued on February 11, 2021 setting a call-in prehearing conference for Thursday, February 18, 2021 at 10:00 a.m.

However, on February 11, 2021, Glen Riddle filed a petition for interim emergency relief. In its petition, Glen Riddle averred that Sunoco, without prior notice, posted signs warning that all areas within 100 yards of its worksite at Glen Riddle’s property fall within a “danger” area that must be avoided. Glen Riddle noted that over 200 people live and sleep within the danger area and, therefore, cannot avoid it. Glen Riddle added that it wrote to Sunoco demanding that it stop its work until the residents are notified of the extent of the danger and measures are taken to provide for their safety. Glen Riddle added that Sunoco responded that the danger signs were mistakenly posted and would replace them with signs warning of a lesser danger. Glen Riddle argued that it has met the Commission’s requirements to have its petition for an interim emergency order granted.

As a result, on February 12, 2021, an off-the-record conference call was held with the parties and the presiding officer. Participating in that call was Ashley Beach, Esquire and Samuel Cortes, Esquire, on behalf of Glen Riddle, and Whitney Snyder, Esquire, Thomas Sniscak, Esquire and Curtis Stambaugh, Esquire, on behalf of Sunoco.

During the conference call, the following schedule was agreed to for purposes of litigating the emergency petition:

|  |  |
| --- | --- |
| February 11, 2021 | Petition filed |
| February 12, 2021 | Conference Call with parties |
| February 16, 2021 | Answer to petition due |
| February 18, 2021 | Hearing (beginning at 9:00 a.m.) |
| February 22, 2021 | Main Briefs due |
| February 23, 2021 | Reply Briefs due |
| February 26, 2021 | Expected date order to be issued |

The hearing will begin at 9:00 a.m. on February 18, 2021 and the parties have agreed that Glen Riddle will present its case from 9:00 a.m. to noon and Sunoco will present its response from 1:00 p.m. to 4:00 p.m. The parties have also agreed to exchange a list of witnesses to be presented no later than 3:00 p.m. on February 17, 2021. In addition, a one-day turnaround for the transcript will be ordered and the parties will confer regarding the most appropriate platform in which to conduct the hearing (i.e., Zoom, etc.). The parties were also directed to attach to their Main Briefs proposed findings of fact, conclusions of law and ordering paragraphs.

 A brief discussion was also held regarding the treatment of any potential material alleged to be proprietary. At this time, there is no protective order in place to govern the treatment of material alleged to be proprietary. If such a need arises, the parties agreed to circulate a proposed protective order between themselves for consideration for use in this proceeding. The parties are reminded, however, that the Commission’s record maintenance system is intended to provide for the greatest degree of public access to Commission documents that is consistent with the exercise of the functions of the Commission under the Public Utility Code and other applicable laws. 52 Pa. Code § 1.71.

In addition, due to the Covid-19 pandemic, the parties are required to enroll in the Commission’s eservice program to facilitate document exchanges. Information on how to enroll in the Commission’s eservice program can be found on the Commission’s website ([www.puc.pa.gov](http://www.puc.pa.gov)).

Finally, the parties are reminded that Commission policy promotes settlements. 52 Pa. Code §5.231(a). The parties are encouraged to commence settlement discussions as early as possible. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following schedule will be adopted for this proceeding:

|  |  |
| --- | --- |
| February 11, 2021 | Petition filed |
| February 12, 2021 | Conference Call with parties |
| February 16, 2021 | Answer to petition due |
| February 18, 2021 | Hearing (beginning at 9:00) |
| February 22, 2021 | Main Briefs due |
| February 23, 2021 | Reply Briefs due |
| February 26, 2021 | Expected date order to be issued |

~~-~~

Date: February 12, 2021 \_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joel H. Cheskis

 Deputy Chief Administrative Law Judge

**C-2020-3023129 - GLEN RIDDLE STATION, L.P. v. SUNOCO PIPELINE L.P.**

SAMUEL W CORTES ESQUIREFOX ROTHSCHILD LLP747 CONSTITUTION DRIVESUITE 100EXTON PA 19341**610.458.4966**scortes@foxrothschild.comAccepts eService

WHITNEY E SNYDER ESQUIRETHOMAS J SNISCAK ESQUIRE
HAWKE MCKEON AND SNISCAK LLP100 N 10TH STREETHARRISBURG PA 17101**717.236.1300**wesnyder@hmslegal.comtjsniscak@hmslegal.com
Accepts eService