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August 10, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: West Goshen Township v. Sunoco Pipeline L.P.; Docket No. C-2017-2589346;
JOINT PETITION FOR SETTLEMENT IN LIEU OF EXCEPTIONS

Dear Secretary Chiavetta:

Enclosed is the Joint Petition for Settlement in Lieu of Exceptions reached between Sunoco Pipeline L.P. and West Goshen Township in the above-captioned proceeding. Copies of the joint petition have been served in accordance with the attached Certificate of Service. If you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder

Counsel for Sunoco Pipeline L.P.

TJS/WES/das
Enclosure

cc: Honorable Elizabeth H. Barnes (by electronic and first class mail)
Bert Marinko (by electronic mail rmarinko@pa.gov)
Kim Hafner (by electronic mail khafner@pa.gov)
Jamie McClintock (by electronic mail jmclintoc@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Goshen Township,

Complainant,

v.

Sunoco Pipeline L.P.,

Respondent.

Docket No. C-2017-2589346

JOINT PETITION FOR SETTLEMENT IN LIEU OF EXCEPTIONS

Pursuant to 52 Pa. Code § 5.232, Sunoco Pipeline L.P. (SPLP) and West Goshen Township (WGT)¹ (collectively, the Parties) request the Pennsylvania Public Utility Commission (Commission):

- (1) approve this Joint Petition for Settlement in Lieu of Exceptions;
- (2) either adopt the August 3, 2018 Recommended Decision (RD) in this proceeding without modification or allow it to become final as a matter of law pursuant to 66 Pa. C.S. § 332(h); and
- (3) stay the Exceptions period² until 20 days after the entry of a Commission Order regarding this Joint Petition pursuant to the terms described herein.

This Joint Petition is filed in lieu of Exceptions.

1. WGT initiated this proceeding by formal complaint on February 17, 2017. The lengthy procedural history of this proceeding is contained in the RD at 1-5.

¹ WGT is a municipality, the Parties are also filing this Joint Petition pursuant to 66 Pa. C.S. § 507.

² If the Commission approves this settlement or allows it to become effective by operation of law, then the Parties waive Exceptions, which also would be moot.

2. On or about August 2, 2018, the Parties obtained an extension of the Exceptions deadline of August 2, 2018 to August 10, 2018.

3. The Parties have reached the following settlement terms:

- a. The Parties request that the Commission adopt the RD in full without modification.
- b. If the Commission adopts the RD in full without modification, either by operation of law pursuant to 66 Pa. C.S. § 332(h) or by entering an order adopting the RD in full and without modification, the Parties will not:
 - i. file exceptions to the RD;
 - ii. seek reconsideration or other relief contained in 52 Pa. Code § 5.572(c) of a Commission Order adopting the RD in full without modification; or
 - iii. seek review from a court of competent jurisdiction of a Commission Order adopting the RD in full without modification.
- c. If the Commission does not adopt the RD in full without modification, the Parties reserve their respective rights to withdraw from this Settlement and to proceed with litigation in the Proceeding, and in such event, this Settlement shall be void and of no effect. Such election to withdraw will be made by filing Exceptions to the RD within 20 days of entry of a Commission order that does not adopt the RD in full without modification.
- d. The Final Decision, accepted by this Settlement resolves or satisfies all claims presented in the Complaint, First Amended Complaint, and Second Amended Complaint. The Parties release each other from all claims that

were or could have been presented in the Complaint, First Amended Complaint, and Second Amended Complaint and any Answer or Answers or responsive or affirmative pleading thereto before the Commission or any court of competent jurisdiction, but have a continuing obligation to comply with the Final Decision..

e. The Settlement is being presented only in the context of these proceedings to resolve this proceeding. The Settlement is the product of compromise between the Parties and has been drafted by both Parties.

4. WGT and SPLP are the only parties to this proceeding and both support this settlement. 52 Pa. Code § 5.232(b).

5. The Commission has previously approved a Joint Petition for Settlement in Lieu of Exceptions without remanding the Joint Petition to the Administrative Law Judge. *See Keebler v. Verizon Pennsylvania Inc.*, Docket No. F-2010-2212027, 2012 WL 641679 (Order entered Jan. 27, 2012). Here, since the settlement terms are the adoption of the RD that the Administrative Law Judge issued, it would be a waste of judicial time and resources to return this matter to the Administrative Law Judge.

6. Approval of the Joint Petition is in the public interest. “It is the policy of the Commission to encourage settlements.” 52 Pa. Code § 5.231(a). Vice Chairman Place has twice encouraged the Parties to negotiate a settlement. *See* March 15, 2018 and December 21, 2017 Statements of Vice Chairman Place. The settlement terms herein are in the public interest because it allows the Parties and the Commission in this heavily contested and litigated case to obtain finality without the need for further litigation, saving all involved both time and resources.

WHEREFORE, the Sunoco Pipeline L.P. and West Goshen Township request the Commission:

- (1) approve this Joint Petition for Settlement in Lieu of Exceptions and under Section 507;
- (2) either adopt the August 3, 2018 Recommended Decision (RD) in this proceeding without modification or allow it to become final as a matter of law pursuant to 66 Pa. C.S. § 332(h); and
- (3) stay the Exceptions period until 20 days after the entry of a Commission Order regarding this Joint Petition pursuant to the terms described herein.



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Respectfully submitted,


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Counsel for Sunoco Pipeline L.P.

Date: August 10, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system.

VIA EMAIL AND FIRST-CLASS MAIL

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Dated: August 10, 2018