

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

**Amended Petition of State
Senator Andrew E. Dinniman
For Interim Emergency Relief**

**3001453-OSA
Docket Nos. C-2018-3001451
P-2018-3001453**

**Pennsylvania State Senator
Andrew E. Dinniman
v.
Sunoco Pipeline, L.P.**

**STATEMENT OF COMMISSIONERS JOHN F. COLEMAN, JR. AND
NORMAN J. KENNARD**

Before the Commission for consideration and disposition is the Sunoco Pipeline, L.P. (“Sunoco”) Motion for Certification for Interlocutory Review (Motion for Certification) of the Commission’s June 15, 2018 Opinion and Order (June 15 Order) at the above-referenced consolidated docket.

Sunoco has requested that the Commission certify three findings from our June 15 Order to the Commonwealth Court of Pennsylvania for Interlocutory review. This includes the Commission’s determinations that Senator Dinniman had personal standing to bring this Complaint, that he did not need to post a bond as a condition of obtaining injunctive relief, and that there was sufficient evidence of a clear and present danger warranting the grant of interim relief. Senator Dinniman has filed an Answer in Opposition to Sunoco’s Motion.

We dissented from the Commission’s June 15 Order as we concluded that Senator Dinniman had not met his burden of proof to obtain the interim emergency relief of halting the construction of the Mariner 2 and 2X pipelines in West Whiteland Township, Pennsylvania. We stated that Senator Dinniman might have personal standing, and that this issue should be returned to the Office of Administrative Law Judge for further review and disposition.

In reviewing this Motion for Certification, the applicable legal standard requires us to find that the certification of an issue “may materially advance the ultimate termination of the matter.”¹ We believe that Sunoco has satisfied this element only on the issue of standing. If the Commonwealth Court concludes that the Senator does not have standing, the Senator’s Formal Complaint must be dismissed.

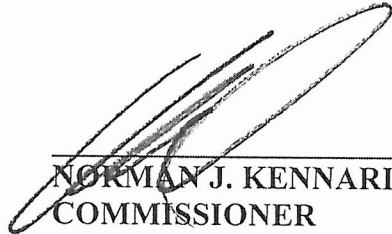
¹ 42 Pa. C.S. 703(b).

We previously stated that Senator Dinniman had not met his burden of proof for interim emergency relief to halt operation of the Mariner 1 pipeline and construction of the Mariner 2 and 2x pipelines. However, we conclude that certification of this issue to the Commonwealth Court would not materially advance the ultimate termination of the matter, as the law requires. If the injunction on Mariner 2 and 2x construction was lifted by the Court, the Complaint would continue to be litigated on the merits before our Office of Administrative Law Judge. This includes the holding of evidentiary hearings, a decision by the presiding Administrative Law Judge, and a Commission ruling on any Exceptions.

Accordingly, for these reasons, we are voting to support the Motion of Commissioner David W. Sweet and grant the Sunoco Motion for Certification, in part, consistent with this Joint Statement.



JOHN F. COLEMAN, JR.
COMMISSIONER



NORMAN J. KENNARD
COMMISSIONER

Date: July 25, 2018