


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

CELEBRATING OVER 80 YEARS

MARK L. FREED
MLF@curtinheefner.com

June 12, 2018

Via Electronic Filing

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

**Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.
Docket Nos. C-2018-3001451 and P-2018-3001453**

Dear Secretary Chiavetta:

Attached for filing is Senator Andrew E. Dinniman's Response to Motion to Strike Preliminary Objections to be filed in the above-referenced matter.

Thank you.

Very truly yours,



Mark L. Freed
For CURTIN & HEEFNER LLP

MLF:jmd

Enclosure

cc: The Honorable Elizabeth Barnes (via email: ebarnes@pa.gov)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA STATE SENATOR	:	
ANDREW E. DINNIMAN,	:	
	:	
Complainant,	:	Docket No.: C-2018-3001451
	:	Docket No.: P-2018-3001453
v.	:	
	:	
SUNOCO PIPELINE, L.P.,	:	
	:	
Respondent.	:	

**SENATOR ANDREW E. DINNIMAN’S RESPONSE TO MOTION TO STRIKE
PRELIMINARY OBJECTIONS**

Petitioner, Senator Andrew E. Dinniman (hereinafter “Senator Dinniman” or “Petitioner”), by and through his attorneys, Curtin & Heefner LLP, hereby responds to Sunoco Pipeline, L.P.’s motion to strike preliminary objections. In its preliminary objections, Petitioner requests that certain improper claims set forth in Sunoco Pipeline, L.P.’s preliminary objections be stricken. Petitioner also raised the same challenges to these improper claims in its timely filed answer to Sunoco’s preliminary objections. Petitioner agrees to withdraw its Preliminary Objections, provided that Petitioner’s challenges to Sunoco’s improper claims set forth in Petitioner’s answer to Sunoco’s preliminary objections, are considered by this Commission. In the alternative, as the only relief sought in Petitioner’s preliminary objections is to “strike” the offending claims, Petitioner requests that its preliminary objections be considered as a motion to strike under 52 Pa. Code. § 5.103 (the same procedure used by Sunoco herein to request that Petitioner’s preliminary objections be stricken).

1. Admitted.

2. Admitted. By way of further response, Petitioner's preliminary objections seek to strike improper portions of Sunoco's preliminary objections. By way of further response still, on or about May 31, 2018, Petitioner also timely filed an answer to Sunoco's preliminary objections, which included these objections to Sunoco's preliminary objections.

3. Denied. The averments of this paragraph constitute conclusions of law to which no response is required.

4. Denied. The averments of this paragraph constitute conclusions of law to which no response is required.

5. Denied. By way of further response, on or about May 31, 2018, Petitioner also timely filed an answer to Sunoco's preliminary objections, which included challenges to Sunoco's preliminary objections. Petitioner agrees to withdraw its Preliminary Objections, provided that Petitioner's challenges to Sunoco's improper claims set forth in Petitioner's answer to Sunoco's preliminary objections, are considered by this Commission. In the alternative, as the only relief sought in Petitioner's preliminary objections is to "strike" the offending claims, Petitioner requests that its preliminary objections be considered as a motion to strike under 52 Pa. Code. § 5.103.

6. Denied. It is denied that Petitioner should be required to file an expedited response to Sunoco's motion.

7. Petitioner does not object to Sunoco's request to file a response within ten days of Your Honor's ruling.

WHEREFORE, Petitioner respectfully requests that the Commission consider the objections to Sunoco's preliminary objections set forth in Petitioner's answer to preliminary

objections or, in the alternative, that it deny Sunoco's motion to dismiss and consider Petitioner's filing as a motion to strike under 52 Pa. Code § 1.103.

Respectfully submitted,
CURTIN & HEEFNER LLP

By:



Date: June 12, 2018

Mark L. Freed
PA ID No. 63860
Doylestown Commerce Center
2005 South Easton Road, Suite 100
Doylestown, PA 18901
Tel.: 267-898-0570
mlf@curtinheefner.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA STATE SENATOR	:	
ANDREW E. DINNIMAN,	:	
	:	
Complainant,	:	Docket No.: C-2018-3001451
	:	Docket No.: P-2018-3001453
v.	:	
	:	
SUNOCO PIPELINE, L.P.,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have, on this date, served a true and correct copy of the foregoing on the following:

Via electronic service

Thomas J. Sniscak, Esquire
Kevin J. McKeon, Esquire
Whitney E. Snyder, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

Kathryn Urbanowicz, Esquire
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
kurbanowicz@cleanair.org

Virginia Marcille-Kerslake
103 Shoen Road
Exton, PA 19341
VKerslake@gmail.com

Robert Fox, Esquire
Neil Witkes, Esquire
Diana A. Silva, Esquire
Manko, Gold, Katcher & Fox, LLP
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
rfox@mankogold.com
nwickes@mankogold.com
dsilva@mankogold.com

CURTIN & HEEFNER LLP

By:



Date: June 12, 2018

Mark L. Freed
PA ID No. 63860
Joanna A. Waldron
PA ID No. 84768
Doylestown Commerce Center
2005 South Easton Road, Suite 100
Doylestown, PA 18901
Tel.: 267-898-0570
mlf@curtinheefner.com
jaw@curtinheefner.com