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July 20, 2022

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 Complainant's Answer to the Motion for Extension of Time to Pay Civil Penalty filed by Sunoco Pipeline, LP 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,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes', is written over a light blue horizontal line.

Samuel W. Cortes

SWC:slb
Enclosure

cc: Per Certificate of Service

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
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**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.	:	

**ANSWER TO MOTION FOR EXTENSION OF TIME FOR PAYMENT
OF CIVIL PENALTY FILED BY SUNOCO PIPELINE, L.P.**

Pursuant to 52 Pa. Code § 5.103, Glen Riddle Station, L.P. (“GRS”), by and through its undersigned counsel, hereby answers the Petition for Extension of Time For Payment Of Civil Penalty associated with the June 16, 2022 Order¹ (the “Petition”) filed by Sunoco Pipeline L.P. (“Sunoco”). The Commission has not granted Sunoco’s request for a modification of the Order to allow Sunoco an extension of the deadline for Sunoco to pay the civil penalty imposed by the Order (the “Civil Penalty”). [See Docket, generally.] It is undisputed that this Commission-imposed deadline passed two days ago, Monday, July 18, 2022. [Order.] Thus, it is undisputed that Sunoco is presently in violation of a the Commission-imposed Order.

Yet, although the Commission’s Order is clear on its face, Sunoco apparently believes that its decision to seek a modification of the Order entitles it to the requested modification (i.e., the extension) itself. Once again, Sunoco asks the Commission to allow Sunoco to operate under its own set of rules without regard to the law, the express terms of the Order, or the Commission’s authority. Civil penalties/sanctions are warranted for Sunoco’s flagrant disregard of the Order.

¹ The June 16, 2022 Order is referred to as the “Order”. All other defined terms not otherwise designated herein have the meanings ascribed to them the Reply of Glen Riddle Station, L.P. to the Exceptions of Sunoco Pipeline, L.P. to the March 8, 2022 Initial Order.

I. INTRODUCTION

On Monday, July 18, 2022, Sunoco submitted a “Letter Request for Temporary Extension of Time” (the “Letter Request”). Sunoco claimed, for the first time in this July 18th writing, that “due to delays with [Sunoco’s Bank] it will not be able to submit the check today.” [See Letter Request dated July 18, 2022, filed with the Commission.] In other words, Sunoco admitted on July 18, 2022, both its knowledge of the Commission-ordered obligation to pay the Civil Penalty, knowledge that it unquestionably had for more than *30 days*, and that it knowingly failed to comply with the Order. Sunoco asks the Commission to excuse its failures because Sunoco – an integral part of behemoth multi-national business – could not pay the Commission-imposed \$51,000 Civil Penalty “due to [unspecified] delays” with its bank. No one at Sunoco verified this absurd claim.

In addition to failing to submit a verification, Sunoco did not submit any evidence of any “attempts” to comply with the Order. Nor did Sunoco submit any detail or substantiation for its assertion that it cannot pay \$51,000 to the Commission. Instead, Sunoco tells the Commission that it will not comply with the Commission’s Order unless and until the Commission formally rules on its request for an extension. [See Letter Request, generally.]

Disobedience of a Commission or Court Order is unconscionable for the average litigant. Disobedience of a Commission Order for Sunoco - a regulated entity subject to the Commission’s jurisdiction found by the Commission to have violated Commission regulations and, in doing so, jeopardized the safety of over 200 Pennsylvanians - is egregious behavior warranting harsh sanctions and/or civil penalties.

As Sunoco acknowledges, extensions of time to comply with a Commission order are governed by 52 Pa. Code §§ 1.15. When a request is made prior to the deadline for action, “good

cause” is required. [Id.] When a request is made after the deadline for action, the proponent must establish “reasonable grounds” for the failure to act. [Id.] Here, neither are present.

Sunoco alleges that its “good cause” is its Petition for Reconsideration. [See Letter Request, generally]. As set forth at length in GRS’s Answer to that Petition (“GRS’s Answer”), which is incorporated here as though set forth at length, however, the Petition fails to meet the standards for reconsideration set forth in Duick v. Pa. Gas and Water Co., 56 Pa. P.U.C. 553 (1982). As set forth in GRS’s Answer, the Petition for Reconsideration is simply a regurgitation of Sunoco’s already failed Exceptions to the Initial Decision. Sunoco improperly attempts “by a second motion to review and reconsider, to raise the same questions which were specifically decided against them” Duick, 56 Pa. P.U.C. at 559 (quoting Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission, 179 A. 850, 854 (Pa. Super. 1935)).

Given the lack of merit associated with Sunoco’s Petition for Reconsideration, it does constitute “good cause,” and certainly fails to demonstrate “reasonable grounds” for Sunoco’s failure to comply with the Commission’s Order, which, frankly, amounts to open defiance at this point. That open defiance should be met with adverse consequences, including, but not limited to, the imposition of civil penalties. See 66 Pa. C.S.A. § 3301(a)-(b) (allowing for the imposition of civil penalties for failure to comply with an Order of the Commission, including, without limitation, finding that each day of violation is a “separate and distinct” offense); see also Joint Application of Norfolk Southern Railway Co. and the Borough of Girard, Erie Cnty., No. A-2016-2530631, 2018 WL 1183136, at *29 (Pa. P.U.C., Feb. 14, 2018) (explaining, “the Commission, the parties and the public justifiably rely on the finality of Commission orders/Secretarial Letters. These orders, once they become final, create reasonable expectations. Failure to timely comply with such orders can result in adverse consequences, depending on the matter at hand.”)

II. ANSWER

Response to Background

1. Denied. GRS denies this averment insofar as improperly attempts to characterize the Order, which speaks for itself. By way of further response, Sunoco's deadline for compliance with the Order has passed. Sunoco's request for an extension to comply is therefore moot and Sunoco should be sanctioned for its failure to comply. GRS incorporates the Introduction as though set forth here in full.

2. Denied. GRS denies this averment insofar as improperly attempts to characterize the Petition, which speaks for itself. By way of further response, Sunoco's Petition should be denied because it was nothing more than a regurgitation of the arguments made in its Exceptions, in other words, it is a "second motion to review and reconsider, to raise the same questions which were specifically decided against them." See Duick, 56 Pa. P.U.C. at 559; Duick Chart; and Exceptions No. 5.

Response to Motion for Extension

3. Denied. GRS denies this averment insofar as it contains conclusions of law requiring no response and improperly attempts to characterize the Commission's regulations. By way of further response, GRS denies that Sunoco has "good cause" to avoid its obligations here and incorporates the Introduction as though set forth here in full.

4. Denied. GRS denies this averment insofar as it contains conclusions of law requiring no response and improperly attempts to characterize the Commission's regulations. By way of further response, GRS denies that Sunoco has "good cause" to avoid its obligations here and incorporates the Introduction as though set forth here in full.

5. Denied. GRS denies this averment insofar as it contains conclusions of law requiring no response. By way of further response, GRS denies that Sunoco has “good cause” to avoid its obligations here and incorporates the Introduction as though set forth here in full. Additionally, Sunoco’s assertion that it would be too administratively cumbersome for the Commission to issue a refund if Sunoco’s Petition for Reconsideration results in the Commission rescinding the Civil Penalty is baseless. The resources associated with Sunoco’s request for an extension of time are more costly to the Commission than such a refund – however unlikely – would be.

6. Denied. GRS denies this averment and incorporates its response to no. 5, above, as though set forth here in full.

7. Denied as moot.

8. Denied as moot.

III. REQUEST FOR RELIEF

WHEREFORE, Complainant, Glen Riddle Station, L.P., respectfully requests that the Commission enter an order denying the Petition Extension of Time filed by Sunoco Pipeline, L.P., and entering civil penalties/sanctions against Sunoco Pipeline, L.P., pursuant to 66 Pa. C.S.A. § 3301(a)-(b) for its defiance of the Order.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: July 20, 2022

By: 

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

**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.,	:	
Sunoco.	:	

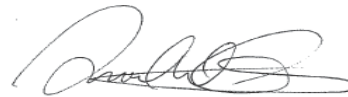
CERTIFICATE OF SERVICE

I hereby certify that I have, on this 20th day of July, 2022, served a true copy of the foregoing Answer to Petition to Extend Time 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):

Via Email Only

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