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June 28, 2018

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

Re: In Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.  
a/k/a/ Energy Transfer Partners  
**Docket Number: C-2018-3001451; P-2018-3001453**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Petition to Intervene of West Whiteland Township, Chester County, Pennsylvania with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Very Truly Yours,

Lamb McErlane, PC

By: /s/ Vincent M. Pompo

Vincent M. Pompo

Solicitor for West Whiteland Township

VMP/ajb  
Enclosures  
cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Pennsylvania State Senator:	:	
Andrew E. Dinniman,	:	Docket No. C-2018-3001451
	:	Docket No. P-2018-3001453
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

**PETITION TO INTERVENE OF WEST WHITELAND TOWNSHIP, CHESTER  
COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code §§ 5.71-5.75 West Whiteland Township, Chester County, Pennsylvania (“West Whiteland”) hereby petitions to intervene in the above-captioned proceeding. In support thereof, West Whiteland Township submits as follows:

1. West Whiteland Township, Chester County, is a Township of the Second Class organized and existing pursuant to the Second Class Township Code, 53 P.S. §65101 *et seq.*, and is a political subdivision of the Commonwealth, with an address of 101 Commerce Drive, Exton PA 19341 and a telephone number of (610)-363-9525.

2. West Whiteland’s attorneys in this matter are:

Vincent M. Pompo, Esquire  
PA I.D. # 37714  
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Alex J. Baumler, Esquire  
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3. West Whiteland 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 an Amended Complaint and Amended Petition for Interim Emergency Relief with the Commission seeking, among other relief, that the 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 operation of the Mariner 1 East pipeline ("Mariner 1") and the construction of the Mariner East 2 pipelines ("Mariner 2") in regards to the disruption of local geology and the and the structural integrity of the pipelines. Senator Dinniman has also brought a claim challenging Sunoco's public utility status.

5. It is believed, and therefore averred that three sinkholes have opened along Sunoco's pipeline in West Whiteland Township, within 550 feet of Mariner 1.

6. The sinkholes appeared starting in November of 2017, as Sunoco has been installing two new pipelines located in the Mariner 1 right-of-way, which are referred to as the Mainer 2 pipelines.

7. Sunoco discovered the first sinkhole in November 2017 and two more sinkholes on March 2 and March 3, 2017.

8. In response, Sunoco filled the three sinkholes with a specialty concrete.

9. On March 24, 2018, Administrative Law Judge Elizabeth Barnes issued an Opinion and Order which enjoined the operation of the Mariner 1 pipeline and the construction of the Mariner 2 pipelines.

10. By Opinion and Order dated June 14, 2018, the Commission: lifted the injunction preventing operation of the Mariner 1 pipeline; affirmed the May 24, 2018 Order of the ALJ enjoining the construction of the Mariner 2 pipelines until such time Sunoco has submitted sufficient evidence of testing and analysis performed on the Mariner 2 pipelines; and returned the above-captioned Complaint to the ALJ for appropriate proceedings.

11. West Whiteland has a direct, substantial and immediate interest in this matter related to consistency with its local land use plans, zoning and zoning approvals, other ordinances, use of its roads, including Lisa Drive, and its obligation to protect the health, safety and welfare of its citizens, that is unique, and not represented by any other party in the proceeding as the municipality in which the subject Mariner 1 and 2 pipelines are physically located. 52. Pa. Code §69.1101.

12. West Whiteland has a direct, substantial and immediate interest in this proceeding as a trustee of the natural resources contained within the Township pursuant to PA. CONST. art. I, § 27 (Natural resources and the public estate), commonly referred to as the Environmental Rights Amendment, in protecting the natural resources, environment and the quality of life in its jurisdiction.

13. Participation by West Whiteland in this proceeding is in the public interest.

14. No other party to this proceeding possesses an interest identical to that of West Whiteland Township.



15. West Whiteland Township possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.

16. West Whiteland Township's Intervention is timely pursuant to the prescripts of 52 Pa. Code. § 5.53.

17. West Whiteland seeks intervention to request the following relief:

a. That the Commission order Sunoco to perform continued and ongoing line inspection and geophysical testing and analysis in the areas of West Whiteland Township where the Mariner 1 and Mariner 2 pipelines are operating and are in the process of construction;

b. That Sunoco be prohibited from reinstating construction on the Mariner 2 pipelines until the results of said continued and ongoing testing and analysis are determined by the Bureau of Inspection and Enforcement (BI & E) and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) to remove any further risk to properties within West Whiteland Township; that Sunoco performs all necessary corrective actions; and acquires approval of BI & E and PHMSA prior to receiving Commission approval to resume operation and construction;

c. That the Commission order Sunoco to release publicly the comprehensive emergency response plan that Sunoco is required to file pursuant to the Commission's Order of June 14, 2018;

d. That the Commission order Sunoco to conduct any future construction operations in a manner that limits noise to 60 dBA, prevents exhausts from reaching residential properties, and prevents vibrations from being felt on receiving residential properties for more than occasional brief periods of time, or in the alternative, limits construction activity to Monday through Friday, 8:00 a.m. to 5:00 p.m. in residential neighborhoods;

e. That the Commission order Sunoco, when performing open trench installation, to construct both Mariner 2 pipelines simultaneously, or in quick succession, so as to minimize the duration of disruption due to construction;

f. That the Commission order Sunoco to develop and submit testing and inspection protocols appropriate to ensure the safe operation and maintenance of Mariner 2 in close proximity to residences, businesses and public gathering places, to be approved by BI & E and PHMSA before operation of Mariner 2 commences; and

g. Such further relief as may become available during the proceedings on this Application.

WHEREFORE, West Whiteland Township respectfully requests that this Honorable Commission grant this petition to intervene, providing West Whiteland Township with full-party status in this proceeding.

Respectfully submitted,

LAMB MCERLANE PC

By: /s/ Vincent M. Pompo

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Alex J. Baumler  
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*Attorneys for Intervenor  
West Whiteland Township*

Dated June 28, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of West Whiteland Township'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 First Class Mail**

Thomas J. Sniscak, Esq.  
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Virginia Marcille Kerslake  
103 Shoen Road  
Exton, PA 19341

Dated: June 28, 2018

/s/ Vincent M. Pompo  
Vincent M. Pompo, Esq.

**VERIFICATION**

I, Mimi Gleason, hereby state that I am the Manager of West Whiteland Township, Chester County, Pennsylvania and am duly authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 6/28/18



Mimi Gleason,  
West Whiteland Township Manager