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February 24, 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:

Enclosed for electronic filing is the Prehearing Conference Memorandum of Glen Riddle Station, L.P., in the above-referenced matter. 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.	:	

**GLEN RIDDLE STATION, L.P.'S PREHEARING CONFERENCE MEMORANDUM
TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE JOEL CHESKIS**

Samuel W. Cortes, Esquire
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**GLEN RIDDLE STATION, L.P.'S PREHEARING CONFERENCE MEMORANDUM
TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE JOEL CHESKIS**

Glen Riddle Station, L.P. (“GRS”), by and through its counsel, pursuant to 52 Pa. Code § 5.222(d) and in compliance with the Second Prehearing Conference Order of the Honorable Deputy Chief Administrative Law Judge Joel Cheskis, dated February 17, 2021, hereby files this Prehearing Conference Memorandum in the above-captioned matter. In support, GRS avers as set forth below.

I. HISTORY OF THE PROCEEDING

On or about May 13, 2020, Sunoco Pipeline, L.P. (“Sunoco”), filed a Declaration of Taking in the Court of Common Pleas of Delaware County, Pennsylvania, which concerns certain portions of GRS’s property known as the Glen Riddle Station Apartments in Middletown Township, Delaware County, Pennsylvania (the “Property”).¹ On June 20, 2016, Sunoco acquired a permanent easement on the Property in which Sunoco 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.”

On December 2, 2020, GRS filed a Formal Complaint against Sunoco. Sunoco filed Preliminary Objections to Formal Complaint on December 23, 2020. Sunoco also filed an answer and new matter in response to the complaint on December 23, 2020. GRS filed the Answer to Preliminary Objections to Formal Complaint on January 4, 2021. On January 28, 2021, an Order was issued granting in part and denying in part Sunoco’s Preliminary Objections.

Sunoco filed a Motion for Prehearing Conference, Revised Procedural Schedule, and Expedited Response on February 4, 2021. On February 10, 2021, GRS filed its Response to the

¹ Unless otherwise specified all defined terms have the meaning ascribed to them in GRS’s Complaint.

Sunoco's Motion for Prehearing Conference, Revised Procedural Schedule, and Expedited Response.

On February 11, 2021, GRS filed a Petition for Interim Emergency Relief. A Scheduling Order was issued on February 12, 2021. GRS filed a Petition to Withdraw the Petition for Interim Emergency Relief on February 16, 2021, in accordance with a settlement agreement reached by the parties, which was executed jointly by counsel to GRS and Sunoco. A Second Prehearing Order was issued on February 17, 2021. On February 23, 2021, an Order Granting petition to Withdraw Petition for Interim Emergency Relief was entered.

II. COUNSEL

Counsel for GRS are identified below:

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
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III. SERVICE OF DOCUMENTS

GRS's attorneys are authorized to accept service on behalf of GRS in this proceeding. GRS agrees to receive service of documents electronically. The "date of service" shall be the date of electronic transmission so long as the electronic email is transmitted before 4:30 p.m., Monday through Friday. Service made after this time shall be deemed effective the next business day. Further, if a recipient's mailbox rejects an electronic transmission, upon notification to the sender, the sender will serve an electronic copy of the documents on a compact disk by Federal Express for next day delivery.

If the official service list is limited to one counsel for each party, Mr. Cortes should be designated as GRS's counsel for official service purposes. However, GRS respectfully requests that Atty. Beach be included on email distribution lists. GRS has no objection to affording the same accommodation to the Sunoco.

IV. ISSUES TO BE PRESENTED IN THE CASE

The key issues in this case pertain to Sunoco's activities at the Property and the safety of the Glen Riddle Residents, employees, and others within the vicinity of Sunoco's activities, and concern Sections 1501 and 1505(a) of the Public Utility Code, as set forth below:

1. Sunoco's failure to comply with its obligations under 49 C.F.R. § 195.440, Sunoco's Public Awareness Plan, and its SOPs. Sub-issues will include, without limitation:
 - a. Sunoco's obligation to comply with the Public Awareness Plan at the Property.
 - b. Sunoco's obligation to comply with the SOPs at the Property.
 - c. Sunoco's failure to communicate with residents located near its work at the Property about, among other things, hazards and prevention measures undertaken, any planned major maintenance/construction activities, disruption of utilities, special incident response notification and/or evacuation measures, if appropriate, leak recognition and response, and residential concerns.
 - d. The failure of the meeting held by Sunoco on February 23, 2021 (the "February 2021 Meeting") to comply with the terms of the agreement reached between Sunoco and GRS regarding communication with the Glen Riddle Residents.

- e. The circumstances surrounding the signs posted on the Property pertaining to the “danger” presented by Sunoco’s work, as described in GRS’s Petition for Interim Emergency Relief filed on February 11, 2021.
2. Sunoco’s failure to comply with its obligations under 66 Pa. C.S. § 1505(a) and 52 Pa. Code § 59.33. Sub-issues will include, without limitation:
- a. Unsafe levels of noise at the property caused by Sunoco’s work (the “Noise Issue”).
 - b. Unsafe vibrations and shaking of buildings caused by Sunoco’s work (the “New Structural Issue”).
 - c. Sunoco’s failure to provide information regarding its structural assessment of the Property.
 - d. Dangerous parking conditions and traffic patterns created by Sunoco’s work.
 - e. Dangerous pedestrian crossings created by Sunoco’s work.
 - f. Dangerous conditions caused by Sunoco’s failure to communicate with GRS and the Glen Riddle Residents regarding its work at the Property.
 - g. Dangerous conditions cause by the installation of the sound walls at the property.
 - h. Dangerous conditions at the Property resulting from Sunoco’s failure to adequately mark and partition its work area.
 - i. Failure of Sunoco to adequate warn GRS pertaining to the dangers associated with the dangerous and unsafe conditions set forth above and in the Complaint.
 - j. The February 2021 Meeting.

- k. All signs posted on the Property pertaining to the “danger” presented by Sunoco’s work on the Property.

V. IDENTIFICATION OF WITNESSES

Exeter expects to present the following witnesses:

- 1. Stephen A. Iacobucci, AJI Properties Management LLC. Mr. Iacobucci has a business address of One Raymond Drive – Suite Two, Havertown, PA 19083. Mr. Iacobucci should be contacted through the undersigned. Mr. Iacobucci will testify regarding the following:
 - a. The Property and the Glen Riddle Residents.
 - b. The factual information set forth in the Complaint pertaining to the following, without limitation, the Property, the Taking Action, the Glen Riddle Residents, Temporary and Permanent Easements, the history of the dispute, Sunoco’s work on the Property, GRS’s requests for the Safety Information, Sunoco’s failure to respond to GRS’s requests for the Safety Information, the November 18, 2020 Meeting, and the meeting held by Sunoco on February 23, 2021.
 - c. The Safety Issues set forth in the Complaint, the parking and traffic safety concerns, emergency vehicle access to the Property, unsafe work conditions, the New Structural Issue, the Noise Issue, concerns expressed by the Glen Riddle Residents, and the February 2021 Meeting.
- 2. Raymond Iacobucci, AJI Properties Management LLC. Mr. Iacobucci has a business address of One Raymond Drive – Suite Two, Havertown, PA 19083. Mr. Iacobucci should be contacted through the undersigned. Raymond Iacobucci may

testify, without limitation, regarding the same topics set forth for Stephen A. Iacobucci.

3. Jason Culp, P.E., Vice President of Uzman Engineering, has a business address of 116 East King Street, Malvern, PA 19355. Mr. Culp will testify regarding the following, without limitation:
 - a. The safety issues posed by the parking and traffic safety concerns, including, without limitation, those set forth in paragraphs 57-74 of the Complaint.
 - b. The safety issues posed by the lack of adequate emergency vehicle access to the Property.
 - c. The safety issues posed by the unsafe worksite, including, without limitation, as set forth in paragraphs 75-77 of the Complaint.
 - d. The safety issues posed by the structural concerns, including, without limitation, as set forth in paragraphs 109-111 of the Complaint.
 - e. The Noise Issue and related safety issues.
 - f. The safety issues posed by the New Structural Issue.
4. Other Expert Witnesses. GRS may call expert witnesses, other than Mr. Culp, to testify regarding the Safety Issues set forth in the Complaint, as well as the Noise Issue and New Structural Issue.
5. Corporate Designee of Sunoco. The Corporate designee will testify regarding the following, without limitation:
 - a. Sunoco's Public Awareness Plan.
 - b. Sunoco's safety protocols/policies/plans for its work on the Property.
 - c. The Safety Issues.

- d. The New Structural Issue.
 - e. The Noise Issue.
 - f. Sunoco's communications with GRS regarding its work at the Property.
 - g. Matters set forth in the Interrogatories and Requests for Production and responses thereto.
 - h. Documents served on Sunoco by GRS.
 - i. The February 2021 Meeting.
 - j. The circumstances surrounding the signs posted on the Property pertaining to the "danger" presented by Sunoco's work, as described in GRS's Petition for Interim Emergency Relief filed on February 11, 2021.
6. Glen Riddle Residents. The Glen Riddle Residents reside at the Property. One to three of the Glen Riddle Residents will testify regarding the Safety Issues, the Noise Issue, the February 2021 Meeting, and the New Structural Issue.

VI. IDENTIFICATION OF EVIDENCE

GRS has identified the following evidence, set forth below. The evidence relates to Sunoco's failure to comply with its obligations under 49 C.F.R. § 195.440, Sunoco's Public Awareness Plan, and its SOPs, as well as Sunoco's failure to comply with its obligations under 66 Pa. C.S. § 1505(a) and 52 Pa. Code § 59.33. GRS is still in the process of identifying additional evidence. GRS reserves the right to identify and present additional evidence during the course of the proceeding.

- 1. The Public Awareness Plan filed by Sunoco in the Dinniman Action.
- 2. Pleadings Associated with the Taking Action.

3. Maps and other diagrams of the Property, including, without limitation, the location of ME1 and the proposed location of ME2 (showing the close proximity), the sound walls erected by Sunoco, and the Permanent and Temporary Easements.
4. Photographs, videos, and audio recordings of Sunoco's work on the Property, including, without limitation, hazardous conditions in and around the Permanent and Temporary Easements, the parking lot on the Property, and the areas adjacent to the residential buildings on the Property.
5. Noise level readings on the Property.
6. Documents produced in discovery.

VII. DISCOVERY

GRS served Interrogatories and Requests for Production of Documents on Sunoco on February 5, 2021. On February 9, 2021, Sunoco served Interrogatories and Requests for Production of Documents on GRS. On February 16, 2021, Sunoco filed Objections to GRS's Interrogatories and Requests for Production of Documents. GRS filed Objections to Certain Sunoco Interrogatories and Requests for Production of Documents on February 19, 2021.

As set forth above, GRS has recently become aware of the severity of certain issues relating to noise – the Noise Issue, and the related stability of the structures on the Property – the New Structural Issue. GRS proposes additional, limited discovery on these issues if Sunoco deems it necessary.

VIII. SETTLEMENT

GRS has been and remains willing to engage in settlement discussions.

IX. PROPOSED LITIGATION SCHEDULE


Sunoco proposed a schedule that would involve the case wrapping up in August 2021. This is an unacceptable timeline. GRS proposes the following alternative:

Complainant Direct	March 15, 2021
Respondent Direct	Within 5 business days after Complainant’s Direct is filed.
Complainant Rebuttal	Within 5 business days after Respondent’s Direct is filed.
Hearing (2 days)	April 6-7, 2021
Main Briefs	One week after close of Hearing
Reply Briefs	Within 3 business days of Main Briefs are filed.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: February 24, 2021

By: 

Samuel W. Cortes, Esquire
Attorney ID Nos. 91494
*Attorneys for Applicant, Glen Riddle
Station, L.P.*

**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 24, 2021, I served a true and correct copy of the foregoing Prehearing Conference Memorandum to Deputy Chief Administrative Law Judge Joel Cheskis 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