



**ZAEPFEL LAW, P.C.**  
ENVIRONMENT & INDUSTRY

Patrick H. Zaeffel

April 21, 2014

***VIA E-FILE ONLY***

Secretary, Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Letter of Opposition  
Sunoco Pipeline, LP; Docket Number P-2014-2411941 (Consolidated)**

To Whom It May Concern:

I am writing on behalf of my client, Mrs. Katherine Pollak, regarding the petition of Sunoco Pipeline, LP (“Sunoco”) for a Certificate of Public Convenience regarding its proposed Mariner East Pipeline (the “Petition”). Mrs. Pollak owns a residence at 73 Beam Lane in Mohnton, Pennsylvania, which borders on the pump station proposed for Brecknock Township, Berks County (Docket No. P-2014-2411971).

Mrs. Pollak would be detrimentally impacted by the construction of the Brecknock Township pump station pursuant to a Certificate of Public Convenience because local planning and zoning would not be required and Sunoco would not be required to consider and implement measures to mitigate local impacts. I understand from Mrs. Pollack that the landowners listed on Exhibit A would be similarly impacted and that they support this letter of opposition.

Mrs. Pollak opposes the grant of a Certificate of Public Convenience to Sunoco for the following reasons:

- Sunoco has failed to demonstrate that the Mariner East Pipeline provides service “for the public.” 66 Pa.C.S. § 102. Sunoco has failed provide information to substantiate that it has offered pipeline transportation services to the public, and not to a select few customers. The fact that the Interstate Commerce Act requires common carriers to provide service to the public is not itself proof that Sunoco has made an offer to the public, especially if the pipeline was fully subscribed without such an offer. Further, if the pipeline only provides transportation services to Sunoco customers that utilize other Sunoco services at one or both ends of the pipeline, an offer cannot be said to have been made to the public or even a limited subset of the public.
- The regulatory oversight provided by FERC in this instance is not sufficient to satisfy the requirement of regulatory oversight in lieu of local oversight. The particular nature of pump stations demands that they be designed, constructed and

operated in a manner to accommodate local considerations and concerns. To date, there has been no indication that FERC or any other regulatory body has considered the local impacts of these facilities and granting Sunoco the requested Certificate of Public Convenience would mean that local impacts are never considered.

- The proposed pump stations have not been located or designed to mitigate local impacts. These impacts include environmental and safety risks, as well as aesthetic impacts and noise. The use of the pipeline for the transport of liquid ethane and propane presents fundamentally different risks than the transport of gasoline for which the pipeline was originally designed and located. The installation of a 25 foot tall structure and a 35 foot tall stack will materially alter the local landscape in Brecknock Township. If Sunoco is allowed to proceed with the proposed pump stations, it should be required to analyze potential measures to mitigate the local impacts in each proposed pump station location and incorporate those measures that are reasonably appropriate. After consideration of the local context, this may require that structural changes be made to the design and construction of a particular pump station, that a pump station be relocated to alleviate risks to human health and the environment, or that some other measures be taken.
- The Petition is devoid of information to justify the particular location of the Brecknock Township pump station, relying instead on a pipeline capacity graph that shows how each pump station will increase the fluid energy of the pipeline liquids. The Municipalities Planning Code, however, requires that the Public Utility Commission decide, after a public hearing, whether the “present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.” 53 P.S. § 10619. This language requires that the Commission review each structure in particular to make the required determination. In so doing, the consideration of the public welfare should include more than just whether a pump station is required to move the liquids down the pipeline. Sunoco should be required to submit information concerning each proposed location and its risks and impacts to enable the Commission to make the required determination.

Mrs. Pollak thanks the Commission for its consideration of her comments in opposition to the Petition. Mrs. Pollak does not request party status.

Regards,

 (# 71509)  
Patrick H. Zaepfel

cc: Mrs. Katherine Pollak  
Robert A. Weishaar, Jr. (*via e-file*)  
Adeolu A. Bakare (*via e-file*)  
Teresa K. Schmittberger (*via e-file*)

**Exhibit A**

**Leon S. & Nancy F. Lauver**, 38 Schnader Road, Mohnton, PA 19540

**Donald E. & Natalie V. Glasford**, 44 Beam Lane, Mohnton, PA 19540

**Carol Johnson (Edwards)**, 5171 Diehl Road, Mohnton, PA 19540

**Robert W. Sauter & Sandra McMaster**, 460 Alleghenyville Road, Mohnton, PA 19540

**Thomas Ash**, 494 Alleghenyville Road, Mohnton, PA 19540

**Albert R. Ziegler**, 501 Alleghenyville Road, Mohnton, PA 19540

**Barry L. Leivandouski**, 539 Alleghenyville Road, Mohnton, PA 19540

**Robert & Annette Haas**, 563 Alleghenyville Road, Mohnton, PA 19540

**Michael E. & Margaret E. Moyer**, 575 Alleghenyville Road, Mohnton, PA 19540