

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Beaver

v.

Buckeye Partners, L.P.

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C-2025-3056718

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of William Beaver against Buckeye Partners, L.P. because he failed to comply with the presiding officer's order.

HISTORY OF THE PROCEEDING

On July 30, 2025, William Beaver (Mr. Beaver or Complainant), filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Buckeye Partners, L.P. (Company or Respondent). In the Formal Complaint, the Complainant alleged that the Respondent's pipeline, which carries hazardous materials, is in danger of imminent failure. In particular, Mr. Beaver averred that there are multiple safety hazards directly over the pipeline, the easement and right of way. He described those safety hazards as follows: "an occupied structure located 15-20 feet

from the pipeline, 30-40 pet livestock roaming, running, grazing directly on top of the pipeline, fence posts and fencing directly over the top, right of way and easement of the pipeline and serious soil erosion to the coverage of the pipeline.” Complaint ¶ 5. He stated as follows,

“[A] pen is located only 10 feet from my rear yard property line and is uphill from my drinking well. The rain water rushes down through the manure and then down near my well. This never used to occur (I have lived here for 18 years) but since they moved in last year the soil erosion is so bad that this is now happening. I am now concerned about possible well contamination. In the past year 6-8 inches of soil has been compacted and eroded. ... Continued activity from these livestock animals creates an imminent pipeline failure of hazardous materials, possible explosion, damage to property, risks of human and animal lives and environmental contamination.

Id.

As relief, Mr. Beaver requested that the structure, the livestock, the fence posts and fencing be immediately removed from the pipeline, the easement, the right of way and moved 100 feet or more away from his property line.¹ *Id.*

On August 28, 2025, the Company filed an Answer and New Matter. In its Answer, the Company denied all material allegations of fact and conclusions of law. In its New Matter, the Company averred that it engages in interstate transport of petroleum products pursuant to Federal Energy Regulatory Commission (“FERC”)-approved tariffs. The Company further explained that it is not a jurisdictional Pennsylvania public utility

¹ The Complainant elected to receive all hearing notices, orders, and related documents regarding this matter via eService to the email address he registered with the Commission.

and does not provide intrastate service subject to the Commission's jurisdiction.² In addition, the Company averred that the pipeline at issue is currently idle and does not transport hazardous materials. New Matter ¶¶ 6-8. Because it is not a jurisdictional Pennsylvania public utility, the Company argued that the Commission's regulations applicable to hazardous liquid pipeline utilities at 52 Pa. Code §§ 59.131-143 do not apply to it. New Matter ¶ 9.

Further, the Company maintained that, even if all of the facts in the Complaint were accepted as true, they did 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. *Id.* ¶ 12. According to the Respondent, the Complaint did not allege that the Company has violated any Public Utility Code provision, any regulation of the Commission, or any order of the commission. 66 Pa. C.S. § 701. The Respondent argued that the Complaint did not even relate to any action by the Company. *Id.* ¶ 13. Instead, even when accepted as true, the Complainant's claims reveal nothing more than a property dispute between adjacent landowners. *Id.* ¶ 14.

The New Matter was accompanied by a Notice to Plead stating that a written response was due within 20 days from service of the Notice.

On August 28, 2025, the Company also filed Preliminary Objections seeking to dismiss the Complaint because: 1) the Commission lacks jurisdiction; 2) the Complaint is legally insufficient as it fails to state a claim upon which relief could be granted; and 3) Complainant fails to join a necessary and indispensable party.

² The Company explained that, while the Commission does have jurisdiction over the intrastate operations of the Laurel pipeline in Pennsylvania, the pipeline at issue in this proceeding is not a part of Laurel's intrastate operations. New Matter at 6.

The Company's Preliminary Objections contained a Notice to Plead, requiring Complainant to file a response within ten days of service.

The Complainant did not file an answer to New Matter or a response to the Preliminary Objections.

On October 6, 2025, the Commission issued a Motion Judge Assignment Notice assigning this proceeding to Administrative Law Judge (ALJ) Marta Guhl.

On October 31, 2025, ALJ Guhl issued an Interim Order granting the Preliminary Objections, in part, to extent that the Complainant's requested relief of moving the livestock and structures on his neighbor's property was stricken from the Complaint and dismissed without a hearing. Interim Order, Ordering Paragraph No. 1. The Interim Order directed Mr. Beaver to file and serve an Amended Complaint that sets forth additional facts in support of the Complainant's allegations against Buckeye Partners, L.P. on or before December 1, 2025. *Id.*, Ordering Paragraph No. 2. If Mr. Beaver failed to comply with the Interim Order, Respondent was permitted to file an appropriate motion to seek the dismissal of the Formal Complaint. *Id.*, Ordering Paragraph No. 4.

Mr. Beaver did not file an Amended Complaint.

On December 4, 2025, the Respondent filed a Motion to Dismiss Mr. Beaver's Formal Complaint because: (1) the Commission lacks jurisdiction over the Respondent; (2) the Complainant failed to file an Amended Complaint in accordance with the Interim Order, and (3) the Complainant failed to state a legally sufficient cause of action.

The Motion contained a Notice to Plead which indicated that the Complainant had 20 days to file a response. The Complainant's response to the Motion was due no later than December 24, 2025. As of the date of this decision, the Complainant has not filed a response to the Motion to Dismiss.

On August 14, 2026, a Judge Change – Assignment Notice was issued reassigning this case from ALJ Guhl to me.

The Motion to Dismiss is ready for disposition.

FINDINGS OF FACT

1. The Complainant in this case is William Beaver.
2. The Respondent is Buckeye Partners, L.P.
3. On July 30, 2025, Mr. Beaver filed a Complaint with the Commission against the Respondent.
4. On August 28, 2025, the Respondent filed Preliminary Objections to the Complaint.
5. The Complainant did not file a response to the Preliminary Objections.
6. On October 31, 2025, an Interim Order was issued granting the Preliminary Objections, in part. Interim Order, Ordering Paragraph No. 1.

7. The Interim Order directed Mr. Beaver to file and serve an Amended Complaint that sets forth additional facts in support of his allegations against the Respondent on or before December 1, 2025. *Id.*, Ordering Paragraph No. 2.

8. If Mr. Beaver failed to comply with the Interim Order, the Respondent was allowed to file an appropriate motion to seek the dismissal of the Formal Complaint. *Id.*, Ordering Paragraph No. 4.

9. The October 31, 2025 Interim Order was served on Complainant via eService to the email address he registered with the Commission.

10. The Complainant did not file an Amended Complaint.

11. On December 4, 2025, the Company filed a Motion to Dismiss the Complaint.

12. The Complainant had until December 24, 2025, to file a response to the Motion to Dismiss.

13. The Complainant did not respond to the Motion to Dismiss.

14. The Complainant has not contacted the Commission to explain why he has failed to comply with the Interim Order.

DISCUSSION

As the party seeking affirmative relief from the Commission, the burden of proof rests on the Complainant. 66 Pa.C.S. § 332(a). "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by

even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

The Commission has held that parties must comply with the orders of an administrative law judge, and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006); *Treffinger v. PPL Elec. Utils. Corp.*, Docket No. C-20027978 (Opinion and Order entered Mar. 3, 2003).

The October 31, 2025, Interim Order granted, in part, and denied, in part, the Preliminary Objections filed by the Respondent. The Preliminary Objections were granted to the extent that the Complainant's requested relief of moving the livestock and structures on his neighbor's property was stricken from the Complaint and dismissed without a hearing. Interim Order, Ordering Paragraph No. 1. However, the Formal Complaint, as filed, was found to lack specificity such that the Respondent was unable to form a suitable answer or response. See Interim Order at 4. Accordingly, the Interim Order directed the Complainant to file an Amended Complaint which sets forth additional facts consistent with the instructions provided on the Commission's formal complaint form and in support of the Complainant's allegations against Buckeye Partners, L.P. *Id.* The Interim Order directed Mr. Beaver to file and serve an Amended Complaint on or before December 1, 2025. Interim Order, Ordering Paragraph No. 2. If Mr. Beaver failed to comply with the Interim Order, Respondent was permitted to file an appropriate motion to seek the dismissal of the Formal Complaint. *Id.*, Ordering Paragraph No. 4.

Complainant failed to comply with the Interim Order dated October 31, 2025, which directed him to file an Amended Complaint in this matter no later than December 1, 2025. There is no indication that the Complainant has filed an Amended Complaint or responded to the Motion to Dismiss.

Respondent and Complainant have due process rights that must be protected. “Among the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal.” *Hess v. Pa. Pub. Util. Comm’n*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014). Complainant has had opportunities to comply with the Interim Order issued in this proceeding and file an Amended Complaint in this matter but has failed to take advantage of these opportunities. To proceed with this matter in these circumstances would result in the denial of Respondent’s due process rights.³

A hearing in this matter is not necessary or appropriate and is not in the public interest. Accordingly, the Complaint will be dismissed in its entirety.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.

2. The Commission has held that parties must comply with the orders of an administrative law judge, and a complainant’s failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006); *Treffinger v. PPL Elec. Utils. Corp.*, Docket No. C-20027978 (Opinion and Order entered Mar. 3, 2003).

³ “Due process of law requires notice to be given to the respondent so that [it] may adequately prepare [its] defense in such cases.” *J.P. v. Dep’t of Human Servs.*, 150 A.3d 173, 176, (Pa. Cmwlth. 2003) (citing *Straw v. Pa. Human Rels. Comm’n*, 308 A.2d 619, 621 (Pa. Cmwlth. 1973)).

3. “Due process of law requires notice to be given to the respondent so that [it] may adequately prepare [its] defense in such cases.” *J.P. v. Dep’t of Human Servs.*, 150 A.3d 173, 176, (Pa. Cmwlth. 2003) (citing *Straw v. Pa. Human Rels. Comm’n*, 308 A.2d 619, 621 (Pa. Cmwlth. 1973)).

4. That the Complainant failed to comply with the interim order dated October 31, 2025.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Buckeye Partners, L.P. to dismiss the Formal Complaint filed by William Beaver at Docket No. C-2025-3056718 is granted.

2. That the Formal Complaint of *William Beaver in William Beaver v. Buckeye Partners, L.P.* at Docket No. C-2025-3056718 is dismissed in its entirety.

3. That Docket No. C-2025-3056718 be marked closed.

Date: September 3, 2026

_____/s/
Eranda Vero
Administrative Law Judge