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April 25, 2019

VIA ELECTRONIC FILING

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

Re: Wilmer Baker v. Sunoco Pipeline L.P.; Docket No. C-2018-3004294; **SUNOCO PIPELINE L.P.'S MOTION FOR TELEPHONIC PREHEARING CONFERENCE AND REVISED PROCEDURAL SCHEDULE AND EXPEDITED RESPONSE**

Dear Secretary Chiavetta:

Enclosed is Sunoco Pipeline L.P.'s Motion for Telephonic Prehearing Conference and Revised Procedural Schedule and Expedited Response in this proceeding.

If you have any questions, please contact me.

Very truly yours,

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

WES/das
Enclosure

cc: Hon. Elizabeth H. Barnes, (Electronic ebarnes@pa.gov and first class mail)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILMER BAKER

Complainant,

v.

SUNOCO PIPELINE L.P.

Respondent.

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Docket No. C-2018-3004294

NOTICE TO PLEAD

You are hereby advised that you may file a response within five (5) days of the attached Motion for Prehearing Conference to Address Schedule. 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,

Handwritten signature of Thomas J. Sniscak in black ink.

Thomas J. Sniscak, Esq. (PA ID No. 33891)
Kevin J. McKeon, Esq. (PA ID No. 30428)
Whitney E. Snyder, Esq. (PA ID No. 316625)
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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: April 25, 2019

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

WILMER BAKER	:	
	:	
Complainant,	:	
	:	
v.	:	
	:	Docket No. C-2018-3004294
SUNOCO PIPELINE L.P.	:	
	:	
Respondent.	:	
	:	

**MOTION FOR TELEPHONIC PREHEARING CONFERENCE AND REVISED
PROCEDURAL SCHEDULE AND EXPEDITED RESPONSE**

Pursuant to 52 Pa. Code § 5.103, Sunoco Pipeline L.P. (SPLP) respectfully requests that Your Honor schedule another prehearing conference in this matter to address the procedural schedule. SPLP requests a five-day response and has sent this document via overnight FedEx to Complainant.

At the last prehearing conference, the parties agreed that Complainant would provide written testimony for witnesses he alleges to be experts. Your Honor issued an amended prehearing order on March 18, 2019, setting forth the following written testimony schedule:

Complainant Expert’s Direct Testimony	April 17, 2019
Respondent’s Rebuttal Testimony	May 27, 2019
Complainant Expert’s Surrebuttal Testimony	June 27, 2019
Respondent Rejoinder Testimony	July 10, 2019
Evidentiary Hearings	July 17-18, 2019
Main Briefs	August 30, 2019
Reply Briefs	September 18, 2019

On or about April 17, 2019, Complainant submitted, instead of written testimony, documents consisting of another “witness statement” from himself and an email from his alleged expert Ms. Diguilio, along with voluminous other attachments. There is no written direct testimony. The witness statements do not offer conclusions and analysis supporting those conclusions, but instead attempt to offer up subjects that these alleged experts “will” testify to. These “statements” are included as Attachment A to this Motion. SPLP absolutely did not and does not agree that direct expert testimony may be presented for the first time at hearing. Moreover, SPLP sent Complainant sample expert testimony on March 6, 2018, and copied Your Honor.

SPLP understands that since Complainant is pro se, Your Honor will be lenient with certain procedures. Thus, SPLP is not at this time moving to dismiss the case for Complainant’s failure to abide by the prehearing order and his agreement to present a direct case that meets his burden of proof on expert issues. Instead, SPLP is requesting that the parties develop another schedule and give Complainant an opportunity to file testimony that at least presents SPLP with conclusions and the evidence on which they are based so that SPLP has a full and fair opportunity to respond with its own written testimony.

WHEREFORE, SPLP respectfully requests Your Honor set a telephonic prehearing conference at the soonest available date to address the procedural schedule in this matter.

Respectfully submitted,



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Dated: April 25, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

ATTACHMENT A

Ralph

From: "Christina DiGiulio" <digiu13@icloud.com>
Date: Monday, April 15, 2019 03:03 AM
To: <blume@pa.net>
Subject: Fwd: Christina DiGiulio Witness Statement For Wilmer Baker PUC Case

Lemme know if I need to make corrections -

Begin forwarded message:

From: "pkditty@outlook.com" <pkditty@outlook.com>
Date: April 15, 2019 at 2:47:13 AM EDT
To: Christina DiGiulio <digiu13@icloud.com>
Subject: Christina DiGiulio Witness Statement For Wilmer Baker PUC Case

Christina DiGiulio Witness Statement For Wilmer Baker PUC Case

Sunday, April 14, 2019
12:52 PM

In reviewing Wilmer Baker's Case file for his PUC complaint, I will be testifying to the following:

In regards to the pipeline design as specified by 49CFR195.106, my testimony will address the internal design pressures for the Mariner East Pipelines, specifically the 20 inch and 16 inch pipes.

Sunoco has stated to the public that the operating pressure of this pipeline is or will be 1480 psig.

"The Project includes two new, 20-inch and 16-inch diameter pipelines, respectively, with maximum operating pressures (MOPs) of 1,480 pounds per square inch gauge (psig) installed within or adjacent to 306 miles of existing ROW corridors" -

http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/Community%20Info/MarinerEastPipeline1/IndianaCounty/09%20-%20Project%20Descr/Penn%20Pipeline%20Project%20Description_032116_ALL.pdf

After conducting calculations using specifications set forth in 49CFR195.106, and using parameters from Sunoco's pipes (information printed on the actual pipes; see Wilmer Baker file exhibit C-2, C-3, C-4), I was able determine what the internal design pressure for these pipes are. Starting with the 16 inch X70 pipe with a wall thickness of 0.438 inches, the max operating pressure lies around 2759 psig.

Seeing as the general public is limited to the information on the valves and their locations (supposedly due to national security) , it is difficult to calculate the effect of valves on this design. The standard and calculations I made strictly addresses the steel pipe internal design, not the effect of the valves.

However, recent comments by Lisa Dillinger of Sunoco suggested the max operating pressure is up to 2100psig

"The pipe being used to construct ME2X is designed to safely accommodate a MOP up to 2100 psig," Dillinger wrote. "Its valves, wall thickness, grade, and hydrostatic testing are all designed to that pressure. This is recognized in our documentation with the DEP, PUC and PHMSA. We tested the pipe at approximately 2600 psig – way above the design pressure and operating pressures."

from <https://stateimpact.npr.org/pennsylvania/2019/03/21/sunoco-mariner-east-pipeline-safety/>

I also decided to calculate the operating pressure using 49CFR192.105 "Design formula for steel". The difference between The 2 standards is that Part 192 Deals with Natural gas and other gas, whereas Part 195 Addresses the transportation of hazardous liquid in a pipelines. The Mariner East Pipeline product (HVL,NGL - ethane, propane, and butane) is classified by PHMSA as a Hazardous liquid pipeline.

The differences between Part 195.106 versus Part 192.105 are as follows:

Part 192 accounts for a parameter called a Temperature Derating Factor (Part 192.115), specific to gas phase products. As well the Design Factor in Part 192.111 takes in to account Class Location (basically, population in the vicinity of the pipeline).

When using Class 3 location parameters for Part 195.106, in place of the standardized design factor of 0.72 (specified in part 195), the operating pressure for the 16 inch pipe works out to be a little above 1900psig.

For the 20inch X65M pipe at 0.380 inches, under Part 195 the operating pressure is calculated to be around 2100psig. However, when using Part 192 class 3 location design factor of 0.5 in place of Part 195 design factor of 0.72, the operating pressure calculates to 1480psig.

The 20 inch pipe design also includes differing wall thicknesses, depending on the location. I am able to testify to this because I have gathered images from across Delaware, Chester, and Berks county of the pipes while Sunoco had laid outside on their easements for over a year. To be clear, these images were either taken from private property or public property. At no time did I trespass to obtain these images. I have personally captured images of the same information seen in exhibit C-4 of Mr. Baker's case file.

The issue I have identified are:

the lack of transparency to the public in regards to the operating pressures or intended operating pressures, which makes a difference in the calculations to risk and blast radius of this pipeline. This impacts the emergency preparedness aspect of pipeline safety.

There appears to be a discrepancy or lack of clarity in the use of the PHMSA standards and how Sunoco has calculated their operating pressures.

As well, there is a discrepancy (see Mill test certificate vs exhibit C4 in Mr. Bakers case file) in the origin of the pipes and the tracking information of these pipes. The chemical composition of the steel and the mill in which the pipe is manufactured is very important. It is critical and required through 49CFR195 to have traceability and verification of the chemical composition of the steel , the coatings, the manufacturing of the pipes and, therefore, the overall structural integrity of a pipe.

Another part of Mr. Baker's case file, which I can be witness to is his request for an early warning system. I have experience in chemical sensing technologies and can testify to the fact that in order for a public early warning system to be effective, Sunoco must have a reliable early detection system. At this time Sunoco has not divulged their capabilities (in regards to precision and accuracy) of technologies they are using for early detection. My background and experience allows me to assess the current capabilities in terms of remote sensing and chemical detection. In order for a system to be a complete and accurate system it must function effectively on all levels of that system. Without early detection, it will be difficult, if not impossible to safely and effectively warn the public in the event of a leak. Since there is no requirement for an odorant to be added to HVLs, as well, the company refuses to voluntarily add an odorant, early detection via human olfactory detection will not be possible.

Sent from Mail for Windows 10

04/15/2019

P1

- PLEASE ACCEPT THIS AS MY WITNESS STATEMENTS FOR CASE. (WILMER BAKER VS SUNOCO PIPELINE, C-2018-3004294)
- A. FIRST I INCLUDED SUNOCO'S WITNESS LIST TO ANSWER THEIR EXPERT (PEREZ, McCLURE'S GAP ROAD COMPLAINT BY KIM FLEET)
 - B. I CAN TESTIFY TO THE PURCHASE LIST FOR THE (X-70) FIRST PAGE, MADE IN FRANCE, ADVERTISE MADE IN GREECE (IMPORT LAWS)
 - C. SECOND PURCHASE ORDER MADE IN AMERICA!
 - D. I WILL TESTIFY TO THE ATTENDANCE RECORDS (THAT FIREFIGHTERS FROM UPPER FRANKFORD FIREHOUSE DONT HAVE DRIVERS LICENSE, UPPER TOWNSHIP SUPERVISORS HAVE USELESS CERTIFICATIONS. FIREHOUSE IS IN BLAST ZONE (PICKED UP SAFETY MANUAL. AT TOWNSHIP MEETING, APRIL 8 2012.)
 - E. I WILL TESTIFY THAT I REACHED OUT TO MY TOWNSHIP ABOUT A SAFETY MANUAL THAT THEY KNEW NOTHING ABOUT. TOWNSHIP SETS UP MEETING!

APR 16 2019

P2

E. JULY 10 2018 SUNOCO DOESNT SHOW, NEXT DAY OFFERS LOWER FRANKFORDS SUPERVISORS TRAINING THEY REFUSE.

F. CUMBERLAND COUNT. COMMISSIONERS BECOME INVOLVED, FIRST THEY COMPLAINT ABOUT SUNOCOS OUT REACH PROGRAMS, THEN THEIR TRAINING PROGRAMS FALL SHORT, THEY FILE CHARGES AT THE P.U.C AND SUNOCO REFUSES TO OBEY THE LAW (MISS GLADY BROWN)! THREE TIMES REFUSING PUBLIC MEETING.

COMMISSIONERS WONT TESTIFY AT MY HEARING! (WHAT HAPPEN?)

G. I CAN TESTIFY THAT SOME PEOPLE ARE AFRAID TO TESTIFY

H. I WILL TESTIFY OF MY TRAINING FOR HAZARDOUS WASTE, AND CHEMICAL EMERGENCY RESPONSE, THAT IS SORRY LACKING HERE

I. FREEDOM OF INFORMATION (PLAINS

JUSTICE, JUNE 28, 2016 / SAYS OF SUBSTANDARD STEEL (200, 205) KINDER MORGAN, CORINTH PIPEWORK - ALL RUNNING IN BAD PIPES!

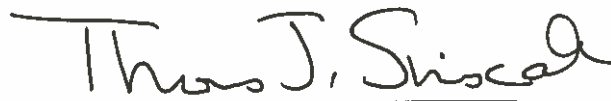
- I. PIPES ARE LABELED MADE IN GREECE, BUT REALLY MADE IN FRANCE (WHAT IMPORT LAWS, DUMPING FOREIGN STEEL HERE!)
- J. I CAN SAY ABOUT DANGEROUS PIPES, TO CLOSE TOGETHER!
- K. I CAN TESTIFY TO BAD PIPES WELDED TOGETHER TO MANY TIMES
- L. I WILL TESTIFY TO THE (FACT SHEET) ABOUT FOREIGN STEEL BEING DUMPED ON AMERICAN MARKETS
- M. I WILL TESTIFY TO PIPELINE LOCATION BEING USED TO USE SUBSTANDARD PIPES, AS A LOOPHOLE FOR BAD PIPES!
- N. I WILL TESTIFY THAT THE PUBLIC'S SAFETY HAS BEEN IGNORED FOR REASONS THAT ARE NOT IN OUR BEST INTEREST!
- O. LAST, BUT NOT LEAST, I WILL TESTIFY THAT FROM SUNGOS'S INTEREST, THEY ARE BRINGING A DANGEROUS PIPELINE AMONGST US FOR NO REASON.
- P. INCREASE OF PRESSURE (DANGEROUS)
- Q. I WILL TESTIFY THAT THE PUBLIC'S SAFETY HAS BEEN IGNORED FOR REASONS THAT ARE NOT IN OUR BEST INTEREST!

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 OVER-NIGHT FEDERAL EXPRESS

WILMER JAY BAKER
430 RUN ROAD
CARLISLE PA 17015

A handwritten signature in black ink that reads "Thomas J. Sniscak". The signature is written in a cursive style with a horizontal line underneath the name.

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

Dated: April 25, 2019