

May 4, 2018



*Via Electronic Filing*  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.  
**Docket No. P-2018-3001453**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find a Petition to Intervene of Clean Air Council in the above-captioned proceeding.

Thank you very much for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph Minott".

Joseph Otis Minott, Esq.  
Executive Director &  
Chief Counsel  
Clean Air Council  
135 South 19th Street, Suite 300  
Philadelphia, PA 19103

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                             |   |                           |
|-----------------------------|---|---------------------------|
| Pennsylvania State Senator: | : |                           |
| Andrew E. Dinniman          | : | Docket No. P-2018-3001453 |
| Complainant,                | : |                           |
| v.                          | : |                           |
|                             | : |                           |
| Sunoco Pipeline, L.P.,      | : |                           |
| Respondent.                 | : |                           |

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**CLEAN AIR COUNCIL’S PETITION TO INTERVENE**

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Pursuant to 52 Pa. Code §§ 5.72-5.75 Clean Air Council (“CAC”) hereby files this Petition to Intervene in the above captioned proceeding. In support thereof, CAC states as follows:

1. CAC is a member-supported environmental organization serving Pennsylvania and the Mid-Atlantic Region. CAC is dedicated to protecting and defending everyone’s right to breathe clean air. CAC works through a broad array of related sustainability and public health initiatives, using public education, community action, government oversight, and enforcement of environmental laws. CAC has members along the route of the Mariner East I and Mariner East II pipelines .

2. CAC’s attorneys in this matter are:

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3. CAC requests to receive all documents electronically to the above listed email addresses as allowed by 52 Pa. Code § 1.54(b)(3).

4. On April 30, 2018, Senator Dinniman filed with the Commission an Amended Complaint and Amended Petition for Interim Emergency Relief seeking, among other relief, that construction and operation of Sunoco's Mariner East pipelines be prohibited in West Whiteland Township, Chester County. Senator Dinniman's claims are based in part on concerns that have arisen during the Construction of the Mariner East 2 pipelines related to the disruption of local geology and the effect of the geology on the integrity of the pipelines. Senator Dinniman has also brought a claim challenging Sunoco's public utility status.

5. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and, as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A "person" includes a corporation and an association. 52 Pa. Code § 1.8.

6. CAC meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). CAC is committed to improving air quality throughout Pennsylvania and reducing the impact of

air pollution on the health of vulnerable populations, including from fossil fuel infrastructure. The Commission's actions in this proceeding regarding Senator Dinniman's claims will have a direct impact on the ability of CAC to achieve these goals.

7. Furthermore, CAC has active litigation – two separate matters– that could be implicated by this proceeding.

8. First, CAC has appealed the Pennsylvania Department of Environmental Protection's issuance of water permits for the Mariner East 2 pipelines to the Environmental Hearing Board. Some of CAC's claims in that appeal relate to the geology of the pipeline route and whether Sunoco adequately evaluated the geology. Through that case, CAC has been actively involved in negotiating the protocols that are now in place for preventing and responding to incidents associated with Sunoco's horizontal directional drilling and other trenchless construction methods. These protocols are informed in part by geological concerns.

9. Second, CAC has brought a challenge to Sunoco's use of eminent domain, implicating its status as a public utility and asserting the primary and paramount purpose of the Mariner East Pipelines is not to serve the public. These issues are related to Count V of Senator Dinniman's Amended Complaint and the resolution of that count could affect CAC's claims.

10. CAC's interests in this proceeding are unique from, and not adequately represented by, other parties that may seek to intervene because CAC is a well-established local environmental organization that has extensive experience in air quality issues, especially as related to fossil fuel infrastructure and pipelines in particular. CAC also has extensive experience in issues regarding the environmental safety of the Mariner East pipelines and the legal landscape surrounding its public utility status.

11. CAC's intervention is in the public interest because it will enable CAC to contribute its unique perspective and insight of a well-established local environmental organization as the Commission considers Senator Dinniman's requests. CAC has intervened in previous matters before the Pennsylvania Public Utility Commission, New Jersey Board of Public Utilities and Delaware Public Service Commission.

12. Due to the early stage of this proceeding, CAC reserves the right to raise and address issues identified through its continued review and analysis of Senator Dinniman's claims (and related information) or other issues raised by other parties.

**WHEREFORE**, Clean Air Council respectfully requests that the Commission grant this Petition to Intervene.

Respectfully submitted,



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Joseph Otis Minott, Esquire  
Attorney for Clean Air Council

Date: May 4, 2018

**VERIFICATION**

I, Kathryn Urbanowicz, staff attorney Clean Air Council, hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
Kathryn L. Urbanowicz, Esq.

Dated: May 4, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of Clean Air Council's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

***VIA ELECTRONIC SERVICE***

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Dated: May 4, 2018

  
Kathryn L. Urbanowicz, Esq.