
Alice A. Wade

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File #: 214375

December 4, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: William Beaver v. Buckeye Partners, L.P.
Docket No. C-2025-3056718

Dear Secretary Homsher:

Attached for filing, on behalf of Buckeye Partners, L.P., is the Motion to Dismiss the Complaint of William Beaver in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade

AAW/dmc
Attachment

cc: The Honorable Marta Guhl (*via email; w/attachment*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

William Beaver
29 Lenape Road
Barto, PA 19504
Beaver29@comcast.net

Date: December 4, 2025



Alice W. Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Beaver,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3056718
	:	
Buckeye Partners, L.P.	:	
	:	
Respondent.	:	

**MOTION OF BUCKEYE PARTNERS, L.P. TO
DISMISS THE FORMAL COMPLAINT OF WILLIAM BEAVER**

TO ADMINISTRATIVE LAW JUDGE MARTA GUHL:

Pursuant to 52 Pa. Code § 5.103, Buckeye Partners, L.P. (“Buckeye” or “Company”) hereby files this Motion to Dismiss the Formal Complaint filed by William Beaver (“Complainant”) in the above-captioned proceeding, because: (1) the Commission lacks jurisdiction over Buckeye; (2) the Complainant failed to file an amended Complaint in accordance with the Interim Order, and (3) the Complainant fails to state a legally sufficient cause of action. The Preliminary Objections not yet ruled upon should be granted and the Complaint dismissed in full.

In support of its Motion, Buckeye states as follows:

I. INTRODUCTION

1. Buckeye is an independent operator of pipelines and terminals for liquid petroleum products.
2. On August 8, 2025, Buckeye received notice that the above-captioned Complaint had been filed against it.

3. Buckeye received a copy of the Complaint by email on August 11, 2025.

4. In the Complaint, Complainant alleges that there are “multiple safety hazards” over Buckeye’s pipeline on an adjacent property, with an “occupied structure just 15-20 feet from the pipeline, 30-40 pet livestock roaming, running, grazing directly on top of the pipeline[,]” as well as fencing and fence posts over the pipeline. Compl. p. 3.

5. Complainant claims that these purported hazards are causing soil erosion. *Id.*

6. Complainant additionally complains of his neighbor’s livestock, with a “pen located only 10 feet from my rear yard property line...uphill from my drinking well.” *Id.*

7. Complainant maintains that the “rain water rushes down through the manure and then down near my well” and is concerned “about possible well contamination.” *Id.*

8. As for relief, the Complainant demands a field inspection at his neighbor’s property, as well as removal of the structure, livestock, fence posts and fencing. *Id.*

9. Complainant further demands that the structure, livestock, fence posts and fencing be “moved 100 feet away or more from my property line.” *Id.*

10. On August 28, 2025, the Company filed an Answer and New Matter to the Complainant and Preliminary Objections.

11. The Answer and New Matter Preliminary Objections included a notice to plead.

12. The Complainant did not file an Answer to the New Matter or Preliminary Objections.

13. On October 31, 2025, Administrative Law Judge Marta Guhl (“the ALJ”), issued an Interim Order granting the Preliminary Objections in part, to the extent that the Complainant requested the relief of moving livestock and structures on the neighbor’s property. Interim Order, p. 4. This Order did not deny the Company’s preliminary objections, but afforded the Complainant

until December 1, 2025, to file an Amended Complainant in support of his allegations against Buckeye. As of the filing of the instant motion, the Complainant has not filed an Amended Complaint.

14. In the Interim Order, the ALJ notes that if no such Amended Complaint is filed, the Company may file an appropriate motion to dismiss the Complaint.

15. For the reasons explained herein, Buckeye Partners L.P. respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, because the Commission lacks subject matter jurisdiction over Buckeye, the Complainant failed to amend his Complaint to set forth additional facts in support of his allegations against Buckeye, and the Complainant failed to state a legally sufficient cause of action.

II. MOTION TO DISMISS

A. THE COMMISSION LACKS JURISDICTION OVER BUCKEYE.

16. The Complaint should be dismissed because the Commission lacks jurisdiction over Buckeye, and the Preliminary Objection granted.

17. As a creature of statute, the Commission has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *See Allegheny Cnty. Port Auth. v. Pa. PUC*, 237 A.2d 602, 605 (Pa. 1967) ("The Public Utility Commission's powers in all cases are statutory.").

18. Formal Complaints before the Commission must allege an act or thing done or not done by a public utility in violation of any law which the Commission has jurisdiction to administer. 66 Pa. C.S. § 701; 52 Pa. Code § 5.21(a).

19. Buckeye is not a jurisdictional Pennsylvania public utility and does not provide intrastate service subject to the Commission's jurisdiction.

20. Buckeye's pipeline at issue in this Complaint is not used for intrastate service.

21. Instead, Buckeye engages in interstate transport of petroleum products pursuant to Federal Energy Regulatory Commission (“FERC”)-approved tariffs.

22. Under the Pipeline Safety Act, 49 U.S.C. § 60101, et seq., the United States Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”) has exclusive jurisdiction over the safety of Buckeye’s pipeline.

23. Similarly, the Commission’s regulations applicable to hazardous liquid pipeline utilities at 52 Pa. Code §§ 59.131-143 do not apply to Buckeye because, as stated in Section 59.131, “[t]he purpose of this section and §§ 59.132—59.143 (relating to hazardous liquid public utility safety standards) is to set forth safety standards for all hazardous liquid public utilities regarding their intrastate operations in this Commonwealth.”

24. Thus, the Complaint should be dismissed because the Commission lacks jurisdiction over Buckeye.

B. THE COMPLAINANT FAILED TO AMEND HIS COMPLAINT

25. The ALJ in the Interim Order, gave the Complainant until December 1, 2025, to amend his Complaint and set forth additional facts in support of his allegations against Buckeye. The Complainant did not do so.

26. The Complainant did not respond to the Company’s New Matter, nor did it respond to the Company’s Preliminary Objections.

27. Thus, consistent with the Commission’s regulations and precedent, Buckeye respectfully requests that the ALJ grant the instant Motion and Preliminary Objection and dismiss the Complaint with prejudice.

C. *In the Alternative*— THE COMPLAINANT FAILS TO STATE A LEGALLY SUFFICIENT CAUSE OF ACTION

28. In the alternative, even if all of the facts in the Complaint are accepted as true, they do not constitute a violation of any law under which the Commission has jurisdiction to administer or enforce, or of any regulation or order of the Commission. 66 Pa. C.S. § 701.

29. Buckeye has not violated any Public Utility Code provision, any regulation of the Commission, or any order of the commission. 66 Pa. C.S. § 701. Indeed, the Complaint does not even relate to any action by Buckeye.

30. Further, the Complainant was given an opportunity to amend his Complaint and make clear what his allegations are as to Buckeye, yet failed to do so.

31. Because the Complaint failed to allege any act or thing done or omitted to be done in violation of a Commission rule, regulation or order, it must be deemed legally insufficient.

32. Thus, consistent with the Commission's regulations and precedent, Buckeye respectfully requests that the ALJ grant the instant Motion and Preliminary Objection and dismiss the Complaint with prejudice due the failure of the Complainant to state a legally sufficient cause of action.

III. CONCLUSION

For the reasons set forth above, Buckeye Partners, L.P. respectfully requests that Administrative Law Judge Marta Guhl grant this Motion and dismiss the Formal Complaint filed by William Beaver with prejudice.

Respectfully submitted,



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Date: December 4, 2025

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