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MARK L. FREED  
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March 29, 2019

***Via Electronic Filing***

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

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

Dear Secretary Chiavetta:

Kindly accept this letter in response to Sunoco Pipeline L.P.'s ("Sunoco") request to lift the injunction on construction of the Mariner East 2 pipeline at Shoen Road in West Whiteland Township. Please be advised that, in light of Sunoco's appeal of this matter to the Commonwealth Court, this Commission lacks the jurisdiction to consider this request. In addition, the Pennsylvania Department of Environmental Protection (DEP) has not issued the approvals necessary for Sunoco to proceed with the requested construction.

On or about August 24, 2018, Sunoco sought permission to appeal from the Commission's interlocutory Order of June 15, 2018, as certified by the Commission's Order of July 25, 2018, to the Commonwealth Court of Pennsylvania. By Order dated September 27, 2018, the Commonwealth Court granted Sunoco's request. In so doing, the Commonwealth Court expressly ruled that "[a]ll proceedings in this matter before the PUC are stayed pending resolution of this appeal." A copy of the Commonwealth Court's Order is attached hereto. In light of the forgoing, the Commission lacks the jurisdiction to consider Sunoco's request.

In addition, DEP has not issued to Sunoco the approvals needed to begin construction and lift the ongoing injunction. On February 8, 2019, DEP placed a hold on the issuance of approvals to Sunoco, specifically including any approvals under the August 10, 2017 Corrected Stipulated Order. A copy of DEP's February 8, 2019 letter is also attached hereto. DEP has indicated that during this period it may review, but will not issue approvals for, the subject

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applications and requests. In a February 9, 2018 letter (attached to Sunoco's Affidavit), DEP further advised Sunoco that it cannot restart HDD 360 until "DEP determines" that the certain conditions are met, "to the satisfaction of DEP." Sunoco claims that in a March 28, 2019 email from a DEP assistant counsel regarding DEP's review of certain information, DEP issued Sunoco the needed approvals to construct the Mariner East 2 pipeline at the Shoen Road work location (HDD S3-0360) in West Whiteland Township. Based on the express language of the DEP's February 8, 2019 letter, however, DEP did not and could not issue any such approvals. Accordingly, Sunoco's request must be denied.

Thank you for your attention to this matter.

Very truly yours,



Mark L. Freed  
For CURTIN & HEEFNER LLP

Enclosures

cc: The Honorable Elizabeth Barnes (via email: [ebarnes@pa.gov](mailto:ebarnes@pa.gov))  
Certificate of Service

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sunoco Pipeline L.P.,	:	
Petitioner	:	
	:	
v.	:	No. 1169 C.D. 2018
	:	
Pennsylvania State Senator	:	
Andrew E. Dinniman and	:	
Public Utility Commission,	:	
Respondents	:	

**ORDER**

NOW, September 27, 2018, upon consideration of the petition for permission to appeal, the answers filed by the Public Utility Commission (PUC), Senator Andrew Dinniman, and West Whiteland Township, and petitioner's reply, permission is granted to appeal the Public Utility Commission's order of June 15, 2018, as certified by order of July 25, 2018.

The Court will consider only the following issue:

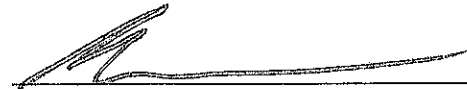
Does State Senator Dinniman have standing to pursue his claim before the PUC?

The PUC shall certify the record in this matter on or before October 31, 2018.

Upon receipt of the record, the Chief Clerk shall issue a briefing schedule and list this case for argument on an appropriate argument list.

All proceedings in this matter before the PUC are stayed pending resolution of this appeal.

Any participant below who was served, has not filed a response to the petition for permission to appeal, and intends to participate shall file a notice of intervention on or before October 10, 2018. Pa.R.A.P. 1531(a). Thereafter, intervention is permitted only upon application.



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P. Kevin Brobson, Judge

Certified from the Record  
SEP 28 2018  
And Order Exit



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Sent by Regular Mail*

February 8, 2019

Curtis N. Stambaugh  
Assistant General Counsel  
Energy Transfer Partners  
212 N. Third Street, Suite 201  
Harrisburg, PA 17101

**RE: Withholding of Permits for ETC Northeast Pipeline, LLC,  
Sunoco Pipeline, LLP, Energy Transfer LP and Energy Transfer LP subsidiaries.**

Dear Mr. Stambaugh,

This letter is to confirm our conversation of earlier today. As I told you at that time, effective immediately the Department of Environmental Protection (Department) will be withholding the issuance of any approvals (as specified below) requested by ETC Northeast Pipeline, LLC (ETC); Sunoco Pipeline, LLP; Energy Transfer LP (ET); and any other subsidiary of ET. This hold on approvals applies to any requests for approvals/permits or permit amendments made by ET or its subsidiaries pursuant to the Clean Streams Law, 35 P.S. §§ 691.1—691.1001; Chapters 92a, 102, and 105 of Title 25 of the Pennsylvania Code; and/or the August 10, 2017 Corrected Stipulated Order docketed with the Pennsylvania Environmental Hearing Board at 2017-009-L.

Based upon the informal hearing held on February 5, 2019, as well as the meeting held at the Department's Southwest Regional Office on January 10, 2019 and the phone conversations between ETC and Department staff on January 22 and 29, 2019, the Department has determined that ETC has failed to comply with the Department's October 29, 2018 Field Order, as well as Erosion and Sedimentation Control General Permit authorizations ESG 00007160001, ESG 000716001, ESG 00 007 17 0002 issued for construction of the Revolution Pipeline. As provided in Section 609 of the Clean Streams Law, 35 P.S. § 691.609, this hold on Department action will continue until ETC demonstrates to the satisfaction of the Department that its unlawful conduct has been corrected.

Thank you for your attention to this matter. If you have any questions, please contact Domenic Rocco, P.E., at (717) 772-5659.

Respectfully,

Ramez Ziadeh, P.E.  
Executive Deputy Secretary

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Pre-Hearing Memorandum 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:

*Via electronic service*

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By: \_\_\_\_\_

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Dated: March 29, 2019