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December 19, 2018

Via Electronic Filing

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

Re: *Meghan Flynn, et al v. Sunoco Pipeline L.P.*
Docket No. C-2018-3006116
Docket No. P-2018-3006117

Dear Ms. Chiavetta:

This letter is submitted on behalf of Sunoco Pipeline L.P. (“SPLP”) in response to the Brief of the Bureau of Investigation and Enforcement on Certification of Material Question.

In its Brief, the Bureau of Investigation and Enforcement (“BI&E”) takes issue with a heading contained on page 8 of Sunoco Pipeline, L.P.’s Answer to Petition for Emergency Relief that references the November 1, 2018 letter from BI&E’s Paul Metro, Manager, Safety Division, which is attached to the Answer (the “Metro letter”).

SPLP regrets any confusion that may have been created relating to the Metro letter. SPLP believes and argues that the 12-inch line is safe, and that the Metro letter is consistent with that position. Pages 2-3 of the Metro letter contains a detailed response to the question: “Is it safe to run natural gas liquid through this 12-inch pipe?” SPLP did not state, nor did it mean to imply, as BI&E claims, that BI&E “acknowledge[d] with certainty that any pipeline facility is absolutely free from danger.” BI&E’s Brief at 4. But to avoid any confusion, the Answer will be amended to remove the characterization of the Metro letter from the heading.

Importantly, the safety of the 12-inch line was not an issue at the hearing before Judge Barnes. Petitioners conceded at the hearing that they are “not talking about the integrity of the pipelines. That’s not an issue in this proceeding.” N.T. 32:8-10. Further, Petitioners submitted no evidence at the hearing that the 12-inch line was unsafe. The Metro letter was not shown to any witness during the two-day hearing, and was introduced into evidence at the hearing, without objection, at the conclusion of testimony as SPLP Ex. 30. N.T. 610:15-611:19. In contrast, SPLP’s Answer to the Petition was not introduced into evidence at the hearing and was not referenced

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during any testimony at the hearing. SPLP did not reference the Metro Letter in its 58-page post-hearing brief or in its proposed findings of fact and conclusions of law. What BI&E asserts is a reference to the heading in SPLP's Answer – on page 2 of Judge Barnes' Order – is in the section of the Order describing the "History of the Proceeding," not in the "Discussion" and "Conclusion" sections of the Order in which Judge Barnes discusses the evidence, law and her ruling.

Therefore, SPLP does not believe that Judge Barnes' Order, which found that Petitioners failed to satisfy "any of the four requirements" to obtain interim emergency relief, Order at 15, relied upon the heading on page 8 of SPLP's Answer in reaching that conclusion.

Sincerely,

/s/ Thomas J. Sniscak

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cc: Per Certificate of Service
Honorable Elizabeth Barnes, ALJ (By email ebarnes@pa.gov and first class mail)
Gladys M. Brown, Chairman (By Hand Delivery)
Andrew G. Place, Vice-Chairman (By Hand Delivery)
Norman J. Kennard, Commissioner (By Hand Delivery)
John F. Coleman, Jr., Commissioner (By Hand Delivery)
David W. Sweet, Commissioner (By Hand Delivery)
Kathryn Sophy, Director Office of Special Assistants (By email ksophy@pa.gov) (word copy)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing 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 and served via overnight mail on the following:

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Dated: December 19, 2018