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April 19, 2021

Via Electronic Filing

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

Re: Meghan Flynn, et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated)
Melissa DiBernardino, Docket No. C-2018-3005025 (consolidated)
Rebecca Britton, Docket No. C-2019-3006898 (consolidated)
Laura Obenski, Docket No. C-2019-3006905 (consolidated)
Andover Homeowner's Association, Inc.; Docket No. C-2018-3003605 (consolidated)
v. Sunoco Pipeline L.P.

**JOINT REQUEST FOR EXTENSION OF TIME FOR EXCEPTIONS AND REPLY
EXCEPTIONS, FOR PROCEDURES FOR THE FILING AND SERVICE OF
EXCEPTIONS AND REPLY EXCEPTIONS, AND EXTENSION OF PAGE LIMITS**

Dear Secretary Chiavetta:

Enclosed for filing is Joint Request for Extension of Time for Exceptions and Reply Exceptions, for Procedures for the Filing and Service of Exceptions and Reply Exceptions, and Extension of Page Limits in the above-referenced proceeding. Because this document does not contain new averments of fact, it does not require a verification.

If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully,

/s/Thomas J. Sniscak

Thomas J. Sniscak
Whitney E. Snyder

Counsel for Sunoco Pipeline L.P.

BRB/das

Enclosure

cc: Kathryn G. Sophy, Director, OSA (ksophy@pa.gov)
Per Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the persons 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, Esquire
Whitney E. Snyder, Esquire

Dated: April 19, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn	:	C-2018-3006116
Rosemary Fuller	:	P-2018-3006117
Michael Walsh	:	
Nancy Harkins	:	
Gerald McMullen	:	
Caroline Hughes and	:	
Melissa Haines	:	
Andover Homeowners Association	:	C-2018-3003605
Melissa DiBernardino	:	C-2018-3005025
Rebecca Britton	:	C-2019-3006898
Laura Obenski	:	C-2019-3006905
 	:	
v.	:	
 	:	
 	:	
Sunoco Pipeline, L.P.	:	

**JOINT REQUEST FOR EXTENSION OF TIME FOR EXCEPTIONS AND REPLY
EXCEPTIONS, FOR PROCEDURES FOR THE FILING AND SERVICE OF
EXCEPTIONS AND REPLY EXCEPTIONS, AND EXTENSION OF PAGE LIMITS**

In accordance with the Joint Stipulation of Record to Amended Protective Order and Procedural Schedule (“Joint Stipulation”), filed by Sunoco Pipeline L.P. (“SPLP”) and Complainants Megan Flynn *et al.* (“Complainants”), and the January 2, 2020 Order by Administrative Law Judge Barnes approving the Joint Stipulation’s revisions to procedure and submittals, SPLP and Complainants respectfully request an order (1) extending Complainants’ Exceptions and Reply Exceptions periods from 20 days to 60 days for Exceptions and 10 days to

30 days for Reply Exceptions; (2) extending for all other parties the Exceptions and Reply Exceptions periods from 20 days to 55 days for Exceptions and 10 days to 25 days for Reply Exceptions; (3) allowing Complainants and SPLP to utilize the for procedures for filing and service of Complainants' Exceptions and/or Reply Exceptions in accordance with paragraph 17 of the Joint Stipulation; and extend the page limits for Exceptions to 60 pages and Reply Exceptions to 50 pages given the weeks of hearings, very large record, and the over 200 pages of the Initial Decision.

1. On December 30, 2019, SPLP and Complainants filed the Joint Stipulation in the above-captioned dockets. The Joint Stipulation was served on all parties and no objections to the Stipulation were filed.

2. By order dated January 2, 2020, the Administrative Law Judge approved the Joint Stipulation, which was admitted into the record at the above-captioned consolidated proceeding and ordered the discovery rules and procedural schedule pursuant to the Procedural Order and Amended Protective Order issued on June 7, 2019 amended in accordance with the changes to procedure and due dates for submittals by the parties in the approved Joint Stipulation.

3. In the Joint Stipulation, the moving parties jointly agreed to certain terms and conditions pertaining to Complainants' access to confidential information and the procedure for the submission of confidential materials to the Commission and Judge Barnes. Paragraph 17 of the Joint Stipulation provides:

Once the Administrative Law Judge issues a decision in this matter and if the decision contains ESM or Highly Confidential Materials, SPLP and Complainants shall jointly request the Commission to:

- a. extend Complainants' exceptions and reply exceptions periods from 20 days to 60 days for exceptions and 10 days to 30 days for reply exceptions;
- b. extend for all other parties the exceptions and reply exceptions periods from 20 days to 55 days for exceptions and 10 days to 25 days for reply exceptions;¹
- c. allow Complainants and SPLP to utilize the following procedures for filing and service of Complainants' exceptions and/or reply exceptions:
 - i. Complainants' shall, in their exceptions and reply exceptions, indicate any portions of their exceptions and reply exceptions that are Confidential, Highly Confidential or ESM by highlighting such portion of their exceptions and reply exceptions in yellow. Confidentiality designations shall be made based on the confidentiality designations of testimony and exhibits of record. Complainants shall, five days prior to the respective date their exceptions or reply exceptions are due, serve only SPLP's counsel with the exceptions and reply exceptions for SPLP's counsel to review confidentiality designations and modify such designations, as necessary.
 - ii. SPLP's counsel shall:
 1. one day prior to the date Complainants' exception or reply exceptions are due, provide a redacted, public version of the brief to Complainants' counsel for filing and service on the parties to this proceeding as well as any public exhibits;
 2. file with the Secretary and serve counsel that are eligible reviewing representatives pursuant to the Amended Protective Order that have executed an NDA to the Amended Protective Order any

¹ These time extensions combined with the review provisions in subsection c result in the following procedure: All parties must have their exceptions done within the shorter time period, but there are five additional days built into the schedule for the filing of Complainants' exceptions and reply exceptions so that SPLP has time to review these documents for confidentiality status prior to their filing.

exceptions or reply exceptions containing Confidential or Highly Confidential Materials;

3. serve the Administrative Law Judge with any exceptions or reply exceptions containing or discussing Highly Confidential, Confidential, or ESM; and
4. file with the Secretary and retain for in person review by eligible reviewing representatives pursuant to the Amended Protective Order any exceptions or reply exceptions containing or discussing ESM.

The Administrative Judge's Order issued January 2, 2021 approving the Joint Stipulation also quoted (Order at 5-6) the above modifications and procedures for Exceptions and Reply Exceptions.

4. On April 12, 2021, the Administrative Law Judge issued a decision in this matter, the proprietary version of which contains ESM and Highly Confidential Materials.

5. As the proprietary version of the April 12, 2021 Initial Decision contains ESM and Highly Confidential Materials, the extension of time and procedures for the review and submission of confidential information as set forth in paragraph 17 and as already agreed to by SPLP and Complainants are necessary to provide SPLP sufficient time to review Complainants Exceptions and Reply Exceptions for confidentiality status prior to their filing. Similar procedures were used for briefing in this matter.

6. Additionally, the Flynn Complainants and SPLP respectfully request that the page limit for Exceptions be moved to 60 pages and Reply Exceptions to 50 pages given the weeks of hearings, the very large record, and the over 200 pages of the Initial Decision.

CONCLUSION

WHEREFORE, SPLP and the Flynn Complainants respectfully request the Commission:

- (1) Grant this Joint Request;
- (2) Extend Complainants' Exceptions and Reply Exceptions periods from 20 days to 60 days for Exceptions and 10 days to 30 days for Reply Exceptions;
- (3) Extend for all other parties the Exceptions and Reply Exceptions periods from 20 days to 55 days for Exceptions and 10 days to 25 days for Reply Exceptions;
- (4) Allow Complainants and SPLP to utilize the procedures for filing and service of Complainants' Exceptions and/or Reply Exceptions in accordance with paragraph 17 of the Joint Stipulation of Record to Amended Protective Order and Procedural Schedule, approved on January 2, 2020; and,
- (5) Extend the page limits for Exceptions to 60 pages and Reply Exceptions to 50 pages.

Respectfully submitted,

/s/ Thomas J. Sniscak

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Dated: April 19, 2021