Hawke McKeon & Sniscak LLP
ATTORNEYS AT LAW

Thomas J. Sniscak
(717) 703-0800
tjsniscak@hmslegal.com

Kevin J. McKeon
(717) 703-0801
kjmckeon@hmslegal.com

Whitney E. Snyder
(717) 703-0807
wesnyder@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

March 4, 2019

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

Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3006116 and P-2018-3006117; **SUNOCO PIPELINE, L.P.'S PRELIMINARY OBJECTION TO ANSWER TO SUNOCO PIPELINE, L.P.'S ANSWER IN OPPOSITION TO THE INTERVENTION OF ROSE TREE MEDIA SCHOOL DISTRICT**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline, L.P.'s Preliminary Objection to the Answer to Sunoco Pipeline, L.P.'s Answer in Opposition to the Intervention of Rose Tree Media School District in the above-referenced proceeding.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Thomas J. Sniscak

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for Sunoco Pipeline, L.P.

WES/das
Enclosure
cc: Per Certificate of Service
Margaret A. Morris (mmorris@regerlaw.com)
Guy A. Donatelli (gdonatelli@lambmcerlane.com)
Alex J. Baumler (abaumler@lambmcerlane.com)
Leah Rotenberg (rotenberg@mcr-attorneys.com)
Vincent M. Pompo (vpompo@lambmcerlane.com)
Mark L. Freed, Esquire (mlf@curtinheefner.com)
James R. Flandreau (jflandreau@comcast.net)
Patricia Sons Biswanger (patbiswanger@gmail.com)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MEGHAN FLYNN ROSEMARY FULLER MICHAEL WALSH NANCY HARKINS GERALD MCMULLEN CAROLINE HUGHES and MELISSA HAINES	:	
Complainants,	:	Docket Nos. C-2018-3006116 P-2018-3006117
v.	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

NOTICE TO PLEAD

You are hereby advised that, pursuant to 52 Pa. Code § 5.61, you may file a response within ten (10) days of the attached preliminary objections. Any response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Sunoco Pipeline, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Respectfully submitted,

Thomas J. Sniscak

Thomas J. Sniscak, Esq. (PA ID No. 33891)
Kevin J. McKeon, Esq. (PA ID No. 30428)
Whitney E. Snyder, Esq. (PA ID No. 316625)
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
Tel: (717) 236-1300
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

/s/ Robert D. Fox

Robert D. Fox, Esq. (PA ID No. 44322)
Neil S. Witkes, Esq. (PA ID No. 37653)
Diana A. Silva, Esq. (PA ID No. 311083)
MANKO GOLD KATCHER & FOX, LLP
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
Tel: (484) 430 5700
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Attorneys for Respondent
Sunoco Pipeline, L.P.

Dated: March 4, 2019

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MEGHAN FLYNN ROSEMARY FULLER MICHAEL WALSH NANCY HARKINS GERALD MCMULLEN CAROLINE HUGHES and MELISSA HAINES	:	
Complainants,	:	Docket Nos. C-2018-3006116 P-2018-3006117
v.	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

SUNOCO PIPELINE, L.P.'S PRELIMINARY OBJECTION TO ROSE TREE MEDIA SCHOOL DISTRICT'S ANSWER TO SUNOCO PIPELINE, L.P.'S ANSWER IN OPPOSITION TO THE INTERVENTION OF ROSE TREE MEDIA SCHOOL DISTRICT

Pursuant to 52 Pa. Code § 5.101, Respondent Sunoco Pipeline, L.P. (SPLP) submits this Preliminary Objection to Rose Tree Media School District's (RTMSD) February 25, 2019 Answer to Sunoco Pipeline, L.P.'s Answer in Opposition to the Intervention of RTMSD (Answer to SPLP's Answer) in the above captioned proceeding. The Answer to SPLP's Answer must be stricken.

1. Pursuant to 52 Pa. Code § 5.101(a)(2), RTMSD's Answer to SPLP's Answer must be stricken because it is a pleading disallowed under the Commission's procedural rules.

2. Pursuant to 52 Pa. Code § 5.1(a), only the following pleadings are allowed:

(1) Application and protest.
(2) Formal complaint, answer, new matter and reply to new matter.
(3) Order to show cause and answer.
(4) Petition and answer.
(5) Preliminary objections.
(6) Motions.

An answer to an answer is not an allowable pleading. Therefore, the Answer to SPLP Answer should be stricken from the pleadings in its entirety.

3. The Commission's regulations allow a respondent to file preliminary objections to a pleading for failure to conform to the Commission's procedural rules. 52 Pa. Code § 5.101. Preliminary motion practice before the Commission is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, PUC Docket No. C-00935435 (July 18, 1994) (citing Pa. R.C.P 1017). A preliminary objection in civil practice seeking dismissal of a pleading will be granted where relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources*, 406 A.2d 1020 (Pa. 1979).

4. To conform to the Commission's procedural rules, a pleading must meet the requirements of 52 Pa. Code § 5.1. The pleading is allowed only if it is one of the following: (1) Application and protest; (2) Formal complaint, answer, new matter and reply to new matter; (3) Order to show cause and answer; (4) Petition and answer; (5) Preliminary objections; or (6) Motions. *Id.*

5. RTMSD's Answer to SPLP's Answer is not allowed pursuant to the plain language of 52 Pa. Code § 5.1. The Answer to SPLP's Answer was filed as an answer to an answer, a type of pleading not included in the listing of "allowed" pleadings under the Code. The Response

should be stricken for failure to conform to the Commission's regulations at 52 Pa. Code § 5.101(a)(2).

WHEREFORE, Sunoco Pipeline, L.P. respectfully requests Rose Tree Media School District's Answer to SPLP's Answer in Opposition of Intervention be stricken in its entirety.

Respectfully submitted,

Thomas J. Sniscak

Thomas J. Sniscak, Esq. (PA ID No. 33891)
Kevin J. McKeon, Esq. (PA ID No. 30428)
Whitney E. Snyder, Esq. (PA ID No. 316625)
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
Tel: (717) 236-1300
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

/s/ Robert D. Fox

Robert D. Fox, Esq. (PA ID No. 44322)
Neil S. Witkes, Esq. (PA ID No. 37653)
Diana A. Silva, Esq. (PA ID No. 311083)
MANKO GOLD KATCHER & FOX, LLP
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
Tel: (484) 430 5700
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Attorneys for Respondent
Sunoco Pipeline, L.P.

Dated: March 4, 2019

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 on the following:

VIA ELECTRONIC AND FIRST CLASS MAIL

Michael S. Bomstein, Esquire
Pinnola & Bomstein
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
mbomstein@gmail.com

Counsel for Complainants

Rich Raiders, Esquire
Raiders Law
321 East Main Street
Annville, PA 17003
rich@raiderslaw.com

Counsel for Andover Homeowner's Association, Inc.

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
Post & Schell PC
17 North Second Street, 12th Floor
akanagy@postschell.com
glent@postschell.com

Counsel for Range Resources – Appalachia LLC

Thomas J. Sniscak

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

Dated: March 4, 2019