



August 24, 2018

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Enclosed for filing please find Clean Air Council's Prehearing Memorandum for the above-captioned matter. Thank you for your assistance.

Sincerely,

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

Joseph Otis Minott, Esquire

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	:	Consolidated Docket Nos.
Complainant,	:	C-2018-3001451
v.	:	P-2018-3001453
	:	
Sunoco Pipeline, L.P.,	:	
Respondent.	:	

Prehearing Conference Memorandum of Intervenor Clean Air Council

Pursuant to a Prehearing Conference Order in the above-captioned matter issued by the Honorable Elizabeth H. Barnes on July 20, 2018, Intervenor Clean Air Council (the “Council”), hereby files this Prehearing Conference Memorandum.

I. Background

On April 30, 2018, Senator Dinniman filed with the Commission an Amended Complaint and Amended Petition for Interim Emergency Relief. Clean Air Council filed its Petition to Intervene on May 4, 2018. The Council’s Petition to Intervene was granted orally at hearing on May 7, 2018 and in Judge Barnes’ written Order signed May 21, 2018.

II. Service on Clean Air Council

The Council kindly requests that service of all filings be **electronic**. Filings should be served on:

Joseph O. Minott, Esq.
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Kathryn L. Urbanowicz, Esq.
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III. Settlement

At this time, it does not appear settlement is likely in this matter. However, Clean Air Council is willing to engage in settlement in an attempt to resolve or narrow the issues in this proceeding.

IV. Proposed Schedule and Discovery Orders

Clean Air Council has reviewed and agrees with the schedule proposed by Senator Dinniman. The Council believes it is important that this litigation move quickly so protections can be put in place before construction of the pipelines is complete and service begins. Senator Dinniman's proposed schedule reflects a reasonably expeditious timeline but also allows adequate time for discovery and hearing preparation in this complex case. The Council does not have requests regarding additional discovery orders at this time.

V. Public Input Hearings

The Mariner East Pipelines, the numerous destructive incidents arising from their construction, and the safety threats they pose to the public and the environment have spurred a tremendous amount of public interest and concern. The Council requests a public input hearing so the voices of residents can be heard and their concerns considered as this important case is decided.

VI. Witnesses

Clean Air Council has not yet identified the witnesses that it may call and reserves the right to identify witnesses as discovery proceeds.

VII. Issues to be Presented

Clean Air Council intends to address the following issues and sub-issues. The Council reserves the right to amend this list as the factual record develops.

A. Issue: *Are ME1, ME2, and ME2X unreasonable, unsafe, inadequate, and insufficient?*

- a. Sub-Issue: Has Sunoco selected an unsafe, unreasonable route for the Mariner East pipelines?

• **Clean Air Council's Position:** Affirmative.

- b. Sub-Issue: Are the Mariner East Pipelines unsafe and unreasonable in regard to risks posed to water resources?

• **Clean Air Council's Position:** Affirmative.

- c. Sub-Issue: Are the Mariner East Pipelines unsafe and unreasonable in regard to risks posed to property?

• **Clean Air Council's Position:** Affirmative.

- d. Sub-Issue: Does the construction of ME2 and ME2X put ME1 at risk?

• **Clean Air Council's Position:** Affirmative.

- e. Sub-Issue: Are Sunoco's plans for ME2 and ME2X unsafe, unreasonable, and insufficient because they are not based on adequate site-specific investigation?

• **Clean Air Council's Position:** Affirmative.

B. Issue: Are ME1, ME2 and ME2X public utility facilities?

• **Clean Air Council's Position:** Negative.

VIII. Evidence to be Presented

The Council is not yet able to identify the specific evidence it will present at hearing, but generally expects to rely upon: government documents, records, and statements; Sunoco's

documents, records, and statements; photographs and video of pipeline sites, for example, ME2 and ME2X construction sites; expert testimony; and testimony of residents.

Respectfully submitted,



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August 24, 2018

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of the forgoing 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: August 24, 2018



Kathryn L. Urbanowicz, Esq.