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June 30, 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 Motion of Glen Riddle Station, L.P., to Compel Responses of Sunoco Pipeline L.P. ("Sunoco") to Interrogatories and Request for Production of Documents – Set IV, 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,

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
Complainant,	:	
	:	
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 to Compel Discovery Responses at the above-referenced docket to which you may file an answer within two (2) 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

June 30, 2021

By:



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

**COMMONWEALTH OF PENNSYLVANIA
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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION OF GLEN RIDDLE STATION, L.P., TO COMPEL RESPONSES OF
SUNOCO PIPELINE L.P., TO INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS – SET IV**

Glen Riddle Station, L.P. (“GRS”), by and through its counsel, Fox Rothschild LLP, pursuant to 52 Pa. Code § 5.342(g), and in compliance with Your Honor’s Order dated May 24, 2021, files this Motion to Compel Responses of Sunoco Pipeline L.P. (“Sunoco”) to Interrogatories and Request for Production of Documents – Set IV (“Discovery Request Set IV”), and in supports avers as follows:

I. BACKGROUND

1. On June 25, 2021, GRS served on Sunoco Interrogatories and a Request for Production – Set IV, seeking discovery related to, among other things, the credibility of certain Sunoco witness rebuttal testimony.

2. On June 28, 2021, Sunoco emailed GRS its objection to Request No. 10 of Discovery Request Set IV (“Request No. 10”). See June 28, 2021 email by and between counsel attached hereto as Exhibit A.

3. Request No. 10, which is attached hereto as Exhibit B, seeks all payments of money made by Sunoco or its affiliates to the Township from January 1, 2018, through the present.

4. That same day GRS responded with its reasoning as to the relevance of Request No. 10 and requesting a withdrawal of the objection. See Exhibit A.

5. After the email exchange in Exhibit A, Sunoco filed its formal objection to Request No. 10.

6. Although Sunoco correctly points out that Your Honor previously denied GRS's Motion to Compel a similar request on the basis that it was not related to the safety of Sunoco's work at GRS's property [see Sunoco's Objection p. 1, fn. 3], that Order predated Sunoco's submission of rebuttal testimony in this case. See Glen Riddle Station, L.P. v. Sunoco Pipeline, L.P., Docket No. C-2020-3023129, Order Denying Motion to Compel Filed By Glen Riddle Station, L.P. (March 5, 2021) (the "March 5, 2021 Order").

7. The rebuttal testimony submitted by Sunoco's expert Gregory Noll, was heavily based upon what he claimed were statements, recommendations, and reports from authorized agents of Middletown Township. [Noll, 7:14-22; 9:5-17; 10:14-11:2; 12:12-13:5; 14:19-15:14.]

8. GRS files this Motion to compel a response to Request No. 10.

II. ARGUMENT

9. Parties may conduct 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. 52 Pa. Code § 5.321(c).

10. As Your Honor explained in the May 28, 2021 Order in this case:

Information is relevant if it tends to establish a material fact, tends to make a fact at issue more or less probable or supports a reasonable inference or presumption regarding a material fact. Relevancy in discovery is broader than the standard used for admission of evidence at a hearing. The party objecting to discovery as the burden to establish that the requested information is not relevant or discoverable with any doubts regarding relevancy being resolved in favor of discovery.

Glen Riddle Station, L.P. v. Sunoco Pipeline, L.P., Docket No. C-2020-3023129, Order Granting Motion to Compel Filed By Sunoco Pipeline, L.P. (May 28, 2021.)

11. Request No. 10 states:

10. Identify all payments of money made by Sunoco or its affiliates to the Township from January 1, 2018, through the present.

See Exhibit B, p. 2.

12. Sunoco's position that monies it paid to Middletown Township are irrelevant to this matter fails to consider the testimony of its witness, Mr. Noll, which relies heavily on what he claimed were statements, recommendations, and reports from authorized agents of Middletown Township. [Noll, 7:14-22; 9:5-17; 10:14-11:2; 12:12-13:5; 14:19-15:14.].

13. In reaching conclusions that Sunoco's work on GRS's property does not cause a safety hazard for emergency access, Mr. Noll describes how he relied on conversations with and a memorandum prepared by Middletown Township's Emergency Coordinator. [Noll, 9:5-17; 12:12-13:5; 14:19-15:14.]

14. Mr. Noll also relied on Middletown Township's site visits to evaluate emergency access. [Noll, 10:4-11:2; 12:12-13:5.]

15. Request No. 10 is relevant to the credibility of Mr. Noll's testimony, and to the credibility of the purported Middletown Township recommendations, statements, and reports on each of these points.

16. The payment of money, potentially substantial amounts of money, to a party or witness is relevant to the credibility of that party or witness. See Hatfield v. Cont'l Imports, Inc., 620, A.2d 446, 449-50 (Pa. 1992); see also Profit-Sharing Blue Stamp Co. v. Urban Redevelopment Auth. of Pittsburgh, 241 A.2d 116, 118 (Pa. 1968) (finding that it was proper to

allow cross-examination of building's owner about a reimbursement agreement with the city's redevelopment authority because the agreement bore on "witness's credibility"). Such evidence is always admissible. Pa. R.E. 607.

III. CERTIFICATION

17. The undersigned counsel certifies that on June 28, 2021, he wrote to Sunoco's counsel in an attempt to meet and confer with respect to Sunoco's objection. [See Exhibit A.]

18. The objection could not be resolved. [Id.]

IV. CONCLUSION

19. For the reasons set forth herein, GRS respectfully requests that the Commission grant GRS's request to compel a full and complete response from Sunoco to Request No. 10.

Respectfully submitted,

FOX ROTHSCHILD LLP

June 30, 2021

By:



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

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v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that, on June 30, 2021, I served a true and correct copy of the foregoing Motion to Compel 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
Kevin J. McKeon, Esquire
Bryce R. Beard, Esquire
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Samuel W. Cortes, Esquire