



Fox Rothschild LLP
ATTORNEYS AT LAW

Eagleview Corporate Center
747 Constitution Drive
Suite 100
Exton, PA 19341-0673
Tel (610) 458-7500 Fax (610) 458-7337
www.foxrothschild.com

SAMUEL W. CORTES
Direct No: 610.458.4966
Email: SCortes@FoxRothschild.com

December 7, 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 with the Pennsylvania Public Utility Commission is Motion Of Glenn Riddle Station, L.P., To Strike Certain Of Sunoco Pipeline L.P.'S Briefing 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

**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

Pursuant to 52 Pa. Code § 5.103(c), you are hereby notified that, if you do not file a written response to the enclosed Motion to Strike within twenty (20) days from service of this notice, a Decision may be rendered against you. Any response to the Motion to Strike must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served upon counsel for Complainant, Glen Riddle Station, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

Filed with:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION OF GLENN RIDDLE STATION, L.P., TO STRIKE FROM
THE RECORD CERTAIN OF SUNOCO PIPELINE L.P.’S BRIEFING**

Glenn Riddle Station, L.P. (“Complainant”), by and through its undersigned counsel, Fox Rothschild LLP, files this Motion to Strike certain portions of Sunoco Pipeline L.P.’s (“Sunoco”) Main Brief and Reply Brief. In support, Complainant respectfully states as follows:

1. The Administrative Law Judge (“ALJ”) should strike portions of Sunoco’s Main Brief and Reply Brief because they fail to comply with the Public Utility Commission’s (“PUC”) Rules and prejudice Complainant.

2. 52 Pa. Code § 5.501(e) requires that briefs be “as concise as possible and . . . limited to 60 pages in length.” Id.

3. By regulation, Main Briefs must include proposed findings of fact, proposed conclusions of law, and proposed order paragraphs. 52 Pa. Code § 5.501(b) (recognizing that the Main Brief itself includes proposed findings of fact, together with proposed conclusions of law).

4. Additionally, pursuant to the Order dated July 14, 2021, the parties’ Main Briefs are limited to 60 pages, which must include proposed findings of fact, conclusions of law, and ordering paragraphs.

5. Here, in total, Sunoco’s Main Brief is 87 pages, including its Appendices.

6. Sunoco violated 52 Pa. Code § 5.501 without receiving or even seeking Complainant's consent or the ALJ's permission to do so.

7. In an effort to hide its non-compliance with 52 Pa. Code § 5.501, Sunoco submitted its proposed conclusions of law, findings of fact, and ordering paragraphs as "Appendices" to its Main Brief.

8. By regulation, however, conclusions of law, findings of fact, and ordering paragraphs are part of the Main Brief itself. 52 Pa. Code § 5.501(b).

9. Additionally, Sunoco's Reply Brief is 109 pages, which includes a 54 page, single-spaced "chart" containing further argument that Sunoco attached as an Appendix to its Reply Brief.

10. Thus, all of Sunoco's Appendices, including Appendix A to its Main Brief, pg. 1-14, Appendix B to its Main Brief, pg. 1-12, Appendix C to its Main Brief, pg. 1, and Appendix A to its Reply Brief, pg. 1-54, should be stricken from the record.

11. Additionally, the ALJ should strike portions of Sunoco's Main Brief because they reference matters outside of the record.

12. A party cannot reference information that is outside of the record. Application of Interstate Energy Co., No. A-00140200, 1994 WL 932289, at *6-7 (Pa. P.U.C. Aug. 11, 1994).

13. In its Main Brief, Sunoco references other proceedings involving GRS and Middletown Township, including "a complaint in the U.S. District Court for the Eastern District of Pennsylvania and appeals of two of [Middletown] Township's denials of Right-to-Know requests". [Sunoco's Main Brief, pg. 38, fn. 10].

14. These "other proceedings" concern matters outside of the record of this proceeding.

15. Complainant attempted to respond to Sunoco's averments concerning these "other proceedings" in its Reply but that response was stricken upon Sunoco's Motion.

16. Sunoco's reference to these same "other proceedings" should likewise be stricken.

WHEREFORE, for the reasons stated above, Complainant respectfully requests that the ALJ enter an order striking certain of the portions of Sunoco's briefing as follows:

- a. Appendices A, B, and C to Sunoco's Main Brief;
- b. Appendix A of Sunoco's Reply Brief; and
- c. Page 38, footnote 10 of Sunoco's Main Brief.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: December 7, 2021

By: /s/ Samuel W. Cortes
Samuel W. Cortes, Esquire
Attorney I.D. No. 91494
Eagleview Corporate Center
747 Constitution Drive, Suite 100
Exton, PA 19341
scortes@foxrothschild.com
*Attorney for Complainant,
Glenn Riddle Station*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

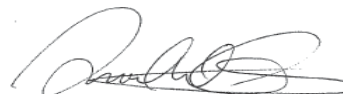
GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that, on December 7, 2021, I served a true and correct copy of the foregoing Motion to Strike, 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
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
TJSniscak@hmslegal.com
WESnyder@hmslegal.com
kjmckeon@hmslegal.com
brbeard@hmslegal.com



Samuel W. Cortes, Esquire