

**Robert F. Powelson, Chairman**  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
3rd Floor, Room N-304

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CHAIRMAN'S OFFICE

April 5, 2014

P-2014-2411941 et al

Dear Commissioner Powelson,

I am writing to request that you categorically deny the Sunoco Corporation's petition for expedited consideration as a public utility. As a private corporation seeking to transport ethane and propane across state lines for export to foreign markets, Sunoco does not meet requirements set forth in the Pennsylvania Business Corporation Law to be considered a public utility.


Sunoco very recently has been denied eminent domain status in a court of law. On February 24, 2014 President Judge Stephen P. Linebaugh of York County, Pennsylvania, denied the Sunoco Pipeline Motion of for Survey Rights for the Mariner East 2 Pipeline. The Judge adopted the argument of Lavery, Faherty, Patterson and ruled: "Defendant argues that Plaintiff is not in fact a "public utility corporation" under the Business Corporation Law. Defendant first argues that Plaintiff is not a public utility regulated by FERC and is therefore not a public utility corporation under the Pennsylvania Business Corporation Law. The Court agrees. As Plaintiff repeatedly argues, it is regulated by FERC pursuant to the Interstate Commerce Act, and not the Natural Gas Act, as a common carrier, and not as a public utility. It therefore does not fall within the definition of a public utility corporation entitled to condemn property."

By granting Sunoco public utility status and the power of eminent domain, you will in fact be setting the precedent to empower large national and multinational corporations to effectively erase meaningful private property ownership whenever and wherever they see property they wish to acquire in order to further their profits.

Property owners, local municipalities and, indeed the welfare of our entire state is at risk if Sunoco and other corporations like it are granted public utility status.

Again, I urge you to deny Sunoco's request for consideration as a public utility.

Sincerely,



Jody M. Ross, M.D.  
[jross1@hmc.psu.edu](mailto:jross1@hmc.psu.edu)  
717-304-8191

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Jody Ross

437 Nye Road

Hummelstown, PA 17036

HARRISBURG PA 171

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Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg , PA 17105-3265

Attn: Rober F. Powelson, Chairman  
3rd Floor, Room N-304

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