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March 26, 2021

Via Electronic Filing

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

RE: Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; Docket No. C-2020-3023129;
**SUNOCO PIPELINE L.P.’S MOTION TO COMPEL RESPONSES TO SET
II**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.’s Motion to Compel Responses to Interrogatories and Requests for Production of Documents, Set II, in the above-referenced proceeding. Copies have been served in accordance with the attached Certificate of Service.

This notice is served electronically pursuant to the COVID-19 Suspension Emergency Order dated March 20, 2020 and ratified March 26, 2020.

If you have any questions, please feel free to contact the undersigned counsel.

Respectfully submitted,

/s/ Thomas J. Sniscak

Thomas J. Sniscak
Whitney E. Snyder
Kevin J. McKeon
Bryce R. Beard

Counsel for Sunoco Pipeline L.P.

BRB/das

Enclosures

cc: Honorable Joel Cheskis (via email jcheskis@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1) AND THE DISCOVERY MODIFICATIONS ADOPTED ON FEBRUARY 26, 2021 IN THIS MATTER, YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Counsel for Sunoco Pipeline L.P.

Dated: March 26, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**SUNOCO PIPELINE L.P. MOTION TO COMPEL RESPONSES TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS SET II
DIRECTED AT GLEN RIDDLE STATION L.P.**

Pursuant to Section 5.342(g) of the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) regulations, 52 Pa. Code § 5.342(g), and Your Honor’s February 26, 2021 Order, Sunoco Pipeline L.P. (“SPLP”) files this Motion To Compel Responses To Interrogatories and Request for Production of Documents Set II (“Set II”) To Glen Riddle Station L.P. (“GRS”) (“Motion”). In support of this Motion, SPLP respectfully asserts as follows:

INTRODUCTION

1. On March 15, 2021, GRS served its written testimony, GRS Statement Nos. 1-4, including, respectively, the testimony of Raymond Iacobucci, Stephen Iacobucci, Jason Culp, P.E., and Johanna Rincon.¹
2. On March 19, 2021, SPLP served on GRS Interrogatories and Request for Production of Documents Set II seeking discovery on various aspects of GRS’s Statement Nos. 2 and 3.
3. On March 24, 2021, GRS interposed the attached Objections to Set II Nos. 3, and 10-20. See Attachment A.

¹ GRS Statement No. 4 was served on March 16, 2021. The parties have agreed that any rebuttal to GRS Statement No. 4 may be extended by 1-day beyond SPLP’s April 9, 2021 deadline.

4. SPLP is moving to compel responses to Set II.² In Set II, SPLP sought discoverable and relevant information regarding GRS' direct testimony that is not burdensome and falls within the scope of the Commission's discovery regulations. Without meaningful responses to these questions, SPLP lacks the necessary information required for it to prepare a suitable defense in its rebuttal testimony and cross-examination. As discussed below, SPLP requests that Your Honor dismiss GRS's objections and compel answers to SPLP's Set II.

ARGUMENT

I. SPLP Set II No. 3

5. SPLP Set II No. 3 requests that GRS provide an explanation regarding Stephen Iacobucci's generalized statement in direct testimony that SPLP's communications are not in compliance with the Pennsylvania Public Utility Code. In Statement No. 2, Mr. Iacobucci failed to provide details to illuminate which requirements under the Code or Commission's regulations he alleges SPLP violated:

3. Reference GRS Statement No. 2 at 5: 18-20. You state that: Sunoco does not appreciate "the communication requirements imposed upon it by the Pennsylvania Public Utility Code, particularly those as to communications with persons impacted by its work at the Property." Please state specifically the sections of the Public Utility Code or regulations thereunder you reference, and identify and explain how they impose the specific requirements and facts you refer to or rely upon in reaching your conclusion.

OBJECTION: GRS objects to this interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence relevant to the issues raised in the instant proceeding. The interrogatory is not likely to lead to evidence relevant to the Safety Issues (as defined in paragraph 118 of the Complaint). The interrogatory calls for a legal analysis of Sunoco's obligations under the Pennsylvania Utility Code, calling on GRS to explain how the relevant regulations impose certain

² Counsel for SPLP and Counsel for GRS discussed the objections to Set II orally on Monday, March 22, 2021 in compliance with Your Honor's February 26, 2021 Order at which time many of the objections initially raised were resolved and two interrogatories from Set II were stipulated to be withdrawn.

requirements on Sunoco. Although GRS acknowledges that pursuant to 52 Pa. Code. § 5.342(c)(5), an objection will not be valid “if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact,” this interrogatory does not call for the application of law to fact. Sunoco requests “facts” referred to in reaching the conclusion – but the conclusion sought is purely a legal analysis. By way of further response, GRS’s position on Sunoco’s communication obligations is set forth in its Complaint, response to Sunoco’s Preliminary Objections, and direct testimony.

6. As seen above and in Attachment A, GRS interposed multiple types and forms of objections, all of which lack merit. First, GRS objects to Set II, No. 3 on the basis that No. 3 is not reasonably calculated to lead to the discovery of admissible evidence and that it is not likely to lead to evidence relevant to “the safety issues (as defined in paragraph 118 of the Complaint).” *Id.*

7. Contrary to GRS’s objections, the information is relevant to this proceeding as it relates directly to the basis of an unsupported statement in GRS’s direct testimony. Such information as to what GRS believes SPLP is violating regarding “communication requirements” 1) is relevant to the complaint because GRS included the statement in direct testimony, and 2) is relevant to the defense SPLP must provide in rebuttal as to what sections of the Public Utility Code Statement No. 2 at 5:18-20 is referencing. Identification of the “communication requirements” that SPLP has allegedly violated are of critical importance to SPLP’s preparation of a suitable defense and rebuttal testimony. GRS cannot have it both ways. If Mr. Iacobucci’s claim is relevant, the basis for it is as well. If Mr. Iacobucci’s claim is not relevant to the issues in the case, the subject testimony should be stricken.

8. As the Commission’s regulations outline and as the Commission has repeatedly affirmed, a party seeking to withhold discovery on grounds of relevancy must meet a high burden

showing the requested information to be wholly irrelevant to the applicable subject matter. Under the Commission's regulations:

a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code § 5.321(c). The Commonwealth Court has further reinforced the broad scope of discoverable information, stating that “relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy.” *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlt. 2006). As emphasized by the Commonwealth Court, the party contending discovery is not relevant has the burden of proving irrelevancy. *Id.*

9. Discovery intended to obtain evidence which is relevant or reasonably calculated to lead to relevant evidence³ is permitted. GRS has not and cannot meet its burden to show that the details behind its witness's testimony that SPLP is in violation of “communication requirements” under the Code are not relevant. SPLP's narrowly tailored discovery request is

³ 52 Pa. Code Section 5.321(c) “*Scope*. Subject to this subchapter, **a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party**, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears *reasonably calculated to lead to the discovery of admissible evidence.*” (emphasis added).

directly relevant to SPLP's defense against GRS's complaint that SPLP's communications are in not compliance with applicable laws and regulations.

10. GRS next objects that No. 3 seeks "purely a legal analysis" while conceding that 52 Pa. Code § 5.342(c)(5) permits a question that involves "the application of law to fact."⁴ This argument can be given no weight.

11. First, GRS argues that "this interrogatory does not call for the application of law to fact. Sunoco requests 'facts' referred to in reaching the conclusion – but the conclusion sought is purely a legal analysis" See Attachment A. Not so. SPLP is not seeking GRS to undertake a legal analysis of SPLP's obligations under the Code.⁵ Set II No. 3 asks GRS to substantiate and identify statements made in its direct testimony to explain how SPLP has violated "the communication requirements imposed upon [SPLP] by the Pennsylvania Public Utility Code." *Id.* That is by definition, "application of law to fact" in that GRS has made the "factual" statement (that SPLP does not appreciate the "communication requirements imposed upon it by the Pennsylvania Public Utility Code") and SPLP seeks the specific laws under the Code to support their claim that SPLP is not in compliance.

12. Set II No. 3 is not a far reaching request for GRS to undertake a legal analysis to tell SPLP *how* it must communicate under the Public Utility Code – it is a request for GRS to provide the basis for its witness's belief. SPLP is entitled to know the basis for the claim that SPLP has violated its "communication requirements" to prepare a suitable defense.

⁴ 52 Pa. Code § 5.342(c)(5) provides that an objection:

(5) Not be valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact.

⁵ Indeed, Set II No. 3 does not ask "Identify all regulations under the Pennsylvania Public Utility Code that are applicable to SPLP" or similar requests for pure legal analysis.

13. Finally, GRS argues that “GRS’s position on Sunoco’s communication obligations is set forth in its Complaint, response to Sunoco’s Preliminary Objections, and direct testimony.” See Attachment A. First, the allegedly violated “communication requirements” are by no means “set forth in its...direct testimony” – that is why SPLP asked Set II No. 3 in the first place. Second, the contents of a complaint, or responses to preliminary objections are not evidence. GRS’s direct testimony was the first evidence submitted in this matter. SPLP’s rebuttal must respond to GRS’s direct testimony, not non-evidentiary pleadings or GRS’s answers to previously resolved preliminary objections. Finally, SPLP should not have to guess at the meaning of or basis for GRS’s testimony by combing through GRS’s previous pleadings – GRS should have included this in testimony, and SPLP is entitled to seek discovery to fill the void.

14. For the reasons above, Your Honor should dismiss GRS’s objections to Set II No. 3 and order responses to SPLP’s relevant request related to statements made in GRS’s direct testimony which SPLP must respond to in rebuttal and formulate a suitable defense.

II. SPLP Set II Nos. 10-20

15. SPLP Set II Nos. 10-20 seeks discoverable information regarding the testimony of GRS’s witness, Jason Culp P.E., including the basis for his numerous opinions and his expertise to offer such opinions on such wide-ranging matters. Mr. Culp is testifying that various of SPLP’s operations at the site are unreasonable and unsafe. SPLP is entitled to inquire into the basis for those opinions. The testimony includes few details substantiating the allegations, and SPLP is in the process of preparing a suitable defense and rebuttal testimony to Mr. Culp’s accusations.

16. GRS interposed the following objection to Set II Nos. 10-20,⁶ See Attachment A:

OBJECTION: GRS objects to this interrogatory because it would cause unreasonable annoyance, oppression, burden, and

⁶ GRS provided the written objection to Set II No. 10 and incorporated that objection into its objections on Nos. 11-20.

expense and would require an unreasonable investigation to respond. GRS also objects to this interrogatory on the grounds that it improperly seeks additional expert discovery beyond the Written Testimony, without leave of the presiding officer, in violation of 52 Pa. Code. § 5.324. § 5.324(a)(1)(ii) limits expert interrogatories to the following, “state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.” GRS has already provided this information via Direct Testimony, as permitted by § 5.324(a)(2). § 5.324(a)(3) provides that “upon cause shown, the presiding officer may order further discovery by other means, subject to restrictions as to scope and provisions concerning fees and expenses as he may deem appropriate.” No such order has been issued nor has cause has been shown here, where GRS provided Mr. Culp’s curriculum vitae, Sunoco will have the opportunity to file rebuttal testimony, and Sunoco will have the opportunity to engage in cross-examination and voire dire at the time of the hearing.

17. First, GRS objects to Set II Nos. 10-20 on the basis that they “would cause unreasonable annoyance, oppression, burden, and expense and would require an unreasonable investigation to respond.” See attachment A. However, on review of each individual interrogatory, none is unduly burdensome or would require unreasonable investigation. In general, Nos. 10-20 all seek elaboration on the basis for Mr. Culp’s opinions separated into 11 narrow topic questions, support for his qualifications to make such opinions, his relevant experience on each subject area he opines, and more detailed explanations for his opinions. Each of these answers are within Mr. Culp’s possession and do not require an unreasonable investigation to respond.

18. In particular, Nos. 10-12 request the identification relevant experience to support Mr. Culp’s opinions on fire safety, site design issues, structural design, geotechnical related design, and construction observation as identified in GRS Statement No. 3 at 2:13-14 as well as whether Mr. Culp has been accepted by any civil or administrative body as an expert on said topics. Nos. 11-12 further request the description and identification of such matters where Mr. Culp was accepted as an expert on the previously defined topics. While it is true that GRS provided Mr.

Culp's 3-page curriculum vitae in Exhibit GRS-31, attached hereto as Attachment B, GRS-31 provides limited details on Mr. Culp's experience and current job responsibilities, and describes only four "key projects" in Mr. Culp's work history – none of which mention or appear to cover fire safety, site design issues, structural design, geotechnical related design and construction observation at issue and opined upon by Mr. Culp in his testimony. These requests are not unduly burdensome and GRS's objection to Nos. 10-12 on this ground should be dismissed.

19. Next, Nos. 13-20 each identify narrow aspects of Mr. Culp's testimony, and individually seek specific details, explanations, the basis for Mr. Culp's opinions, and illumination on many of the requirements, laws, regulations, codes, or standards which Mr. Culp either fails to reference, or as to which he fails to explain how they apply to SPLP or how they apply to this matter before the Commission. These questions fall within the scope of allowable discovery as defined in the Commission's regulations and directly relates to the claims of GRS and the defense SPLP must provide in rebuttal. *Supra* paragraph 8-9.

20. Finally, GRS objects to Set II No. 10-20 on the basis that portions of 52 Pa. Code § 5.324 allegedly bars discovery into Mr. Culp's testimony and his qualifications to render such opinions. See Attachment A. That is both untrue and an obfuscation of the regulation.

21. GRS's objection based on 52 Pa. Code § 5.324 is without merit. Invoking the Pennsylvania Rules of Civil Procedure, Section 5.324(a) contemplates the discovery of expert testimony in the context of a proceeding that involves expert testimony where the matter is proceeding under oral direct testimony unknown to the parties prior to hearing, rather than in the Commission's typical style of pre-filed written testimony; in such cases, the rules provide that questions seeking the identity of experts and the substance of their opinions can be answered by filing written testimony in lieu of other answers. As your Honor is well aware, discovery of rounds

of pre-filed testimony and exhibits, including testimony and exhibits offered by experts, has always been permitted in Commission proceedings. Section 5.324 does not contemplate the procedural context of this case where the only purpose of the hearings is for cross examination on the contents of pre-filed testimony. Further, while GRS did provide Mr. Culp's curriculum vitae, that document does not provide sufficient detail about his expertise and qualifications to render all of the opinions he offers. See Attachment B. Mr. Culp's qualifications and ability to render expert opinions clearly is an issue in this case and the discovery is relevant to that issue. Nor does Mr. Culp's testimony sufficiently set out the basis for his opinions so his testimony cannot and does not substitute as an answer to the discovery. Therefore, for the specific instances and opinions rendered, SPLP seeks the reasoning and explanation for Mr. Culp's conclusory opinions and the qualifications of Mr. Culp to render such opinions. This is relevant discovery that is permissible under the Commission's regulations. *Supra* paragraph 8-9.

22. Mr. Culp's testimony on its face does not answer or illuminate the matters into which SPLP seeks to inquire in Set II Nos. 10-20. If the answer to these interrogatories is "no" or "none" regarding Mr. Culp's experience or basis behind his opinions or that the opinions are not based in Mr. Culp's understandings of laws, regulations, guidelines, or standards, that is relevant and discoverable information and SPLP has a right to discover that information as it goes directly to the credibility and veracity of GRS's allegations and testimony of key importance to adjudicating this case.

23. At bottom, what GRS is asking Your Honor to do is to bar discovery into GRS's testimony simply because GRS has provided written testimony. As Your Honor is aware, however, written testimony is required in most technical matters the Commission addresses, and the type of discovery SPLP served in Nos. 10-20 – to inquire behind the statements made in written testimony

served in advance of hearing -- occurs in nearly every single rate case proceeding, as well as complaint proceedings before the Commission where written testimony is involved. Opposing parties are free to inquire into the details of written expert testimony in advance of hearing through interrogatories to determine the qualifications of the witness to make provide such testimony, and any other matters not privileged within the scope of the Commission's discovery regulations. Here it is necessary. For example, Mr. Culp's curriculum vitae provides only very limited details and only four "key projects" to support his qualifications – most of which fail to show any specialized knowledge or expert qualifications to render the opinions in his testimony on the vast array of specialized topics he addresses. Further, Mr. Culp repeatedly offers the opinion that practices or conditions are "unsafe", a "threat," or "avoidable" without any further explanation as to how he came to his conclusions or the basis for those conclusions in law, regulation, guidelines, codes, standards, or his own personal expertise. Without meaningful responses to these interrogatories, SPLP is forced to guess the basis for Mr. Culp's opinions, and that prejudices SPLP's defense.

24. Finally, Complainant references Section 5.324(a)(3) which provides that the presiding officer may order further discovery regarding expert testimony upon cause shown. Indeed, the limited details provided in GRS's expert testimony as well as Mr. Culp's 3-page CV show good cause – without further illumination on Mr. Culp's opinions, SPLP is prejudiced in the preparation of their defense. Therefore, to the extent required, SPLP requests, pursuant to 52 Pa. Code § 5.324(a)(3) that Your Honor in the context of this motion to compel order responses and dismiss GRS's objections to Set II Nos. 10-20 in order to expedite the resolution of this matter.

CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. respectfully requests that Your Honor reject Complainant Glen Riddle Station L.P.'s Objections to SPLP's Interrogatories and Request for Production of Documents Set II and grant this Motion to Compel.

Respectfully submitted,

/s/ Thomas J. Sniscak

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Date: March 26, 2021

ATTACHMENT A



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March 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 Certificate of Service regarding Glen Riddle Station, L.P.'s Objections to Certain Sunoco Pipeline L.P.'s Interrogatories and Request for Production of Documents upon Glen Riddle Station, L.P. – Set II, 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**

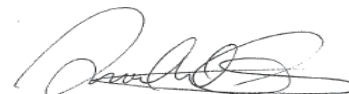
GLEN RIDDLE STATION, L.P.,	:	DOCKET C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have, on March 29, 2021, served a true copy of Glen Riddle Station, L.P.’s Objections to Sunoco Pipeline L.P.’s Interrogatories and Request for Production of Documents upon Glen Riddle Station, L.P. – Set II, Nos. 3, 10 through 20, upon the participants and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54, as indicated below:

Email

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Samuel W. Cortes, Esquire



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

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Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2020-3023129

Case Description:

Transmission Date: 3/24/2021 2:18 PM

Filed On: 3/24/2021 2:18 PM

eFiling Confirmation Number: 2076044

File Name	Document Type	Upload Date
COS - Objections to Sunoco 2nd Set of Discovery.pdf	Certificate of Service	3/24/2021 2:17:56 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**OBJECTIONS OF GLEN RIDDLE STATION, L.P., TO CERTAIN OF SUNOCO
PIPELINE L.P.’S INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO GLEN RIDDLE STATION L.P. – SET II**

Pursuant to the provisions of 52 Pa. Code § 5.342 and 52 Pa. Code § 5.361, Glen Riddle Station, L.P. (“GRS”), by and through its undersigned counsel, hereby objects to certain of the Interrogatories and Requests for Production of Documents of Sunoco Pipeline L.P. (“Sunoco”), - Set II, as follows:

GENERAL OBJECTIONS

1. GRS objects to the Discovery Requests to the extent that Sunoco seeks to impose upon GRS duties and obligations beyond those set forth in the Pennsylvania Rules of Civil Procedure and the Pennsylvania Code.
2. GRS objects to producing any information in response to the Discovery Requests that is protected by the attorney-client privilege, the work-product doctrine, or any other applicable protection, restriction, or immunity from discovery.
3. GRS objects to the Discovery Requests as being overbroad and seeking voluminous information and/or documents not relevant to this matter and not likely to lead to the discovery of admissible evidence.

INTERROGATORIES – SET II

3. Reference GRS Statement No. 2 at 5: 18-20. You state that: Sunoco does not appreciate “the communication requirements imposed upon it by the Pennsylvania Public Utility Code, particularly those as to communications with persons impacted by its work at the Property.” Please state specifically the sections of the Public Utility Code or regulations thereunder you reference, and identify and explain how they impose the specific requirements and facts you refer to or rely upon in reaching your conclusion.

OBJECTION: GRS objects to this interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence relevant to the issues raised in the instant proceeding. The interrogatory is not likely to lead to evidence relevant to the Safety Issues (as defined in paragraph 118 of the Complaint). The interrogatory calls for a legal analysis of Sunoco’s obligations under the Pennsylvania Utility Code, calling on GRS to explain how the relevant regulations impose certain requirements on Sunoco. Although GRS acknowledges that pursuant to 52 Pa. Code. § 5.342(c)(5), an objection will not be valid “if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact,” this interrogatory does not call for the application of law to fact. Sunoco requests “facts” referred to in reaching the conclusion – but the conclusion sought is purely a legal analysis. By way of further response, GRS’s position on Sunoco’s communication obligations is set forth in its Complaint, response to Sunoco’s Preliminary Objections, and direct testimony.

10. Reference GRS Statement No. 3 at 2:13-14. Identify and provide a detailed description, with examples and references to specific projects, to support the statement that Mr. Culp has experience in each of the following areas:
- a. fire safety,
 - b. site design issues,
 - c. structural design
 - d. geotechnical related design
 - e. construction observation

OBJECTION: GRS objects to this interrogatory because it would cause unreasonable annoyance, oppression, burden, and expense and would require an unreasonable investigation to respond. GRS also objects to this interrogatory on the grounds that it improperly seeks additional expert discovery beyond the Written Testimony, without leave of the presiding officer, in violation of 52 Pa. Code. § 5.324. § 5.324(a)(1)(ii) limits expert interrogatories to the following, “state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.” GRS has already provided this information via Direct Testimony, as permitted by § 5.324(a)(2). § 5.324(a)(3) provides that “upon cause shown, the presiding officer may order further discovery by other means, subject to restrictions as to scope and provisions concerning fees and expenses as he may deem appropriate.” No such order has been issued nor has cause has been shown here, where GRS provided Mr. Culp’s curriculum vitae, Sunoco will have the opportunity to file rebuttal testimony, and Sunoco will have the opportunity to engage in cross-examination and *voire dire* at the time of the hearing.

11. For each area in 10(a)-(e) above, identify and provide the docket or other identification number of any civil law proceeding where Mr. Culp has been certified or accepted by the tribunal, court, or body holding the proceeding as an expert witness in each area.
- a. Identify the subject matter of the proceeding and the testimony or exhibits or evidence given by Mr. Culp.
 - b. If a written statement or document was submitted by Mr. Culp, provide a copy.
 - c. Identify whether Mr. Culp was under oath in the matter.
 - d. Identify and provide a copy of any decision of the court or other tribunal.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

12. For each area in 10(a)-(e) above, identify and provide the docket or other identification number in any proceeding before a Pennsylvania state agency or municipal body where Mr. Culp has been certified or accepted by the tribunal or body holding the proceeding as an expert witness.
- a. Identify the subject matter of the proceeding and the testimony or exhibits or evidence given by Mr. Culp.

- b. If a written statement or document was submitted by Mr. Culp, provide a copy.
- c. Identify whether Mr. Culp was under oath in the matter.
- d. Identify and provide a copy of any decision of the agency or tribunal.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

13. Reference GRS Statement No. 3 at 6:8-10. Provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on sound mitigation measures.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

14. Reference GRS Statement No. 3 at 8:2-3. Mr. Culp states: "In my professional opinion, this creates an unreasonable and easily avoidable threat to safety at the GRS property."

- a. Identify, state and explain specifically what it is and why it is that Mr. Culp claims to be a threat to safety, including all applicable laws, regulations, ordinances or orders.
- b. Explain how in Mr. Culp's opinion the "threat" could be avoided.
- c. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on each and every event, practice or occurrence that Mr. Culp claims is a threat to safety.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

15. Reference GRS Statement No. 3 at 9:4-5. Mr. Culp states: "This, too, in my professional opinion, creates an unreasonable and easily avoidable threat to safety."

- a. Identify, state and explain specifically what it is that Mr. Culp claims is a threat to safety, including all applicable laws, regulations, ordinances, or orders.
- b. Explain how in Mr. Culp's opinion the "threat" could be avoided.
- c. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on each and every event, practice or occurrence that Mr. Culp claims is a threat to safety.
- d. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on parking lot safety.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

16. Reference GRS Statement No. 3 at 9:14-15. Mr. Culp states: "This, too, in my professional opinion, creates an unreasonable and easily avoidable threat to safety."

- a. Identify, state and explain specifically what it is that Mr. Culp claims is a threat to safety, including all applicable laws, regulations, ordinances, or orders.
- b. Explain how in Mr. Culp's opinion the "threat" could be avoided.
- c. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on measures to enhance pedestrian safety in parking lots.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

17. Reference GRS Statement No. 3 at 10:10-14. Mr. Culp states: "PennDOT and FHWA have guidelines on pedestrian circulation, signage etc. that clearly have not been consulted for the project. The referenced PennDOT and FHWA guidelines are Exhibit

GRS-29. In my professional opinion, these guidelines should be followed at GRS's property and the failure to do so is both unreasonable and unsafe."

- a. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion on measures to enhance pedestrian safety through traffic design and signage.
- b. Is it Mr. Culp's opinion that guidelines are mandatory?
- c. In projects Mr. Culp does for his clients does Mr. Culp always follow guidelines in each and every instance?
 - i. If the answer is other than yes, identify or explain when the guidelines may not be followed.
- d. Are there circumstances where guidelines may not be followed? If so, explain.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

18. Reference GRS Statement No. 3 at 11:1-3. Mr. Culp states: "it has been witnessed that Sunoco has been importing fill material (soil aggregate or similar) with no manifest, chain of custody or clean fill certification being provided that would indicate the material is not hazardous or been subjected to a release."

- a. Is Mr. Culp the person who witnessed Sunoco importing "fill material (soil aggregate or similar) with no manifest, chain of custody or clean fill certification being provided"?;
- b. If Mr. Culp is not the witness, please identify the witness on whom Mr. Culp bases his statement;

- c. Identify and explain on what basis does Mr. Culp conclude that a “manifest, chain of custody or clean fill certification” is required?
- d. Identify and explain how is Mr. Culp aware that there is no “manifest, chain of custody or clean fill certification” for the fill?
- e. Identify and explain to whom does Mr. Culp believe that a “manifest, chain of custody or clean fill certification” for the fill should be provided?
- f. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp’s qualifications to render a professional opinion, as stated at 11:4-5, that a “manifest, chain of custody or clean fill certification” is “regularly provided for safety and health-related purposes.”
- g. Has Complainant (or its contractors or agents), utilized or deposited clean fill, soil, mulch, stone, rock, gravel, asphalt, brick, block or concrete, or other similar commercial products purchased from a quarry, landscape service, nursery, or other similar vendor, at the Property any time during its ownership of the Glen Riddle Station Apartments. If your answer to this Interrogatory is in the affirmative, identify whether or not Complainant has obtained and maintained a clean fill certification or manifest for such materials. To the extent the answer to this Interrogatory is in the affirmative, produce copies of such clean fill certification or manifests.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

19. Reference GRS Statement No. 3 at 13:1-14:20.

- a. Identify and provide a copy of the Sunoco plan to which Mr. Culp refers at page 13:11;

- b. Identify and provide a detailed description, with examples and references to specific projects, supporting Mr. Culp's qualifications to render a professional opinion that Sunoco's plan violates Section D106, D103.5, and D103.4 of the International Fire Code.

OBJECTION: GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

20. Reference GRS Statement No. 3 and GRS exhibits Mr. Culp relies upon.

- a. Identify all facts or information relied upon by Mr. Culp's personal and first-hand knowledge or witnessing.
- b. Identify all facts or information relied upon by Mr. Culp provided by GRS.
- c. Identify and provide the communication from GRS supplying such facts and information, including time and date and the identity of the person providing the facts or information.

OBJECTION GRS incorporates its response to Interrogatory No. 10 as thought set forth here in full.

FOX ROTHSCHILD LLP

March 24, 2021

By:



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

ATTACHMENT B



Jason S. Culp, P.E.

jason@uzmanengineering.com

116 East King Street, Malvern Pa

Licenses and Certifications

Licensed Professional Engineer in Commonwealth of Pennsylvania, Maryland, Delaware, South Carolina

Education

Pennsylvania State University

Bachelor of Science, Civil Engineering, May 2008

G.P.A. 3.0

Work Experience:

Uzman Engineering, LLC Malvern, PA

Vice President, January 2018 to Present

- Structural Steel Design and Analysis. Specializing in miscellaneous steel such as stairs etc.
- Perform in situ inspection of structures for required maintenance or repair and redesign especially for fire escapes, building facades, foundations and other elements of building and infrastructure related to structural and life safety requirements.
- Head of Materials Testing and Inspection
- Geotechnical Lead Engineer
- Perform structural calculations, forensic investigation construction change alteration details etc.
- General commercial and residential construction support. Including code related inspections and support.
- Expertise in navigating troublesome code and ordinance related requirements from regulatory authorities (municipalities, conservation districts, etc) including for building code requirements, site development including stormwater design and construction, shoring requirements and similar.
- Aid in navigating a project through construction by providing on site support and communication between the Engineer of Record, the contractor, the developer and governing authorities (municipality or city inspectors etc). This ensures the project is meeting the minimum design requirements, budgetary constraints, the time frame and the required code and ordinance related minimums.



Ingram Engineering Services, West Chester, PA

Director of Engineering, September 2016 to January 2018

- Continued project management of high profile geotechnical roles
- Review and assist six project managers for the technical aspects of their responsibilities
- Host annual reviews and continued mentoring of project managers and technicians to advance their abilities
- Responsible for client development including liaison for current clients and developing and obtaining new clients

Project Manager, August 2007 to August 2016

- Project management of ongoing testing and inspection projects
- Forensic engineering of failing infrastructure including drainage, pavements, retaining walls and other infrastructure
- In management role, provide review of Engineering reports, as well as the direction and mentoring of four Engineer in Training employees
- Retaining wall and slope design. SR Wall, SRW Proprietary Software,
- Value Engineering of sitework, including alternatives such as soil cement, grid and stone, compaction grouting, alternative foundation design (mat or raft foundations)

Key Projects:

Jennersville Medical Office Building, Norwood Company

- Project manager for the testing and inspection portion of the project, including soil cement remediation of building pad area to account for low bearing soils and calculated settlements greater than typical tolerable limits.
- This project also required basin remediation. Groundwater was located above the proposed seepage bed invert elevation. Original site stormwater testing performed by another firm performed minimal study in this large area. In order to remediate the non-functioning basin and provide appropriately designed compensatory facilities, additional double ring infiltrometers were tested throughout the site.

Kennedy Medical Building, Norwood Company

- Value Engineering of foundations
- Initial design required deep foundations based on deep strata consisting of soft clays with low blow counts. Cost analysis determined that a mat foundation would address differential settlement concerns and provide cost savings.

UZMAN ENGINEERING, LLC.

116 E. King Street,
Malvern, PA 19355.

P: (610) 320-2100
F: (484) 329-6158



Woodlands at Greystone, Dam Permitting as part of Land Development of over 400 unit community, A & E Consulting

- Design of Dam rehabilitation of existing, over 100 year old, Historic Dams.
- Constraints of the design included minimizing environmental impacts, delineated wetlands were throughout the dam areas.
- The existing dams consisted of a primarily earthen dam with masonry façade on the downstream side, this design is a non-conventional construction making analysis difficult.
- Historical preservation required the inclusion of the masonry facades into the final design.
- Analysis was performed on the proposed cross sections via slope stability analysis programs.
- Construction support and third party oversight of the rehabilitation of these dams during Summer of 2020.

West Pharmaceuticals, The Hankin Group

- Design and Construction phase Engineering and Project Management.
- Responsibilities for the Design phase testing including soil borings, test pits, double ring infiltrometers and lab testing.
- Responsibilities for the testing phase performed: project management and oversight of the field technicians responsible for onsite testing and inspection. Municipality required specific sign off on milestones of construction prior to commencement of the next phase of construction. Extensive certifications were compiled in order to satisfy these requirements.

Underwood Engineering, Bellmawr, NJ

Technician, Summer 2007

- Interned as a field technician performing site inspections
- Performed footing subgrade and concrete construction inspections including confirmation of plan compliance and sampling of cast-in-place concrete for slump, air content, and temperature, as well as molding of test samples for testing via ASTM C-39

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

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/s/ Thomas J. Sniscak _____

Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Kevin J. McKeon, Esq.
Bryce R. Beard, Esq.

Dated: March 26, 2021