

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17120**

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

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

**STATEMENT OF VICE CHAIRMAN ANDREW G. PLACE**

Before us today for consideration and disposition is West Goshen Township's (Township) Petition requesting reconsideration of the Commission's January 9, 2018 Order (January 2018) or, in the alternative, certification of the January 9, 2018 Order to Commonwealth Court in the above captioned proceeding. The Township is requesting that the Commission reconsider its January 2018 Order and reinstate the injunction to preclude Sunoco from performing any HDD or pipeline construction activities that are inconsistent with installing Valve 344 on the SPLP Use Area, until the Commission makes a final determination on the Township's currently pending Formal Complaint. Petition at 11. Sunoco Pipeline, L.P. (Sunoco or Company) opposes the Township's request because the Company argues that the Township is seeking a different injunction and its pleadings are untimely. Answer at 1-2. In addition, Sunoco emphasizes that it has reevaluated the proposed installation of Valve 344 and has decided that the valve be eliminated and not be located at the Janiec 2 Tract nor anywhere in the Township. Answer at 12. Sunoco also has concluded that the valve is not needed operationally and does not raise safety concerns. *Id.* at 15.

In addition, Sunoco, in its Answer, requests that a separate settlement Judge be appointed pursuant to the Commission's regulations at Section 5.223(c)<sup>1</sup> to determine if the parties can resolve the remaining issues in this litigation. Answer at 6. Sunoco also indicated that the Township had intended to use the Janiec 2 property for a potential development of a retirement home project prior to SPLP's ownership of that tract of land. Through an established settlement process, Sunoco is willing to revisit the issue of development of the Janiec 2 property with the Township. *Id.*

I dissented from the December 2017 action of the Commission regarding the issue of discontinuing the injunction against Sunoco because I believed that the parties needed to address and document Sunoco's change in construction plans

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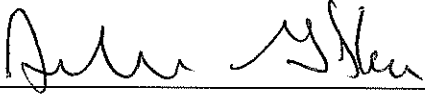
<sup>1</sup> The Commission's regulations at Section 5.223(c) permit the presiding officer to participate in settlement discussions upon agreement of the parties. In addition, the regulation allows a different presiding officer or a mediator, if appropriate, to be assigned by the Chief Administrative Law Judge to participate in settlement discussions upon the request of a party. 52. Pa. Code §5.223(c).

concerning the location of Valve 344 and to seek a negotiated amendment to the 2015 Settlement Agreement. At that time, I believed that it was expedient and necessary for the parties to amend the 2015 Settlement Agreement first before asking for a discontinuance of the Commission's October 2017 injunction.

Today, I continue to believe that the parties can and must pursue settlement negotiations in this matter and reach an agreement in a timely fashion so that both parties are clear as to the change in Sunoco's construction plans and their obligations going forward. A negotiated settlement needs to be reached in this matter and those settlement talks can take place within the current proceeding or through the process suggested by Sunoco. No matter the course, once a settlement is reached, the parties should submit a revised agreement, request approval by the Administrative Law Judge, suspend the litigation schedule and bring the matter before the Commission for final disposition. By amending the 2015 Settlement Agreement with Sunoco's updated construction plans in an expedient manner, the parties will be accorded the appropriate protections that a written modification provides as well as bring finality to this proceeding. To do otherwise is continuing to waste the parties' and this Commission's resources.

Therefore, I dissent.

**Date: March 15, 2018**

  
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Andrew G. Place, Vice Chairman