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May 13, 2021

**Via Electronic Filing and Federal Express (Attachment D only)**

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 ANSWER OPPOSING MOTION OF GLEN  
RIDDLE STATION L.P. FOR A PROTECTIVE ORDER AND FOR  
SANCTIONS AGAINST SUNOCO PIPELINE L.P.**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P. Answer Opposing Motion of Glen Riddle Station L.P. for a Protective Order and for Sanctions against Sunoco Pipeline L.P. in the above-referenced proceeding. Attachment D consists of three video files. Due to file size and type, SPLP is filing these videos on a flash drive via Fedex to the Secretary and is serving these videos via electronic link. Copies have been served in accordance with the attached Certificate of Service.

This answer 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/ Whitney E. Snyder

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

*Counsel for Sunoco Pipeline L.P.*

WES/das

Enclosures

cc: Honorable Joel Cheskis (via email [jcheskis@pa.gov](mailto:jcheskis@pa.gov))  
Diana A. Silva, Esquire (via email, [dsilva@mankogold.com](mailto:dsilva@mankogold.com))

**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. ANSWER OPPOSING MOTION OF GLEN RIDDLE  
STATION L.P. FOR A PROTECTIVE ORDER AND FOR SANCTIONS AGAINST  
SUNOCO PIPELINE L.P.**

Sunoco Pipeline L.P. (SPLP), by and through undersigned counsel, hereby submits this Answer Opposing Motion Of Glen Riddle Station, L.P. (Glen Riddle or Complainant), For A Protective Order And For Sanctions Against Sunoco Pipeline L.P. (Motion). In support thereof SPLP avers as follows:

1. SPLP is not required to<sup>1</sup> and will not provide a paragraph-by-paragraph response to the Motion as the allegations and arguments are largely illusory, irrelevant, and repetitive. Moreover, the Motion itself is defective in several important ways. First, it is improper for a motion to make unsworn factual allegations without a required verification and as such the Motion is an improvident filing with no current legal significance or status. Second, where allegations are alleged and as here denied and in dispute, due process requires the production of evidence—allegations are no substitute—and an opportunity to challenge and offer contrary evidence at hearing. Third, even if the Motion were procedurally and substantively appropriate, which it is not, there is no violation of anything other than Glen Riddle’s lack of command of

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<sup>1</sup> Compare 52 Pa. Code § 5.61(b)-(c) (allegations in complaint may be deemed admitted if not specifically denied) with 52 Pa. Code § 5.103 (regarding response to motions and containing no similar provision).

property legal issues and those issues, such as trespass or not, are not within the Commission's jurisdiction to determine. Glen Riddle knew or should have known the foregoing before it wasted the time of Your Honor and SPLP on this frivolous Motion and should be instructed to refrain from such filings.

2. In short, the Motion incorrectly alleges that SPLP violated the Commission's regulation at 52 Pa. Code § 5.349 and Your Honor's Scheduling Order setting forth that the Commission's regulations would be followed because SPLP informally requested to conduct acoustic readings outside of its easements, which Complainant refused. Given Complainant's refusal, and contrary to Complainant's unverified misrepresentation, SPLP did not trespass on Complainant's property to take acoustic readings or otherwise on April 1, 2021, but instead took all readings from within SPLP's permanent easement and temporary easement. SPLP thus did not access Complainant's property for purposes of inspection and thus did not violate any Commission regulation or Commission Order. The Motion must be denied.

3. Regarding the area in question, SPLP has a permanent easement and temporary easement at the site. See Attachment A (Map Showing Easements, which include a permanent easement, and a temporary easement consisting of temporary work space, additional temporary work space, and temporary access roads). SPLP constructed soundwalls within its easements, but the soundwalls are not located at the edge of the easement. Instead, there is approximately a ten-foot space between the soundwalls and the edge of SPLP's easements. See Attachment B (Map Showing Soundwalls).

4. At no time did SPLP trespass on Glen Riddle's property. On April 1, 2021, SPLP outside counsel Diana Silva, Esquire accompanied Witness Seth Harrison, P.E. to obtain acoustical measurements, as part of preparation of his rebuttal testimony in this matter. At no

time did Attorney Silva or Mr. Harrison traverse beyond the limits of SPLP's easements. Affidavit of Diana Silva, Esquire, Attachment C. To the extent they traveled outside of the soundwalls, they were still within the easements. *Id.* Attorney Silva directed their travels through the easements be recorded with a body camera, which shows that at no point did Attorney Silva or Mr. Harrison trespass onto Complainant's property. Attachment D (Body Camera Footage of Acoustic Readings).<sup>2</sup> Attachment E is the Map Showing SPLP's Easements overlaid with the path Attorney Silva and Mr. Harrison followed. Tellingly, while Complainant misrepresents that a trespass occurred, Motion at ¶ 32, there is no verification to that affect and thus this allegation cannot be considered.

5. Nothing prohibits SPLP's representatives from accessing SPLP's easements at will. SPLP is not required to seek permission from Complainant to allow SPLP's representatives to perform inspections or take measurements in areas within SPLP's easements. Thus, SPLP was not required to utilize 52 Pa. Code § 5.349 to access Complainant's property because SPLP already has the right to occupy its easements. SPLP did not violate any Commission regulation or Commission Order and there are no grounds to grant sanctions or the protective order sought.

6. To the extent Complainants allege an issue with SPLP seeking to access Complainant's property through an informal request, that is not a violation of the Commission's regulations or a Commission Order. To the contrary, the Commission's regulations expressly encourage the parties to seek discovery informally. 52 Pa. Code § 5.322 ("parties are encouraged to exchange information on an informal basis"). Given SPLP has not violated any Commission regulation or order, sanctions cannot be granted. 52 Pa. Code § 5.371.

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<sup>2</sup> Due to file type and size, Attachment D is served via link only and has been filed with the Commission via flashdrive.

7. Finally, to the extent Your Honor considers any sanctions (which are not available given SPLP has not violated a Commission regulation or order) the sanctions requested cannot be granted. *See* Motion at p.1. The sanction Complainant proposes of disallowing into evidence the acoustic data Mr. Harrison collected (and has now presented in his testimony) is draconian and would violate SPLP's due process right to opportunity to be heard. This evidence is directly relevant to allegations Complainant has made and testimony it has presented. This evidence was gathered in accordance with all applicable regulations. It cannot be excluded.

8. The other sanctions requested are either moot or unobtainable. The acoustic measurements have already been taken, so SPLP cannot be precluded from taking them or required to allow a Glen Riddle representative to accompany SPLP. Moreover, as shown in the videos included in Attachment D to SPLP's Answer, Glen Riddle representative Michael Marquedt also filmed Attorney Silva and Mr. Harrison and took audio readings at the same time as Mr. Harrison. Attachment C, Affidavit at ¶ 6. These requests are moot. Further, requiring a Glen Riddle representative to accompany SPLP's counsel and its expert witness while gathering evidence necessary to prepare rebuttal testimony would also violate SPLP's privilege to prepare with its experts for litigation. 52 Pa. Code § 5.323(a). Finally, the Commission cannot award legal fees and costs, and as counsel has represented that it has practiced before the Commission previously, they should have known fees and costs are not permitted here.

WHEREFORE, SPLP respectfully requests the Motion be DENIED.

Respectfully submitted,

/s/ Whitney E. Snyder

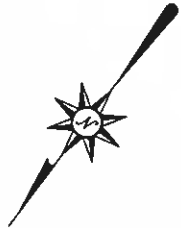
Thomas J. Sniscak, Esq. (PA ID No. 33891)  
Whitney E. Snyder, Esq. (PA ID No. 316625)  
Kevin J. McKeon, Esq. (PA ID No. 30428)  
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Date: May 13, 2021

**Attachment A**  
**Map of Easements**

LEGEND

- PERMANENT EASEMENT
- TEMPORARY WORK SPACE
- ADDITIONAL TEMPORARY WORK SPACE
- TEMPORARY ACCESS ROAD



GLEN RIDDLE STATION EXHIBIT  
 CROSSING PROPERTY OF  
 PA-DE-0101.0000  
 SCALE: 1"=100'  
 DATE: 12/01/2020  
 SHEET: 1 of 1

Sunoco  
 Pipeline L.P.



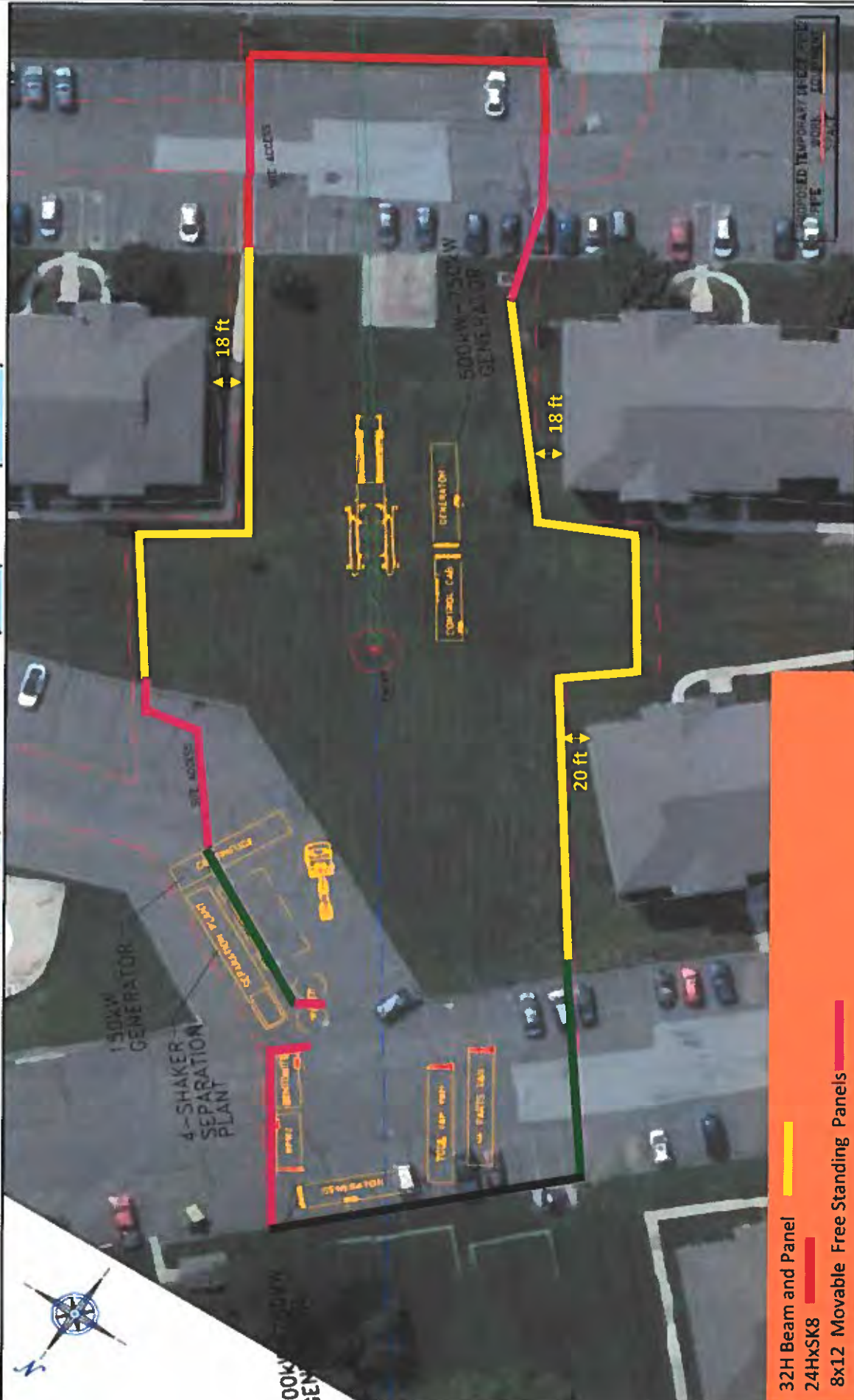
LW Survey Co.  
 1725A Oregon Pike  
 Suite 204  
 Lancaster, PA 17601





**Attachment B**  
**Map Showing Soundwalls**

DRAFT EQUIPMENT LAY OUT SUBJECT TO FIELD REVISIONS



- 32H Beam and Panel
- 24HxSK8
- 8x12 Movable Free Standing Panels
- 16H Beam and Panel
- 16H Dual K Rail



**MICHEL'S**  
 800-762-7629  
 1-800-762-7629

**Attachment C**  
**Affidavit of Diana Silva, Esquire**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**AFFIDAVIT OF DIANA A. SILVA, ESQUIRE**

I, Diana A. Silva, Esquire, state as follows:

1. I am counsel for Respondent Sunoco Pipeline L.P. (SPLP) in the above-captioned action and provide this Affidavit in support of SPLP’s Answer Opposing Motion Of Glen Riddle Station, L.P. (Glen Riddle or Complainant), For A Protective Order And For Sanctions Against Sunoco Pipeline L.P. (Motion).

2. In my role as counsel for SPLP, together with Seth Harrison, P.E., an expert witness for SPLP in this proceeding, I went to SPLP’s easements at Glen Riddle Apartments to accompany Mr. Harrison as part of his preparation of his testimony to take acoustical measurements on April 1, 2021.

3. I had a map of SPLP’s easements (the same map provided as Attachment A to SPLP’s Answer to this Motion) in my possession during this time and inquired with various construction and security personnel at the site to confirm the area and location of SPLP’s easements to ensure that our visit to the site remained within SPLP’s easements.

4. When I was present at the site on April 1, 2021, Glen Riddle had site personnel at the property who were video recording me, Mr. Harrison, and other individuals working at the site that day. I also understand that counsel for Glen Riddle was present at the site that day and

was observing site activity – including my and Mr. Harrison’s visit – from his parked vehicle at the property.

5. I requested SPLP’s site security team accompany me and Mr. Harrison when we walked outside of the soundwalls, but remained within SPLP’s easements, to take acoustical measurements.

6. Glen Riddle’s site personnel followed me, Mr. Harrison, and SPLP’s security team when we walked outside of the soundwalls, but remained within SPLP’s easements, to take these acoustical measurements on April 1, 2021. At no time that day did Glen Riddle’s site personnel, or Glen Riddle’s counsel, attempt to speak to either me or Mr. Harrison, or otherwise state or inform me that we were walking on or accessing an area that was outside of SPLP’s easements – indeed, because we did not do so. Glen Riddle representative Michael Marquedt also filmed us and took audio readings at the same time as Mr. Harrison, as shown in the videos included in Attachment D to SPLP’s Answer.

7. Attachment D to SPLP’s Answer contains three videos that I requested and directed SPLP’s site security team to record during this visit on April 1, 2021. I affirm these videos are authentic, true, and correct copies of the videos that I directed to be taken during that visit, that both I and Mr. Harrison appear in these videos, and that the videos accurately depict the areas that me and Mr. Harrison accessed to take the acoustical measurements outside of the soundwalls but within SPLP’s easements on April 1, 2021.

8. Attachment E to this Answer accurately represents the path Mr. Harrison and I traveled while on site.

9. While on site on April 1, 2021, at no time did either I or Mr. Harrison travel outside of SPLP's easements to take these acoustical measurements or otherwise. Mr. Harrison was within my immediate proximity at all times during our visit.

10. I understand that the statements set forth herein are made subject to Pa. C.S. § 4904 relating to unsworn falsification to authorities.

*Diana A. Silva*

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Diana A Silva, Esquire

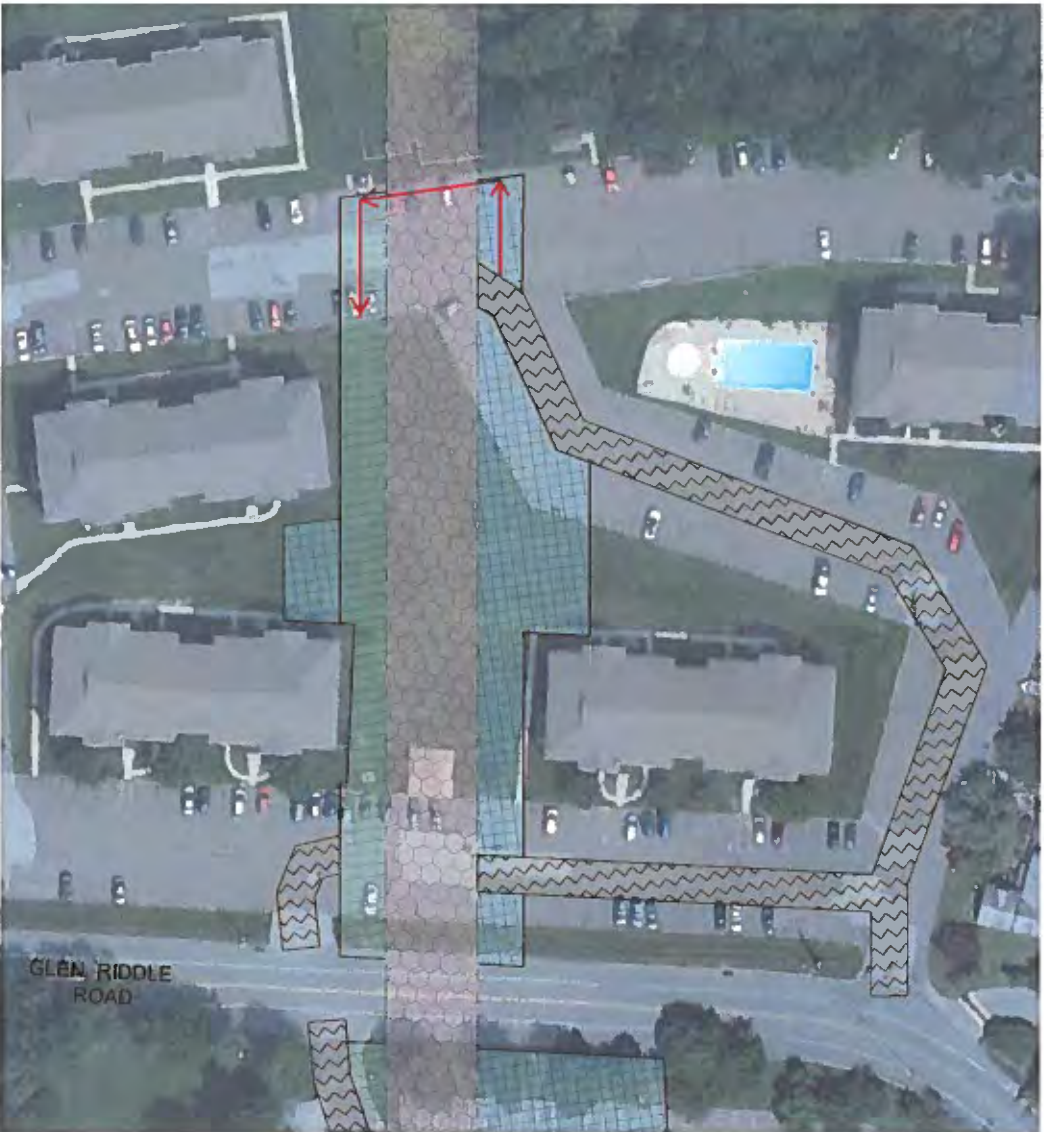
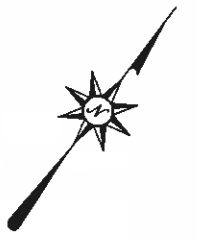
Dated: May 13, 2021

**Attachment D**  
**Body Camera Footage of Acoustic Readings**  
**Available at:**

<https://hmslegal.sharefile.com/f/foe0ce76-0390-4c15-a1a0-3ab1bfbd2979>

**Attachment E**  
**Map Showing SPLP's Easements Overlaid With**  
**The Path Attorney Silva And Mr. Harrison**  
**Followed**





**LEGEND**  
PERMANENT EASEMENT  
TEMPORARY WORK SPACE  
ADDITIONAL TEMPORARY WORK SPACE  
TEMPORARY ACCESS ROAD



LW Survey Co.  
1725A Oregon Pike  
Suite 204  
Lancaster, PA 17601



Sunoco  
Pipeline L.P.

### GLEN RIDDLE STATION EXHIBIT

CROSSING PROPERTY OF  
**PA-DE-0101.0000**  
SCALE 1"=100'  
DATE: 12/01/2020  
SHEET: 1 OF 1

**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/ Whitney E. Snyder* \_\_\_\_\_

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

Dated: May 13, 2021