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CELEBRATING OVER 80 YEARS

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February 13, 2019

Via Electronic Filing

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

**Re: Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Haskins, Gerald McMullen, Caroline Hughes and Melissa Haines v. Sunoco Pipeline, L.P.
Docket Nos. P-2018-3006117 and C-2018-3006116**

Dear Secretary Chiavetta:

Attached for filing is a Petition to Intervene of Uwchlan Township to be filed in the above-referenced matter.

Thank you.

Very truly yours,



Mark L. Freed
For CURTIN & HEEFNER LLP

MLF:jmd
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn, Rosemary Fuller,	:	
Michael Walsh, Nancy Haskins,	:	Docket No. P-2018-3006117
Gerald McMullen, Caroline Hughes	:	Docket No. C-2018-3006116
and Melissa Haines	:	
	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.	:	

PETITION TO INTERVENE OF UWCHLAN TOWNSHIP

Pursuant to 52 Pa. Code § 5.71, *et seq.*, Uwchlan Township hereby petitions to intervene in the above-captioned proceedings. In support thereof, Uwchlan Township submits as follows:

I. Introduction

1. Petitioner is Uwchlan Township, which has a principal place of office at 715 North Ship Road, Exton PA 19341.

2. Uwchlan Township attorneys in this matter are:

Mark L. Freed, Esq.
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Counsel for Uwchlan Township is authorized to accept service of documents on its behalf. Uwchlan Township requests that the Commission and all parties of record serve all documents

(including but not limited to correspondence, discovery requests and answers, Commission orders, pleadings and testimony) electronically on its counsel of record, as well as by hard copy.

3. On or about November 19, 2018, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines, (collectively “Complainants”) filed a Formal Complaint alleging, *inter alia*, Mariner East 1 (“ME1”), Mariner East 2 (“ME2”), Mariner East 2X (“ME2X”) and the “workaround pipeline”, owned and operated by Sunoco Pipeline L.P., a/k/a Energy Transfers Partners (“Sunoco”), are being operated and/or proposed to be operated without adequate emergency notification systems or legally adequate emergency management plans and that, as a result, the Complainants are at imminent risks of catastrophic and irreparable loss, including loss of life, serious injury to life, and damage to their homes and property. The Complainants contend that Sunoco’s actions constitute unreasonable, unsafe, inadequate and insufficient service which violates Section 1501 of the Pennsylvania Public Utility Code (Code). 66 Pa. C.S. § 1501.

4. Concurrently with the filing of the Complaint, Complainant filed a Petition for Interim Emergency Relief against Sunoco. The Complaint and Petition proceedings have been consolidated.

5. The Complainants filed an Amended Complaint on November 19, 2018, alleging, *inter alia*, the highly volatile liquids (HVL) pipeline mishaps that have occurred, together with data collected by the Commission's Bureau of Investigation and Enforcement, strongly suggest that Sunoco's integrity management program is not functioning in compliance with applicable law and that the valve sites for HVL pipelines are particularly high-risk areas.

6. On January 7, 2019, Sunoco filed its Answer to the Amended Complaint denying the material allegations.

7. On January 10, 2019, Sunoco filed its Preliminary Objection to the Amended Complaint.

8. The Honorable Elizabeth H. Barnes is presiding over the consolidated proceedings.¹

II. Uwchlan Township's Interest in the Proceedings

9. The Petitioner is a Township of the Second Class in Chester County, Pennsylvania, approximately 10.45 square miles in area, and with an approximate population of 18,925.

10. ME1, ME2, ME2X and the workaround pipeline cross or are proposed to cross Uwchlan Township.

11. Uwchlan Township and its residents are directly affected by ME1, ME2, ME2X and the workaround pipeline, pipelines, particularly as it relates to safety and public safety.

III. Grounds for Uwchlan Township's Intervention

12. Uwchlan Township's eligibility to intervene is governed by Section 5.72 of the Commission's regulations. 52 Pa. Code § 5.72.

13. Sunoco is required under the Code to maintain safe and reasonable facilities. 66 Pa. C.S. § 1501.

14. Sunoco's facilities traverse Uwchlan Township and are in close proximity to residential dwellings, and various public assembly areas, such as schools, parks, businesses, life

¹ On December 11, 2018, Administrative Law Judge Elizabeth Barnes issued Order denying relief to the Complainants that would affect the temporary cessation of operations of ME1 and construction of the workaround pipeline and certified that Order to the Commission. On January 17, 2019, the Commission affirmed ALJ Barnes' Order denying relief.

care facilities and retail shopping areas. The allegation of lack of adequate emergency planning and public awareness directly affects the ability of Uwchlan Township to monitor and implement an Emergency Evacuation Plan.

15. Uwchlan Township will be irreparably harmed if Sunoco does not ensure the safety and reasonableness of its facilities located in Uwchlan Township.

16. Uwchlan Township has a direct and substantial interest in the instant proceeding which is not (and cannot) be adequately represented by any other party. Therefore, Uwchlan Township satisfies the Commission's standards for intervention. 52 Pa. Code § 5.72(a)(2).

IV. REQUESTED RELIEF

17. The Township seeks intervention to request the following relief:

- a. That the Commission order Sunoco to develop and install a mass early warning notification system at all potentially affected properties located within the Township which would provide immediate notice of a leak, potential explosion or other failure in the pipeline system;
- b. That the Commission order Sunoco to provide a Township specific comprehensive public education or emergency response plan designed to inform and educate the public and Township Officials and Staff on proper and effective disaster prevention and response; and
- c. Such further relief as requested by Complainants and/or as may become available during the proceedings on this matter.

WHEREFORE, Uwchlan Township requests that the Commission grant its Petition to

Intervene and authorize its intervention and participation in the consolidated proceedings as a full and active party.

Respectfully submitted,

CURTIN & HEEFNER LLP

/s/ Mark L. Freed

By: Mark L. Freed (Pa. I.D. No. 63860)
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Dated: February 13, 2019

VERIFICATION

I, William Miller, am the Chairman of the Board of Supervisors of the Township of Uwchlan. I hereby state that the facts set forth herein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 concerning unsworn falsification to authorities.

Dated: February 13, 2019



William Miller

CERTIFICATE OF SERVICE

Meghan Flynn, Rosemary Fuller,	:	
Michael Walsh, Nancy Haskins,	:	Docket No. P-2018-3006117
Gerald McMullen, Caroline Hughes	:	Docket No. C-2018-3006116
and Melissa Haines	:	
	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.	:	

I hereby certify that I have this day served a true copy of the foregoing Petition to Intervene upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated: February 13, 2019

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Respectfully submitted,
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