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May 17, 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 ANSWER OPPOSING MOTION OF GLEN  
RIDDLE STATION L.P. FOR A CONTINUANCE (PUBLIC VERSION)**

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 Continuance ([Public Version](#)) in the above-referenced proceeding. 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/ Thomas J. Sniscak*

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

*Counsel for Sunoco Pipeline L.P.*

TJS/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))

**PUBLIC VERSION**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**SUNOCO PIPELINE L.P.’S ANSWER  
OPPOSING MOTION OF GLEN RIDDLE STATION L.P. FOR A CONTINUANCE**

Sunoco Pipeline L.P. (SPLP), by and through undersigned counsel, hereby submits this Answer Opposing Motion Of Glen Riddle Station, L.P. (Glen Riddle, GRS or Complainant) For A Continuance of the procedural schedule in this proceeding (Motion).<sup>1</sup> In support thereof SPLP avers as follows:

1. Initially,<sup>2</sup> SPLP will respond to Glen Riddle’s misleading portrayal of the Parties’ agreement to the current schedule, show the actual timeline, and address other incorrect statements in Glen Riddle’s Motion, which seeks relief from alleged conditions that, upon examination, are self-inflicted.

- a. First, the Motion’s Notice to Plead is defective and misleading. It is written as if the ALJ had ordered, at the time the Motion was late-filed on Friday, May 14, 2021 and late served, that responses are due within three (3) days, when that was

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<sup>1</sup> SPLP was provided at 4:25 PM on Friday May 14, 2021 with an email from GRS stating it would be filing the Motion later that day and seeking what amounted to immediate assent or not to the Motion. Glen Riddle then “late-filed” after hours and a copy of the filing was provided to SPLP at 5:02 PM. *See* Attachment A. Glen Riddle’s representation in Paragraph 19 that it attempted to “meet and confer” is yet another misrepresentation, as there was no opportunity during the half an hour or so to do so or to check with SPLP and witnesses. This episode typifies Glen Riddle inaccurately describing events to their benefit and ignoring the Commission’s rules when beneficial to it. Pursuant to the Commission’s rules and regulations, Glen Riddle’s Motion is deemed served on Monday, May 17.

<sup>2</sup> SPLP is not required to and will not provide a paragraph-by-paragraph response to the Motion as the allegations and arguments are largely procedural and repetitive. *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).

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not the case. Under the Commission rules and regulations, the Motion was deemed served on Monday, May 17, 2021.

- b. On February 26, 2021, Your Honor established a schedule for this proceeding which, at the behest of Glen Riddle, was to proceed in an expedited fashion and included that Glen Riddle was to file its first round testimony (Direct) on March 15, 2021, Sunoco was to file its first round testimony (Rebuttal) on April 9, 2021, and Glen Riddle was to file its second round testimony (Surrebuttal) on April 16, 2021, so as to allow for hearings during the last week of April.
- c. In its Motion, Glen Riddle has spun the stay granted in this proceeding by Your Honor's April 16 Order as to say it was solely of "hearings and scheduling order deadlines" (Motion at paragraph 3) when indeed the stay was of all deadlines, including motions, answers, and discovery. Specifically, even Glen Riddle's email to Your Honor made no such narrowing of the stay, and the stay clearly was to avoid litigation actions, time and expense during the Mediation period. (*See* SPLP Attachment F).
- d. On May 10, 2021, the parties engaged in a lengthy confidential mediation session that was not successful in achieving a resolution. Thus, the PUC litigation schedule favored by Glen Riddle and agreed to by SPLP in Your Honor's revised Scheduling Order of April 16, 2021 applied and SPLP filed its first round testimony May 12, 2021. Under the revised Scheduling Order, Glen Riddle's second round testimony is due May 19, 2021. SPLP so informed Glen Riddle.
- e. Consistent with Glen Riddle's delay habit, and although it received SPLP's testimony on May 12, 2021 and knew it had its second round (Surrebuttal)

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testimony due May 19, 2021, it waited for nearly two full working days, until it contacted SPLP's undersigned PUC counsel at **4:25 PM** on the afternoon of Friday May 14, 2021 and asked for an instant response or agreement from SPLP to extend its due date by 4 weeks, and hearings presumably by the same, and indicated Glen Riddle would be filing the instant motion later that evening which it served at 5:02 p.m.. As Glen Riddle itself has exhibited by its pattern of slow replies, a snap answer from a client or to check with schedules instantly of all witnesses was both an unrealistic and unreasonable request within 47 minutes.

2. In short, all of the conditions of which Glen Riddle seeks relief are ones to which Glen Riddle expressly agreed *after* negotiation on this proceeding's schedule, which was approved by Your Honor, and the expedited procedural schedule is purely self-inflicted by Glen Riddle. The parties agreed to the schedule with no provision or reservation for Glen Riddle to unilaterally seek additional extensions after SPLP *had already complied* with the schedule and served its Rebuttal testimony. The Motion should be rejected, and this gamesmanship should not be tolerated. As Your Honor will recall, when the parties discussed the stay for mediation on a teleconference, counsel for Glen Riddle demanded that hearings take place by the end of May and chose to have a one-week period for preparation of Surrebuttal. **[Begin Confidential]**

[REDACTED]

[REDACTED]

[REDACTED]

**[End of Confidential]**

3. Second, SPLP will address Glen Riddle's preposterous "fairness" argument. That Glen Riddle did not expect SPLP to vigorously defend against Glen Riddle's direct testimony is a highly questionable assertion, but more importantly, it is irrelevant. Glen Riddle is clearly

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trying to obtain time to present evidence or expert opinions that it should have presented in its case-in-chief. The Commission's regulations prohibit this.<sup>3</sup> SPLP will also show the mediation stay in effect did not give SPLP an additional 60 days to prepare its testimony - the Rebuttal testimony submitted on May 12, 2021, was prepared and ready to file<sup>4</sup> on April 9, 2021 before the stay went into effect.

I. **The Parties Agreed To The Current Schedule Without Reservation For Glen Riddle To Unilaterally Seek Further Extensions, And Glen Riddle's Allegations Otherwise Are False And Misleading.**

4. In its Motion, Glen Riddle presented one redacted email between Counsel for Glen Riddle and SPLP dated April 9, 2021 at 11:52 AM as Exhibit A. *See* Motion at 3-4; Motion Exhibit A. While Glen Riddle may wish Your Honor to blindly believe that its Exhibit A was the ***result*** of the procedural terms to allow for mediation, it indeed was merely Glen Riddle's initial request in negotiating a schedule and certainly such request is not proof of acceptance by SPLP. Indeed, SPLP did not accept those terms, and it is beyond dispute that Glen Riddle did not insist upon it in the final agreed-to schedule. The initial email relied upon by Glen Riddle is neither dispositive nor does it reflect the subsequent long chain of events, including subsequent emails and the phone conference with Your Honor which led to ***an agreed schedule between the parties which was adopted by Your Honor***, as evidenced by the entry of Your Honor's April 16, 2021 scheduling order.

5. As discussed below, at no time during the three business days prior to the Surrebuttal deadline did Glen Riddle obtain from anyone a "corresponding period of extension

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<sup>3</sup> *See* 52 Pa. Code § 5.243(e)

<sup>4</sup> There were minor modifications to the testimony of two SPLP witnesses: (1) Seth Harrison, P.E., to reflect updated field construction conditions; and (2) Joseph McGinn, to update one line providing information regarding his familiarity and life in Delaware County. *See* Attachment G, Affidavit of Silva.

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for GRS's surrebuttal" under the procedural schedule. *Id.* Instead, it represented to Your Honor and to SPLP that the schedule was acceptable and made no reservations. The dizzying spin GRS attempts to impart by this Motion should neither be tolerated nor rewarded.

6. Contrary to Glen Riddle's selective presentation of communications that occurred that day, below is a timeline of the communications:

- a. April 9 – 11:52 AM: Glen Riddle began discussing the proposed mediation terms responsive to prior offers (redacted from Motion Exhibit A) and its impact on the PUC proceeding. *See* Glen Riddle's Motion Exhibit A. At that time, Counsel for Glen Riddle implied that a corresponding extension of Glen Riddle's surrebuttal deadline would be sought during the discussions.
- b. April 9 – 1:14 PM: Glen Riddle emailed Your Honor notifying that a prompt mediation effort had been agreed to, that an agreement to stay the PUC proceedings and submission of SPLP's testimony had occurred and requested a conference with Your Honor as soon as possible. *See* attached SPLP Attachment B.
- c. April 9 – 1:34 PM – 2:30 PM: Your Honor confirmed receipt and provided availability for conference, which was subsequently scheduled for 2:30PM. The conference call-in information was set at 2:19PM. *See* email chain attached in SPLP Attachment C.
- d. April 9 – 2:30 PM: the conference among the parties and Your Honor convened. During said conference, Glen Riddle did not request a Surrebuttal extension to Your Honor.

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- e. April 9 – 3:33 PM: Counsel for Glen Riddle memorialized the agreement and outcome of the conference, and further extended SPLP’s instant Rebuttal deadline until Tuesday, April 13. Notably, Glen Riddle included that the agreement maintained the one-week Surrebuttal deadline after SPLP’s Rebuttal was submitted. *See* SPLP Attachment D.
  - f. April 10-13: Glen Riddle and SPLP determined various aspects of the mediation procedures.
  - g. April 14 – 12:31 PM: Glen Riddle and SPLP corresponded regarding the confirmation of mediation and agreement to implement the current procedural schedule, including SPLP’s Rebuttal due May 12 with Glen Riddle Surrebuttal due May 19 (1 week) and with no mention of further agreed to extensions. *See* Attachment E.
  - h. April 14 – 4:14 PM: Counsel for Glen Riddle emailed Your Honor with the agreed to schedule, which was ultimately implemented by Your Honor’s April 16<sup>th</sup> Order. *See* Attachment F.
7. As shown above, aside from the April 9, 11:52 AM email, at no time did Glen Riddle request additional time to submit its Surrebuttal testimony. Glen Riddle did not pursue that request further, SPLP did not agree to such terms, and Glen Riddle did not make that request to Your Honor.
8. Glen Riddle’s claim that it “notified Sunoco of its intention to seek a further extension of the scheduling order deadlines after mediation” is demonstrably false as offered to state or imply that the parties or Your Honor agreed or ordered that further extension. As shown above, no such terms were ever pursued further than Glen Riddle’s Counsel’s initial April 9 –

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11:52 AM email. *See* Motion at 4. Indeed, Attachment F, the April 14 – 4:14 PM email to Your Honor shows the parties had expressly “agreed on a new proposed schedule in the event that mediation is not successful.” *See* Attachment F. This schedule included the previously agreed to one-week response time for Glen Riddle’s Surrebuttal as implemented in this expedited proceeding at the request of Glen Riddle. No mention of a further extension exists.

9. In sum, Glen Riddle’s request for a Surrebuttal extension was never brought to Your Honor in the events leading up to the mediation stay. Glen Riddle agreed, without further qualification or reservation, to submit its Surrebuttal testimony one week after SPLP’s Rebuttal testimony in order to keep this proceeding on the expedited schedule Glen Riddle has been pushing for since the inception of its Complaint. This procedural gamesmanship and waste of the Commission’s and Sunoco’s time should not be tolerated.<sup>5</sup>

### **II. There Is No Fairness Concern With The Current, Agreed Upon Procedural Schedule: Glen Riddle Cannot Expand Its Direct Case And SPLP’s Rebuttal Testimony Was Prepared And Ready To Serve On April 9 Prior To The Mediation Stay**

10. Glen Riddle next argues that it has “good cause shown” to “promote fairness” for a continuance because SPLP produced testimony of eight witnesses, including multiple experts, and then alleges that “Sunoco had over two months to review and respond to the proposed testimony of GRS’s three (3) witnesses [sic].”<sup>6</sup> *See* Motion at ¶ 11-17.

11. First, Glen Riddle agreed to the schedule which is the schedule it preferred. It defies credibility to suggest that a schedule it supported and that was granted now is unfair.

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<sup>5</sup> The rationale for Judicial Estoppel applies here—litigants are estopped from changing positions as the moment requires so as to uphold the integrity of the courts. *Trowbridge v. Scranton Artificial Limb Co.*, 560 Pa. 640, 645, 747 A.2d 862, 865 (2000); *Koschak v. Redevelopment Authority of Wilkes-Barre*, 758 A.2d 291, 293 (Pa. Cmwlth. 2000). Here GRS’ shifting positional winds to suit its situation at hand should not be condoned. Also notably, GRS’ dalliance in seeking relief here also supports the issuance of denial of its motion.

<sup>6</sup> Glen Riddle served the direct testimony of four witnesses in this proceeding, including the submission of GRS Statement No. 4 on March 16, 2021.



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There are no “fairness” concerns with the schedule – Glen Riddle, the party with the burden of proof, presented its direct written testimony on March 15, 2021 and, pursuant to 52 Pa. Code § 5.243(e), it is bound to the evidence presented during its case-in-chief. That SPLP vigorously defended against Glen Riddle’s direct testimony does not warrant a second bite at the apple to backfill Glen Riddle’s direct testimony, which it had over 3 months (103 days) to prepare since submission of its Complaint on December 2, 2020.

12. Glen Riddle’s request for continuance explicitly seeks the continuance to allow it to address SPLP’s Rebuttal testimony through “...experts in the following fields: acoustical engineering, civil engineering, industrial hygiene, fire safety, and traffic safety.” Motion at ¶ 9. That Glen Riddle failed to have competent expert evidence to back up its lay or unqualified sound, pipeline construction, and fire, traffic and other safety Direct testimony or exhibits is no basis for a second bite at the evidentiary apple, when it should and could have presented such support for its claims in its direct case.

13. This request, by definition, flouts both the Commission’s regulations and Your Honor’s scheduling order, both of which bar the introduction of evidence in rebuttal that should have been included in the party’s direct case:<sup>7</sup>

**(e) A party will not be permitted to introduce evidence during a rebuttal phase which:**

**(1) Is repetitive.**

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<sup>7</sup> SPLP notes that this is now the second time Glen Riddle has, by definition, requested to supplement its direct testimony. SPLP’s March 22, 2021 Motion in Limine and Your Honor’s April 8 Order addressed a similar topic. At that time, Your Honor denied SPLP’s motion “because it is not ripe” but further held that:

Of course, all parties’ due process rights must be protected throughout the course of this proceeding and to the extent that a party supplements previously served written testimony, the opposing party must be given a reasonable opportunity to respond to such testimony. All parties’ due process rights will be protected in this proceeding.

Glen Riddle Station L.P. v. Sunoco Pipeline L.P., Docket No. C-2020-3023129, Order Denying Motion in Limine filed by Sunoco Pipeline L.P. at 4-5 (Order entered April 8, 2021).

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(2) **Should have been included in the party's case-in-chief.**

(3) Substantially varies from the party's case-in-chief.

52 Pa. Code § 5.243(e) (emphasis added).

14. The purpose of the rule is to protect due process rights to avoid trial by ambush and prevent surprise. “The clear purpose of it [52 Pa. Code § 5.243(e)] is to avoid trial by ambush and the prevention of surprise can only be achieved if the parties are confined to the scope of their direct case.” *Pennsylvania Public Utility Commission v. UGI Utilities, Inc.*, 1994 Pa. PUC LEXIS 138, \*85; *Pennsylvania Pub. Util. Comm'n v Total Environmental Solutions, Inc.*, 103 Pa. P.U.C. 110 (July 30, 2008) (parties here were “ambushed” by the new information contained in rebuttal testimony that “corrected” information provided in direct testimony and discovery responses.); *Pennsylvania Public Utility Commission v. Total Environmental Solutions, Inc. -- Treasure Lake Water Division, et al.*, Docket No. R-00072493, 2008 Pa. PUC LEXIS 42 at \*114-116 (Pa PUC May 23, 2008) (“...it is not equitable to permit TESI to take a second bite at direct testimony, or to allow it to shore-up inadequate direct at the rebuttal phase of this case.”), *aff'd*, Opinion and Order at 89 (July 30, 2008); *City of Lancaster (Sewer Fund) v. Pennsylvania Pub. Util. Comm'n*, 793 A.2d 978 (Pa. Cmwlth. 2002) (Commonwealth Court affirmed the PUC’s ruling that the City improperly proffered direct evidence during a rebuttal phase of the proceeding, citing 52 Pa. Code § 5.243(e)).

15. By requesting a continuance to add, for the first time, additional expert testimony in the fields of “acoustical engineering, civil engineering, industrial hygiene, fire safety, and traffic safety,” (Motion at ¶ 9) Glen Riddle is requesting that Your Honor allow it to submit additional testimony “... to shore-up its inadequate direct at the rebuttal phase of this case.” *Pennsylvania Public Utility Commission v. Total Environmental Solutions, Inc. -- Treasure Lake*

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*Water Division, et al.*, Docket No. R-00072493, 2008 Pa. PUC LEXIS 42 at \*114-116 (Pa PUC May 23, 2008) (“...it is not equitable to permit TESI to take a second bite at direct testimony, or to allow it to shore-up inadequate direct at the rebuttal phase of this case.”), *aff’d*, Opinion and Order at 89 (July 30, 2008). This cannot be allowed under well-settled law.

16. Allowing Glen Riddle to now add testimony of additional experts in the fields of “acoustical engineering, civil engineering, industrial hygiene, fire safety, and traffic safety” (Motion at ¶ 9) would violate SPLP’s due process rights. The Motion should be denied.

17. Further, SPLP did not use the stay period to collect additional testimony. SPLP was prepared and ready to file its Rebuttal testimony on April 9, 2021 and SPLP’s Counsel verifies that no substantial edits were made to the prepared testimony during the mediation stay between April 9 and May 12. *See* Attachment G, the affidavit of Diana A. Silva, Esq. All eight of SPLP’s witnesses testimony and their exhibits were kept in both final Microsoft Word and PDF form in corresponding folders on Manko, Gold, Katcher & Fox, LLP’s system, to prepare to serve upon GRS’ counsel on April 9, 2021 via Share File transfer. As reflected in the attached affidavit, with the exception of the testimony of Seth Harrison (which was updated with additional sound readings to reflect then-current construction operational conditions), and Joseph McGinn (which was updated by one line to provide information regarding his familiarity and life in Delaware County) all of SPLP’s rebuttal testimony was ready and prepared to serve in April 2021. Further, as shown in Attachment H, and described in the Silva Affidavit, the metadata for SPLP’s testimony reflects that it was prepared and ready to file on in early April, 2021, and with the exception of the Harrison and McGinn testimony as described above and the attached affidavit, only accessed to change the documents to reflect the new service date of May 12, 2021.

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18. The only fairness concern here is further modifying the schedule upon unilateral request to allow a party to attempt to bolster its direct case. The Motion should be denied.

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**WHEREFORE**, SPLP respectfully requests the Motion be DENIED.

Respectfully submitted,

*/s/ Thomas J. Sniscak*

\_\_\_\_\_  
Thomas J. Sniscak, Esq. (PA ID No. 33891)  
Whitney E. Snyder, Esq. (PA ID No. 316625)  
Kevin J. McKeon, Esq. (PA ID No. 30428)  
Bryce R. Beard, Esq. (PA ID No. 325837)  
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Date: May 17, 2021

# **Attachment A**

---

**From:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Sent:** Friday, May 14, 2021 4:25 PM  
**To:** Thomas Sniscak; Whitney Snyder; Bryce Beard; Kevin McKeon; Diana Silva  
**Cc:** Cortes, Samuel W.; Kuebler, Tara L.; Chernesky, Jean C.  
**Subject:** GRS/Sunoco

Tom and Whitney,

[REDACTED]  
[REDACTED] We intend to seek an extension of the PUC proceedings for this reason, as well as the fact that Sunoco had 60 days with our testimony and we will have only one week with theirs. This is insufficient to prepare the expert rebuttal testimony. We will be seeking a 4 week extension. Please advise whether we have your consent. If we do not hear back in time to make the filing today we intend to indicate that the extension is opposed. Thanks.

Best regards,

Ashley

**Ashley Beach**

Partner

**Fox Rothschild LLP**

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Exton, PA 19341-0673

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# **Attachment B**



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**From:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Sent:** Friday, April 9, 2021 1:14 PM  
**To:** Cheskis, Joel  
**Cc:** Thomas Sniscak; Whitney Snyder; Bryce Beard; Kevin McKeon; Diana Silva (DSilva@mankogold.com); Cortes, Samuel W.; Chernesky, Jean C.; Kuebler, Tara L.  
**Subject:** Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; C-2020-3023129

Your Honor,

The parties have agreed to a prompt mediation in an effort to resolve the issues in the referenced action without having to pursue the hearing. Although we have not agreed on all of the details, we have agreed to a limited stay of these proceedings to give the mediation the best chance of success. We would like to have a conference with Your Honor as soon as possible to discuss a brief extension of the hearing and the associated deadlines.

In good faith, we have agreed to extend the deadline for Sunoco's testimony, otherwise due today, at very least, until one day following our discussion with Your Honor. If we are able to agree on an extension of the hearing and other deadlines, we would similarly extend Sunoco's testimony deadline further. Of course, GRS's sur-rebuttal testimony deadline would also be extended. Thank you.

Respectfully,

Ashley Beach

**Ashley Beach**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

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[abeach@foxrothschild.com](mailto:abeach@foxrothschild.com)

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# **Attachment C**

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**From:** Thomas Sniscak  
**Sent:** Friday, April 9, 2021 2:19 PM  
**To:** Cheskis, Joel  
**Cc:** Beach, Ashley L.  
**Subject:** RE: [External] Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; C-2020-3023129

Judge,

I sent you an Ashley an invite for a call at 2:30 today, sorry about the short notice. Here's the dial in info:

Dial In: [REDACTED]

PC: [REDACTED]

Thank you for your consideration,

Tom

**Thomas J. Sniscak**  
**Hawke McKeon & Sniscak LLP**  
**100 North 10<sup>th</sup> Street**  
**Harrisburg, PA 17101**  
[REDACTED]  
Email: [tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

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---

**From:** Cheskis, Joel <jcheskis@pa.gov>  
**Sent:** Friday, April 9, 2021 1:34 PM  
**To:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Cc:** Thomas Sniscak <TJSniscak@hmslegal.com>; Whitney Snyder <WESnyder@hmslegal.com>; Bryce Beard <brbeard@hmslegal.com>; Kevin McKeon <KJMckeon@hmslegal.com>; Diana Silva <dsilva@mankogold.com>; Cortes, Samuel W. <SCortes@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>  
**Subject:** RE: [External] Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; C-2020-3023129

Thank you for your email and I am happy to hear that the parties are working toward resolving the issues in this case. I am available any time this afternoon for a call. Please let me know when and what number you'd like me to call to join you.

# **Attachment D**

---

**From:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Sent:** Friday, April 9, 2021 3:33 PM  
**To:** Cheskis, Joel; Thomas Sniscak  
**Cc:** Cortes, Samuel W.; Chernesky, Jean C.; Whitney Snyder; Kevin McKeon; Bryce Beard  
**Subject:** RE: [External] Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; C-2020-3023129

Your Honor,

Thank you for your time today. As we discussed on our call, in the interest of hopefully resolving the issues between them, the parties have agreed to a brief extension of the hearing and deadlines in this case to allow for a mediation. The parties will use a private mediator.

We appreciate Your Honor circulating the availability for a hearing in May so that we can work to finalize a new schedule. In the interim, the parties have agreed, and Your Honor has approved, the extension of Sunoco's rebuttal testimony deadline from today, until next Tuesday, April 13, 2021. GRS's sur-rebuttal testimony deadline is similarly extended to April 20, 2021. These deadlines may be extended again, depending on the parties ability to agree on a new schedule to accommodate a mediation. Thank you.

Respectfully,

Ashley Beach

**Ashley Beach**

Partner

**Fox Rothschild LLP**

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# **Attachment E**

---

**From:** Thomas Sniscak  
**Sent:** Wednesday, April 14, 2021 1:17 PM  
**To:** Beach, Ashley L.  
**Cc:** Cortes, Samuel W.; Kuebler, Tara L.; Chernesky, Jean C.; Whitney Snyder; Bryce Beard; Kevin McKeon; Diana Silva (DSilva@mankogold.com)  
**Subject:** RE: New Hearing Date and Schedule

Ashley,

Confirmed. We should ask to start at 9 a.m. on the 24<sup>th</sup> in case we can finish in one day.

Tom

**Thomas J. Sniscak**  
**Hawke McKeon & Sniscak LLP**  
**100 North 10<sup>th</sup> Street**  
**Harrisburg, PA 17101**  
  
**Email: [tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)**

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---

**From:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Sent:** Wednesday, April 14, 2021 12:31 PM  
**To:** Thomas Sniscak <TJSniscak@hmslegal.com>  
**Cc:** Cortes, Samuel W. <SCortes@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Whitney Snyder <WESnyder@hmslegal.com>; Bryce Beard <brbeard@hmslegal.com>; Kevin McKeon <KJMckeon@hmslegal.com>; Diana Silva (DSilva@mankogold.com) <DSilva@mankogold.com>  
**Subject:** New Hearing Date and Schedule

Tom,

Now that the parties have selected a mediator and confirmed mediation on May 10<sup>th</sup>, I think that it is appropriate to notify Judge Cheskis of the new schedule. Based on the prior emails exchanged and the date of the mediation, my understanding of the new schedule follows:

Sunoco rebuttal testimony: Due 5/12  
GRS rebuttal testimony: Due 5/19

Exhibits: Due 5/21  
Hearing: 5/24, 5/26

Please confirm that you agree and I will notify Judge Cheskis. Thank you.

Best regards,

Ashley

**Ashley Beach**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

[abeach@foxrothschild.com](mailto:abeach@foxrothschild.com)

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# **Attachment F**

---

**From:** Beach, Ashley L. <abeach@foxrothschild.com>  
**Sent:** Wednesday, April 14, 2021 4:14 PM  
**To:** Cheskis, Joel  
**Cc:** Cortes, Samuel W.; Chernesky, Jean C.; Whitney Snyder; Kevin McKeon; Bryce Beard; Thomas Sniscak  
**Subject:** RE: [External] Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; C-2020-3023129

Judge Cheskis,

Thank you for working with the parties so that we can attempt to resolve this matter. We were able to agree on a mediator and mediation date (May 10<sup>th</sup>). We have also agreed on a new proposed schedule in the event that mediation is not successful:

Sunoco rebuttal testimony: Due 5/12

GRS rebuttal testimony: Due 5/19

Exhibits: Due 5/21

Hearing: 5/24, 5/27. With respect to the hearing date, counsel for GRS presently have a conflict on 5/26. We are hopeful that date will open up and we could have the second day of hearings on 5/26, if necessary. The parties also agreed that it would be beneficial to start at 9:00 am on 5/24 in the event that we are able to finish in one day. Thank you.

Respectfully,

Ashley Beach

**Ashley Beach**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

  
[abeach@foxrothschild.com](mailto:abeach@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

**Attachment G**  
**Affidavit of Diana A. 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 Continuance.

2. On April 9, 2021, in anticipation of serving SPLP’s rebuttal testimony by the then-current deadline, I and my firm’s support staff created folders to compile all eight of SPLP’s witnesses’ rebuttal testimony – both in PDF format for service upon Glen Riddle’s counsel, and in Microsoft Word format for service upon the Commission in accordance with judicial preferences and Commission procedure.

3. Each of SPLP’s eight witnesses’ rebuttal testimony was prepared and finalized on April 9, 2021, and stored in corresponding folders on my firm’s system, so that the testimony and exhibits could be served via secure Share File transfer by the 4:00 p.m. service deadline later that day. By mid-afternoon on April 9, 2021, SPLP’s rebuttal testimony was ready to serve on Glen Riddle’s counsel. As the parties continued to discuss the stay of the litigation with the Commission over the subsequent days from April 9-13, 2021, SPLP confirmed and saved final versions of SPLP’s rebuttal testimony, to be served if a stay was not agreed upon.

4. Upon the Commission's entry of a stay of the litigation, each of SPLP's eight witnesses' testimony remained housed in this folder structure for anticipated future service upon Glen Riddle, if and when necessary.

5. When the parties' mediation period concluded, I instructed my support staff to update the cover sheets on each of the witnesses' testimony to reflect the new service date of May 12, 2021. With the exception of the testimony of Seth Harrison, P.E. and Joseph McGinn, discussed below, no other changes to SPLP's rebuttal testimony were made from the time period of April 13, 2021 to May 12, 2021. This is reflected in the metadata for both the PDF and Microsoft Word version of each witness's testimony, which bears a "created" date of 4/9/2021 or 4/13/2021, and a "last modified" date of either 5/11/2021 or 5/12/2021. A copy of screenshots reflecting this metadata for each witness's testimony, both Microsoft Word and PDF versions, is provided as Attachment "H."

6. The only rebuttal testimony that reflected any substantive edits or modifications between April 13, 2021 and May 12, 2021 was that of acoustical engineering expert Seth Harrison, P.E. and SPLP witness Joseph McGinn.

7. The edits and modifications for Seth Harrison's rebuttal testimony was limited to incorporating additional sound readings taken on May 7, 2021, to reflect follow-up acoustical measurements to reflect the then-current constructional operational field conditions. This updated testimony is found at page 10, line 21 through page 11 line 9, and in an updated version of the corresponding exhibit SPLP SH-5, which was likewise updated to reflect the additional follow-up acoustical measurements.

8. The edits to Joseph McGinn's testimony was to update one line describing his history and experience in Delaware County, found at page 3, lines 6-9.

9. No other substantive edits or modifications to SPLP's rebuttal testimony were made during the intervening time period between April 13, 2021 and May 12, 2021 when SPLP's written testimony was served on Glen Riddle's counsel.

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*

---

Diana A. Silva, Esquire

Dated: May 17, 2021

# **Attachment H**

# GRS v. SPLP Rebuttal Testimony of Gregory Noll (St. No. 1-R)

## GRS v. SPLP Rebuttal Testimony of Gregory Noll (St. No. 1-R)

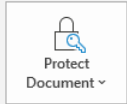
P: » DSilva » Sunoco-Glen Riddle » SPLP Rebuttal Testimony » SPLP Rebuttal Testimony - Word Final Versions

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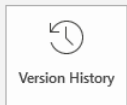


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Comments	Add comments

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### Related People

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Last Modified By	Not saved yet

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### Properties ▾

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Author	mnew
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Base URL	Add base url
Key words	Add keywords
Application	Power PDF Create

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Created	2021-04-09 12:50:58

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Location	P:\DSilva\Sunoco-Glen Riddle\SPLP Rebuttal Testi...\
Number of Pages	37
Fast Web View	Yes
Tagged PDF	No




# GRS v SPLP Rebuttal Testimony of David Amerikaner (St. No. 2-R)


**D. AMERIKANER GRS v. SPLP Rebuttal Testimony (St. No. 2-R) 4.12 815PM**

E-mail attachment: <C:\Users\brb\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\GMHPAD4N\D. AMERIKANER GRS v. SPLP Rebuttal Testimony>


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Last Modified By	Not saved yet

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**Additional Information**


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Number of Pages	297
Fast Web View	Yes
Tagged PDF	No


# GRS v. SPLP Rebuttal Testimony of Joe Becker (St. No. 3-R)


GRS v. SPLP Rebuttal Testimony of Joe Becker (St. No. 3-R)


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

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Author Add an author

Last Modified By Not saved yet

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Fast Web View	Yes
Tagged PDF	No

# GRS v. SPLP Rebuttal Testimony of Jayme Fye (St. No.4-R)


GRS v. SPLP Rebuttal Testimony of Jayme Fye (St. No.4-R)

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
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Total Editing Time 0 Minutes

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**Related People**

Author Add an author

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Title Microsoft Word - FINAL GRS v. SPLP Rebuttal Testim

Author mnew

Subject Add a subject

Base URL Add base url

Key words Add keywords

Application Power PDF Create

**Important Dates**

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Created 2021-04-13 09:45:31

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Number of Pages 82

Fast Web View Yes


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# GRS v. SPLP Rebuttal Testimony of Chad Farabaugh (St. No. 5-R)


GRS v. SPLP Rebuttal Testimony of Chad Farabaugh (St. No. 5-R)

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Fast Web View	Yes
Tagged PDF	No


# GRS v. SPLP Rebuttal Testimony of John Packer (St. No. 6-R) FINAL

**GRS v. SPLP Rebuttal Testimony of John Packer (St. No. 6-R) FINAL**  
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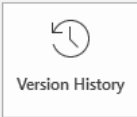
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Author  Bryce Beard  
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Last Modified By  Michelle New

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Fast Web View	Yes
Tagged PDF	No

# GRS v. SPLP Rebuttal Testimony of McGinn (S. No. 7-R)

## McGinn Rebuttal Glen Riddle Testimony 5.12.21 draft

Documents » SPLP » Glen Riddle » Testimony » Joe McGinn

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### Related People

Author: Thomas Sniscak  
[Add an author](#)

Last Modified By: Bryce Beard

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Fast Web View	Yes
Tagged PDF	No

# GRS v. SPLP Rebuttal Testimony of Seth Harrison (St. No. 8-R) FINAL

GRS v. SPLP Rebuttal Testimony of Seth Harrison (St. No. 8-R) FINAL

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Pages

Words

Total Editing Time 0 Minutes

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Tags Add a tag

Comments Add comments

**Related Dates**

Last Modified 5/11/2021 10:38 AM

Created 5/11/2021 10:38 AM

Last Printed

**Related People**

Author Add an author

Last Modified By Not saved yet

**Related Documents**

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**Title** Microsoft Word - GRS v. SPLP Rebuttal Testimony of

**Author** mnew

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**Key words** Add keywords

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**Important Dates**

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Created 2021-05-11 10:40:03

**Additional Information**

PDF Producer Power PDF Create

PDF Version 1.7

File Size 7.35 MB (7,708,678 Bytes)

Page Size 8.50 in x 11.00 in

Location P:\DSilva\Sunoco-Glen Riddle\SPLP Rebuttal Testi...\

Number of Pages 76

Fast Web View Yes

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**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**

Samuel W. Cortes, Esquire  
Ashley L. Beach, Esquire  
Fox Rothschild LLP  
747 Constitution Drive, Suite 100  
Exton, PA 19341  
(610) 458-7500  
[scortes@foxrothschild.com](mailto:scortes@foxrothschild.com)  
[abeach@foxrothschild.com](mailto:abeach@foxrothschild.com)

*/s/ Thomas J. Sniscak* \_\_\_\_\_

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

Dated: May 17, 2021