


Curtin & Heefner LLP
ATTORNEYS AT LAW

2005 S. EASTON ROAD • SUITE 100 • DOYLESTOWN, PA 18901

(267) 898.0570 • (800) 773.0680 • FAX (215) 340.3929

WWW.CURTINHEEFNER.COM

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MARK L. FREED
MLF@curtinheefner.com

April 30, 2018

Via Electronic Filing

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

**Re: In re: Sunoco Pipeline L.P. a/k/a Energy Transfer Partners
Petition of the Bureau of Investigation and Enforcement of
The Pennsylvania Public Utility Commission for the Issuance
of an Ex Parte Emergency Order
Docket No. P-2018-3000281**

Dear Secretary Chiavetta:

This firm represents State Senator Andrew E. Dinniman in the above-referenced matter. We are in receipt of Sunoco Pipeline L.P.'s Petition to Lift *Ex Parte* Order. Senator Dinniman adamantly objects to this request for the following reasons:

1. By letter dated March 26, 2018, Senator Dinniman petitioned to intervene in this matter. He was required to respond to a purported answer filed by Sunoco in response to his petition. He has not yet been granted party status. No action by this Commission should be taken until Senator Dinniman is granted party status, as he has been in other matters, and has a full and fair opportunity to participate in this matter.

2. In its petition, Sunoco claims that it has completed "comprehensive integrity and geological tests." Sunoco further claims that its engineering, pipeline integrity and geology experts have prepared and reviewed these tests. However, Sunoco's experts have repeatedly certified the safety and integrity of Sunoco's activities. Yet despite these assurances, Sunoco's project has been plagued with countless problems significantly impacting the health, welfare and safety of West Whiteland Township residents. The materials from Sunoco's tests have not been provided to

Senator Dinniman for evaluation by him, his staff or his experts. The importance of these tests, and the integrity of the Mariner East 1 hazardous liquids pipeline (ME1), cannot be overstated. No action should be taken by the Commission until Senator Dinniman, who timely petitioned to become a party to this action, has had a full and fair opportunity to review all the relevant data and reports generated by Sunoco and its experts.

3. In its petition, Sunoco proposes to use “open cut construction, as opposed to horizontal directional drilling (HDD), for the remainder of the Mariner East 2 (ME2) construction in the Lisa Drive SPLP right-of-way.” Open cut construction will not resolve the risks posed by Sunoco’s activities in the Lisa Drive area. Furthermore, such a change in construction requires modifications to Sunoco’s Chapter 105 Water Obstruction and Encroachment Permits and Chapter 102 Erosion And Sediment Control (E&S) Permits. No action should be taken by the Commission on Sunoco’s request to reinstate the use of ME1 based on this alternative construction method until the Pennsylvania Department of Environmental Protection (DEP) has approved the alternative construction method for the Lisa Drive area.

It is worth noting that for the past six months, DEP has been reviewing Sunoco’s proposals to change from HDD to open cut construction in other portions of West Whiteland Township that pose similar geologic challenges to those at Lisa Drive. DEP is presently scheduled to conduct a public hearing on these proposals on April 30, 2018. The public comment period for these proposals does not end until May 11, 2018.

4. Senator Dinniman has filed a Formal Complaint and Petition for Interim Emergency Relief seeking a continued halt to the operation of ME1, and a halt to the construction and operation of ME2/2X in West Whiteland Township. Any decision by the Commission should wait until Senator Dinniman has had an opportunity to pursue these formal processes.

In light of the forgoing, Senator Dinniman objects to Petition to Lift *Ex Parte* Order and any action by the Commission that would prematurely allow ME1 to re-start operations.

Respectfully,



Mark L. Freed
For CURTIN & HEEFNER LLP

cc: Michael L. Swindler (via email)
Thomas J. Sniscak, Esquire (via email)