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May 18, 2022

***Via Electronic Filing***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor (filing room)  
Harrisburg, PA 17120

Re: Meghan Flynn, et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated)  
Melissa DiBernardino, Docket No. C-2018-3005025 (consolidated)  
Rebecca Britton, Docket No. C-2019-3006898 (consolidated)  
Laura Obenski, Docket No. C-2019-3006905 (consolidated)  
Andover Homeowner's Association, Inc.; Docket No. C-2018-3003605 (consolidated)  
v. Sunoco Pipeline L.P.  
**SUNOCO PIPELINE L.P.'S PUBLIC AWARENESS PLAN REVIEW**

Dear Secretary Chiavetta:

Pursuant to Paragraph 23 of the Commission's November 18, 2021 Order, enclosed for filing Sunoco Pipeline L.P.'s Public Awareness Plan Review.

If you have any questions regarding this filing, please contact me.

Respectfully,

*/s/ Whitney E. Snyder*

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Bryce R. Beard

*Counsel for Sunoco Pipeline L.P.*

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**SUNOCO PIPELINE L.P.**

**REVIEW OF PUBLIC AWARENESS PLAN**

**PURSUANT TO**

***Flynn et al v. Sunoco Pipeline L.P.*, Docket Nos. C-2018-3006116 *et al*, Opinion and Order at ¶ 23  
(Opinion and Order entered Nov. 18, 2021)**

**May 18, 2022**

## **I. INTRODUCTION AND BACKGROUND**

On November 18, 2021, the Commission entered a final Opinion and Order in the consolidated action *Meghan Flynn et al. v. Sunoco Pipeline L.P.*, Docket Nos. C-2018-3006116, *et al.* (the Order), which set forth certain submissions that Sunoco Pipeline L.P. (“SPLP”) must provide to the Commission on identified schedules.<sup>1</sup> Paragraph 23 requires SPLP to review its public awareness program through either an internal self-assessment using an internal working group or through third-party auditors and file with the Commission a copy of the completed review.

SPLP has completed its review including utilizing third-party survey results as discussed below. SPLP is submitting this review consistent with the Order.

## **II. REVIEW PROCESS**

SPLP has performed the review process incorporated into Federal pipeline safety regulations and additional Pipeline and Hazardous Material Safety Administration guidance. 49 C.F.R. § 195.3(b) incorporates by reference American Petroleum Institute (API) Recommended Practice (RP) 1162: Public Awareness Programs for Pipeline. API RP 1162 provides specific guidance to pipeline operators on the purpose and scope of evaluating their public awareness programs. The primary purpose is to assess whether the program is effective in achieving objectives and provide the operator with information to determine whether program changes may be warranted.

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<sup>1</sup> SPLP has appealed the Order to the Pennsylvania Commonwealth Court, *Sunoco Pipeline L.P. v. Pennsylvania Public Utility Commission*, Dkt. Nos. 1415 C.D. 2021, 1416 C.D. 2021, 1417 C.D. 2021, 1418 C.D. 2021, 1419 C.D. 2021, 1421 C.D. 2021. SPLP has not sought to supersede or otherwise suspend the compliance requirements of the Order during the pendency of the appeal, and therefore is making this compliance submission in accordance with the deadlines established by the Order; however, this compliance submission shall in no way be construed as a waiver by SPLP of the legal and factual challenges to the Order as set forth in the appeal and related pleadings.

Per API RP 1162 section 8.2, the measures are designed to evaluate whether the program is being implemented as planned -- the process -- and whether the program is effective. The following guidance from RP 1162 elaborates on the variety of evaluation approaches and techniques an operator can select to conduct a comprehensive review. A pipeline operator's effectiveness evaluation program consists of two major elements, an annual self-assessment and a research survey, implemented every four years. Pre-testing with focus groups is only recommended upon major redesign of public awareness materials.

**8.5 SUMMARY OF BASELINE EVALUATION PROGRAM**

Table 8-1—Summary of Baseline Evaluation Program

The results of the evaluation need to be considered and revisions/updates made in the public awareness program plan, implementation, materials, frequency and/or messages accordingly

Evaluation Approaches	Evaluation Techniques	Recommended Frequency
Self Assessment of Implementation	Internal review, <i>or</i> third-party assessment <i>or</i> regulatory inspection	Annually
Pre-Test Effectiveness of Materials	Focus groups (in-house or external participants)	Upon design or major redesign of public awareness materials or messages
Evaluation of effectiveness of program implementation: <ul style="list-style-type: none"> <li>• Outreach</li> <li>• Level of knowledge</li> <li>• Changes in behavior</li> <li>• Bottom-line results</li> </ul>	<ol style="list-style-type: none"> <li>1. Survey: Can assess outreach efforts, audience knowledge and changes in behavior               <ul style="list-style-type: none"> <li>• Operator-designed and conducted survey, or</li> <li>• Use of pre-designed survey by third-party or industry association, or</li> <li>• Trade association conducted survey segmented by operator, state or other relevant separation to allow application of results to each operator.</li> </ul> </li> <li>2. Assess notifications and incidents to determine anecdotal changes in behavior.</li> <li>3. Documented records and industry comparisons of incidents to evaluate bottom-line results.</li> </ol>	No more than four years apart.  Operator should consider more frequent as a supplement or upon major redesign of program.
Implement changes to the Public Awareness Program as assessment methods above suggest.	Responsible person as designated in written Public Awareness Program	As required by findings of evaluations.

The “Sample Assessment of Program implementation,” provided in the first edition of RP 1162, is a tool that pipeline operators can use when conducting an internal self-assessment and includes a series of questions related to program development, program implementation and documentation. The second edition of RP 1162 greatly expanded the questions and provided a more detailed and renamed form “Sample Annual Internal Self-assessment.” Additionally, the Pipeline and Hazardous Materials Safety Administration (PHMSA) provided clarification

regarding the implementation of public awareness program requirements and acceptable audit methods through the Public Awareness Program Frequently Asked Questions (FAQs), published in 2011.<sup>2</sup>

SPLP has utilized the API RP Assessment method, including both a self-assessment and third-party conducted research survey.

### **III. REVIEW RESULTS**

SPLP's self-assessment, which is consistent with the API RP 1162 Second Edition sample assessment, is attached as Appendix A. The self-assessment shows, *inter alia*:

- SPLP is following its public awareness program
- All elements in API RP 1162 Section 2 are incorporated into the written program
- The written program addresses all of the objectives of API RP 1162
- The written program addresses all regulatory requirements in API RP 1162 Section 2.2
- All program elements have been implemented and documented
- Results of evaluation of program effectiveness are used in a structured manner to improve the program and/or determine the need for supplemental actions

SPLP utilizes the third-party conducted research survey to further evaluate the effectiveness of its public awareness program. SPLP very recently received the results of the third-party survey and is working on utilizing the data to perform further evaluation of the effectiveness of its public awareness program.

### **V. CONCLUSION**

With the submission of this report, SPLP has satisfied the requirements of Paragraph 23 of the Order.

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<sup>2</sup> Available at <https://primis.phmsa.dot.gov/comm/publicawareness/Public%20Awareness%20Effectiveness%20FAQs%2020110927.pdf>.

# **APPENDIX A**

**Sunoco Pipeline L.P.'s 2021  
Annual Self-Assessment Public  
Awareness Program Report**



What period does assessment cover: 2021

Operator ID(s) included in written public awareness program: SPLP 18718

**I. Program Development and Documentation: Has the Public Awareness Program been developed and written to address these objectives, elements and baseline schedule as described in Section 2 of RP1162?**

1. Does the operator have a written Public Awareness Program?

Yes  No

2. Have all the elements described in Section 2 of RP1162 been incorporated into the written program?

a) Objectives	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b) Management commitment and support	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
c) Program administrator	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
d) Pipeline assets identified	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
e) Four stakeholder audiences	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
f) Message type/content for each audience	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
g) Baseline delivery frequency for each audience	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
h) Baseline delivery methods for each message	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
i) Considerations for supplemental enhancements	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
j) Program implementation/track progress	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
k) Program evaluation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
l) Continuous improvement	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

3. Does the written program address all of the objectives of RP1162 as defined in Section 2.1?
- a) Raise the awareness of affected public and key stakeholders of the presence of pipelines in their community  
Yes  No
  - b) Increase their understanding of the role of pipelines in transporting energy.  
Yes  No
  - c) Help the public understand that while pipeline accidents are possible, pipelines are a relatively safe mode of transportation.  
Yes  No
  - d) Help the public understand that pipeline operators undertake a variety of measures to prevent pipeline accidents.  
Yes  No
  - e) Help the public understand that pipeline operators plan for management of incidents if they occur.  
Yes  No
  - f) Help the public understand the steps that they can take to prevent and respond to pipeline emergencies.  
Yes  No
4. Does the documented program address regulatory requirements identified in Section 2.2 of RP1162 that the operator must comply with?  
Yes  No
5. Does the operator have a plan that includes a schedule for implementing the program?  
Yes  No
6. Does the program include requirements for updating responsibilities as organizational changes are made?  
Yes  No



**II. Program Implementation: Has the Public Awareness Program been implemented and documented according to the written program?**

1. Has the program been updated to reflect significant organizational and or major pipeline system changes?

Yes  No

*If yes, date of revision:*

In 2021 we implemented the Public Awareness Emergency Notification System (PAENS) in conjunction with a unique emergency phone number to be used on all Public Awareness materials. This number is monitored 24/7 and PAENS allows the call to be directed to the appropriate emergency phone number based on the caller's location. This platform takes the burden off the caller to distinguish which emergency phone number to use in areas where there are several overlapping assets.

2. Are personnel assigned responsibilities in the written program aware of their responsibilities and have management support (budget and resources) for carrying out their responsibilities on the program?

Yes  No

3. Has the program been properly and adequately documented?

Yes  No

*Please describe process and/or attach supporting examples for reference:*

Records and other documentation that reflect communications with stakeholder audiences are retained for a minimum of five years within PACT, the Public Awareness Communications Tracker. Records that cannot be readily converted to electronic format are kept by the Public Awareness Manager with copies existing in the source location as necessary.

4. Have all the required elements of the program plan been implemented in accordance with the written plan and schedule? Check all that apply.

**Baseline Communication(s) Frequency**

	Which pipeline systems?	Type year
Affected Public		
Emergency Officials	SPLP	September 2021
Excavators	SPLP	September 2021
Public Officials		

**Baseline Communication(s) Method**

	Affected Public	Emergency Officials	Excavators	Public Officials
Target distribution of print materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pipeline Markers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Personal Contact (phone calls, group meetings)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Liaison Meetings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Paid Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Newspaper Ads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Baseline Message Content Summary**

	Affected Public	Emergency Officials	Excavators	Public Officials
Pipeline purpose and reliability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Awareness of hazards and prevention measures undertaken	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Damage prevention awareness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
One-Call requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leak recognition and response	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Purpose of pipeline markers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How to get additional information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How to obtain information from NPMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emergency preparedness communications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Have the following relevant factors been considered along the pipeline routes to determine which components, if any, of the public awareness program could be enhanced?

Potential hazards	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
High Consequence Areas	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Population density	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Land development activity	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Land farming activity	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Third-party damage incidents	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Environmental considerations	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Pipeline history in an area	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Specific local situations	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Regulatory requirements	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Results from previous Public Awareness Program evaluations	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Issues not mentioned above that reveal the need for supplemental messages	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

*Please describe and/or attach supporting examples for reference.*

Per Section 7.5 of SOP A.17 and HLA.17, the need for supplemental plan enhancement or the development of new or additional communications materials are evaluated on an on-going basis. Annually, a survey is sent out to field managers to solicit input about potential opportunities for improvements. Responses are documented for further review and analysis.

6. Recommendations for altering, editing or revising the public awareness procedures can be made by any field operations personnel. Was input solicited and documented?

Yes  No

*Please describe recommendations and/or attach supporting examples for reference.*

Any level of company personnel can initiate the Management of Change process when requesting a change to a procedure, as needed. The MOC process is detailed in SOP A.03 and housed on the company intranet and accessible to all company employees. No MOCs were submitted in 2021.

7. Does the operator have documentation of the results of evaluating the program for effectiveness?

Yes  No

If yes, provide date of program evaluation and attach supporting materials.

Due every four years, the last effectiveness measurement report for Energy Transfer was completed in 2017. A report for SPLP was completed in 2019. We surveyed all company assets in 2021 and are in the process of analyzing the data and generating the next report.

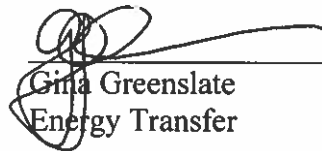
8. Are the results of the evaluation of program effectiveness being used in a structured manner to improve the program or determine if supplemental actions (i.e. revised messages, additional delivery methods, increased frequency) are needed in some locations?

Yes  No  N/A

Date: 2/10/22 Signature:  Public Awareness Manager

## VERIFICATION

I, Gina Greenslate, on behalf of Sunoco Pipeline L.P., hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



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Gina Greenslate  
Energy Transfer

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the forgoing document upon the persons 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

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Dated: May 18, 2022