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Direct No: 610 458 4966  
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May 14, 2021

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> 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 motion for continuance of Glen Riddle Station, L.P. (“GRS”) in the 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
GRS,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**NOTICE TO PLEAD**


TO: Sunoco Pipeline L.P.

Pursuant to 52 Pa. Code § 1.15(b) and 52 Pa. Code § 5.202(c), you are hereby notified that Glen Riddle Stations, L.P., has filed a Motion for Continuance at the above-referenced docket to which you may file an answer within three (3) days. Your failure to answer will allow the ALJ to rule on the Motion without a response from you, thereby requiring no other proof. All pleadings such as an Answer to this Motion must be filed with the Secretary of the Pennsylvania Public Utility Commission, Rosemary Chiavetta.

**FOX ROTHSCHILD LLP**

May 14, 2021

By:



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

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
GRS,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**MOTION OF GLEN RIDDLE STATION, L.P. FOR A CONTINUANCE**

Glen Riddle Station, L.P. (“GRS”), by and through its counsel, Fox Rothschild LLP, pursuant to 52 Pa. Code § 1.15(b) and 52 Pa. Code § 5.202(c), files this Motion for a four (4) week continuance of the hearing scheduled for May 24, 2021 and May 27, 2021 (the “Hearing”) and all remaining deadlines set forth in the ALJ’s April 16, 2021 Scheduling Order (the “Scheduling Order”). GRS seeks this brief extension because the current Scheduling Order provides GRS with one week (i.e., until May 19, 2021) to review and respond to the proposed rebuttal testimony of Respondent, Sunoco Pipeline L.P.’s (“Sunoco”) eight (8) witnesses.

In support of the Motion, GRS states as follows:

**I. BACKGROUND**

1. On February 26, 2021, the ALJ entered a scheduling order directing GRS to produce its direct testimony on March 15, 2021.

2. On March 15, 2021, GRS complied with the ALJ’s Order and produced the direct testimony of its three (3) witnesses.

3. Thereafter, GRS and Sunoco agreed to participate in mediation and agreed to an extension of the hearing and scheduling order deadlines to allow the Parties time to participate in mediation. [See Correspondence Between Counsel, attached as Exhibit A].

4. By agreeing to participate in mediation and to an extension of the scheduling order deadlines, GRS notified Sunoco of its intention to seek a further extension of the scheduling order deadlines after mediation, if necessary, to allow GRS adequate time to review and respond to Sunoco's rebuttal testimonies. [See Exhibit A ("GRS also requests that the one week sur-rebuttal time be enlarged by the additional period of time that Sunoco had with GRS's Direct Testimony.")].

5. On April 16, 2021, at the Parties' request, the ALJ entered the revised Scheduling Order to allow the Parties time to participate in mediation, and encouraged the Parties to engage in settlement discussions.

6. Pursuant to the Scheduling Order, Sunoco's rebuttal testimony was due on May 12, 2021, and GRS's surrebuttal testimony is due one week later, on May 19, 2021.

7. On May 12, 2021, Sunoco produced proposed rebuttal testimony from eight (8) witnesses, including 3 purported expert witnesses.

8. When it agreed to the schedule, GRS did not anticipate Sunoco retaining three (3) separate professional expert witnesses and submitting voluminous testimony from the same. GRS intends to rebut this testimony.

9. GRS intends to submit surrebuttal testimony from its fact witnesses and experts in the following fields: acoustical engineering, civil engineering, industrial hygiene, fire safety, and traffic safety.

10. The current Scheduling Order deadlines, which provides GRS with one week to submit its surrebuttal testimony, is insufficient given the sheer volume of testimony requiring rebuttal.

11. Accordingly, GRS seeks a four (4) week extension of the Hearing date and the Scheduling Order deadlines (or however long the ALJ permits) to allow GRS with adequate time to respond to the proposed testimony of Sunoco's eight (8) witnesses.

## **II. LEGAL ARGUMENT**

12. Pursuant to 52 Pa. Code § 1.15(b), a party may seek a continuance of a hearing upon good cause shown.

13. Additionally, pursuant to 52 Pa. Code § 5.202(c), "[t]he Commission or the presiding officer in the exercise of discretion, for cause may advance or postpone proceedings on the hearing calendar with notice to the parties." Id.

14. Here, GRS seeks a four (2) week continuance of the Hearing and the other deadlines set forth in the ALJ's current Scheduling Order to allow GRS adequate time to respond to Sunoco's eight (8) rebuttal testimonies.

15. As set forth above, Sunoco had over two months to review and respond to the proposed testimony of GRS's three (3) witnesses.

16. Pursuant to the current Scheduling Order, GRS has only one week to review and respond to the proposed rebuttal testimonies of Sunoco's eight (8) witnesses, including three purported expert witnesses of which GRS had no prior notice.

17. Accordingly, good cause for the continuance exists to promote fairness in these proceedings and to allow GRS with adequate time to respond to the extensive factual allegations, and proposed expert opinions, set forth in Sunoco's rebuttal testimonies.

## **III. REQUEST FOR EXPEDITED RESPONSE AND DECISION**

18. Because GRS's surrebuttal testimony is currently due on May 19, 2021 and this is a brief motion seeking solely procedural relief, GRS believes a three (3) day response period is

adequate and should be ordered. GRS also respectfully requests an expedited decision given the upcoming deadlines and the Hearing scheduled for May 24, 2021 and May 27, 2021.

**IV. CERTIFICATION**

19. The undersigned counsel certifies that on May 14, 2021, he wrote to Sunoco's counsel in an attempt to meet and confer with respect to GRS's request for a continuance.

20. As of the time of filing of this Motion, Sunoco's counsel had not responded to GRS's counsel's email.

**V. CONCLUSION**

21. For the reasons set forth herein, GRS respectfully requests that the ALJ (1) require Sunoco to file an Answer to this Motion within three days, and (2) grant GRS's request for a four week continuance of the Hearing and Scheduling Order deadlines and enter a revised Scheduling Order.

Respectfully submitted,

**FOX ROTHSCHILD LLP**

May 14, 2021

By:



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

# **EXHIBIT A**

**From:** Beach, Ashley L.

**Sent:** April 9, 2021 11:52 AM

**To:** Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>

**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>; Kuebler, Tara L. <[TKuebler@foxrothschild.com](mailto:TKuebler@foxrothschild.com)>; Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>; Kroculich, George J. <[GJKroculich@duanemorris.com](mailto:GJKroculich@duanemorris.com)>

**Subject:** RE: Glen Riddle v. Sunoco

David,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- This would, of course, necessarily include a corresponding period of extension for GRS's sur-rebuttal. GRS also requests that the one week sur-rebuttal time be enlarged by the additional period of time that Sunoco had with GRS's Direct Testimony.

I am available if you would like to discuss. Thanks.

Regards,

Ashley

**Ashley Beach**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

(610) 458-2997 - direct



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**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
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GRS,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 14, 2021, I served a true and correct copy of the foregoing Motion for a Continuance 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**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com



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Samuel W. Cortes, Esquire