

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

West Goshen Township
v.
Sunoco Pipeline, L.P.

Public Meeting held March 15, 2018
2589346-OSA
Docket No. C-2017-2589346

STATEMENT OF CHAIRMAN GLADYS M. BROWN


Before the Commission for consideration and disposition is the Petition seeking reconsideration of the Commission's January 9, 2018 Order which lifted the October 26, 2017 injunction preventing Sunoco Pipeline, L.P. from constructing Valve 344 on the Janiec 2 Tract and conducting horizontal directional drilling on the Janiec 2 Tract.

On January 9, 2018, I voted not to rescind our prior injunction. However, my vote was in the minority. For purposes of this Petition, the legal standard requires West Goshen to raise new and novel arguments not previously heard. *Duick v. Pennsylvania Gas and Water Co.*, 1982 Pa. PUC Lexis 4.

The instant Petition reframes the Township's previous argument that Sunoco is obligated under the Settlement Agreement to locate Valve 344 on the SPLP Use Area. This is not a new argument. The only persuasive argument raised by the Township that I would classify as new or novel pertains to the safety related issue of how the valves should be spaced along the pipeline. However, the evidence relied upon by the Township to support this argument was not part of the record before us when the Commission voted on January 9, 2018. As such, I am unable to base my decision here on that evidence, as that evidence was not subject to cross examination.

Therefore, even though I would have preferred that the Commission's prior injunction remain in place, because West Goshen Township has not met its burden under *Duick*, I will vote to deny reconsideration of the January 9, 2018 Order.

March 15, 2018
Date


Gladys M. Brown, Chairman