



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

Docket Nos.  
C-2018-3006116  
P-2018-3006117  
C-2018-3003605  
C-2018-3005025  
C-2019-3006898  
C-2019-3006905

July 11, 2023

Whitney E. Snyder  
Hawke, Mckee & Sniscak, Llp  
100 North Tenth Street  
Harrisburg, Pa 17101  
[WESNYDER@HMSLEGAL.COM](mailto:WESNYDER@HMSLEGAL.COM)

Re: Partial Refund Of Sunoco Pipeline L.P.'s Civil Penalty Payment

Dear Ms. Snyder:


By Commission Order entered on November 18, 2021, at Docket Nos. C-2018-3006116, et seq. (November Order), Ordering Paragraph No. 8, Sunoco Pipeline L.P. (Sunoco) was directed to pay a civil penalty in the amount of \$2,000 by certified check within thirty (30) days of the final entry of the November Order. On December 20, 2021, Sunoco paid the \$2,000 civil penalty by certified check, in compliance with the November Order.

On May 5, 2023, the Pennsylvania Commonwealth Court (Court) issued a precedential Opinion in Consolidated Cases *Sunoco Pipeline L.P. v. Pa. Pub. Util. Comm'n*, Nos. 1415-1419, 1421 C.D. 2021, 2023 WL 3262649 (Opinion), affirming, in part, and reversing, in part, the Commission's November Order. As to the Court's partial reversal, the Court reversed the Commission's determinations that Sunoco violated Section 1501 of the Code and Commission regulations at 52 Pa. Code § 59.33(b) adopting 49 C.F.R. §§ 195.210 (b), 195.248 (relating to depth of cover) and 49 C.F.R. § 195.250 (relating to pipeline distance). In accordance with the Court's Opinion, by this Secretarial Letter, the Commission hereby directs the Bureau of Administration's Fiscal and Assessments Division to process a refund to Sunoco for the \$1,000 civil penalty it paid in connection with the now-reversed depth of cover and pipeline distance violations.

The remaining \$1,000 civil penalty is *not* refundable to Sunoco, however, as it relates to the Court's partial affirmance of the Commission's determination that Sunoco's public awareness program violated the mandate for "reasonable service" under Section 1501 of the Public Utility Code (Code) and the Commission's Regulations at 52 Pa. Code § 59.33(a), (b) and 49 C.F.R. § 195.440 and API RP 1162 (relating to public awareness program). The Court found no error in the Commission's directives for remedial action under Section 1505 of the Code related to the public awareness program violations and in the imposition of the \$1,000 civil penalty for these violations.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition with the Commission within twenty (20) days after the date of this letter. Please direct any questions regarding this Secretarial Letter to Melanie J. El Atieh, Assistant Counsel, Law Bureau, at [melatieh@pa.gov](mailto:melatieh@pa.gov).

Sincerely,



Rosemary Chiavetta  
Secretary

cc: Kriss E. Brown, Deputy Chief Counsel, Law Bureau  
Melanie J. El Atieh, Assistant Counsel, Law Bureau  
Amy Zuvich, Fiscal Bureau  
Gladys Brown Dutrieuille, Chairman  
Stephen M. DeFrank, Vice Chairman  
Ralph V. Yanora, Commissioner  
Kathryn L. Zerfuss, Commissioner  
John F. Coleman, Jr., Commissioner  
Robert Gramola, Acting Executive Director