

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Andover Homeowners' Association, Inc. :
:
v. : Docket No. C-2018-3003605
:
Sunoco Pipeline L.P. :
:
:

PETITION FOR INTERVENTION PURSUANT
TO 52 Pa. CODE CHAPTER 5A

AND NOW, this 24th day of September, 2018, comes Melissa DiBernardino, residing at 1602 Old Orchard Lane in East Goshen Township, Chester County, seeking to intervene as a party in the above-captioned matter and, in support thereof, avers as follows:

- (1) The factual circumstances that underlie the safety complaint of Senator Dinniman also apply throughout East Goshen Township, where my 4 children attend Saints Peter & Paul School, which lies approximately 100 ft. from the Mariner East Pipeline Project.
- (2) The factors surrounding the operation of Sunoco's current and proposed hazardous, highly volatile liquids (HVL) pipelines present a clear, present, significant, and imminent danger to life and property in their vulnerability zone, including to the lives of Petitioner's children.
- (3) The hazardous, highly volatile liquid NGLs being transported by the current and proposed Mariner East pipelines, if released to the atmosphere for any reason, change phase to odorless, colorless, heavier-than-air gas which is extremely flammable, potentially explosive, and asphyxiating. These materials therefore present a clear, imminent and existential hazard to persons that reside, work, or travel in proximity to Mariner East, including Petitioner herein.
- (4) Sunoco has made no effort to avoid areas in and around East Goshen Township (like West Whiteland) containing private dwellings and places of public assembly. Saints Peter & Paul being one of many.

(5) The close proximity of ME1, ME2 and ME2X increases the risk of injury and or death of Petitioner's children.

(6) Petitioner is eligible to intervene in this matter pursuant to 52 Pa. Code 5.72 because, *inter alia*:

- (a) Petitioner is asserting rights guaranteed by the United States and Commonwealth of Pennsylvania Constitutions including without limitation the rights to due process before the deprivation of life, liberty, or property protected by the Takings Clause of the Fifth Amendment applicable to the states by force of the Fourteenth Amendment of the United States Constitution; the right to enjoy and defend life, liberty, and property protected by Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and the right of the people under the Environmental Rights Amendment of Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania;
- (b) Petitioner is asserting interests which may be directly affected by this matter but which are not adequately presented by existing participants; and
- (c) It is in the interest of the public that Petitioner participates by intervention in this matter to ensure that the parties do not, by agreement or otherwise, limit or fail to undertake action necessary to protect the public, including Petitioner herein, or to fail to address by adequate means the concerns described by reference in the preceding subsection (b) of this paragraph.

(7) In the event that the Commission grants the instant Petition to Intervene, Petitioner intends to support the actions of Senator Dinniman and other similarly situated Intervenors.

NOW, THEREFORE, on the basis of the averments set forth above the Petitioner respectfully requests the Commission enter an Order granting the instant Petition for Intervention pursuant to 52 Pa. Code 5.75.

Respectfully submitted,

Melissa DiBernardino

-

VERIFICATION

I, Melissa DiBernardino, Petitioner herein, hereby state that the facts averred in this Petition for Intervention 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.

Melissa DiBernardino

Pennsylvania Public Utility Commission

In re: Andover Homeowners' Association, Inc. :
:
v. : Docket No. C-2018-3003605
:
Sunoco Pipeline L.P. :
:
:

PETITION FOR INTERVENTION PURSUANT
TO 52 Pa. CODE CHAPTER 5A

CERTIFICATE OF SERVICE OF
PETITION TO INTERVENE

I hereby certify that I have this date filed and served a true and correct copy of the foregoing Petition to Intervene upon the Commission and the parties listed below at the addresses set forth below in accordance with the requirements of 52 Pa. Code 1.54.

Filing of Original Process:

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

Curtis Stambaugh, Esquire
Assistant General Counsel
Sunoco Logistics Partners L.P.
212 3rd Street, Suite 201
Harrisburg PA 17101