



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

September 16, 2019

BY 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 ANSWER TO FLYNN COMPLAINANTS' MOTION FOR SANCTIONS**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.'s Answer to Flynn Complainants' Motion for Sanctions in the above-referenced proceedings.

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

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**

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

Sunoco Pipeline L.P. Answer to Complainants’ Motion for Sanctions

Pursuant to 52 Pa. Code §§ 5.103 and 5.371, Sunoco Pipeline L.P. (SPLP) answers¹ Complainants’ September 9, 2019 Motion for Sanctions.² The Motion is meritless, contains multiple misrepresentations, contradictions, inconsistencies, and inaccuracies, and should be denied in its entirety.

A. Introduction

Contrary to Complainants’ assertions, as demonstrated below SPLP has been working in good faith to comply with Your Honor’s Order Granting in Part and Denying in Part Complainants’ Motion to Compel Responses to Complainants’ Interrogatories and Document

¹ The Motion is presented in numbered paragraphs. Unlike a Complaint, SPLP is not required to deny or admit allegations contained in a motion. *Compare* 52 Pa. Code § 5.61(b) (form of answer to complaints) *with* 52 Pa. Code § 5.61 generally (not mandating form of answer to motions). As such and given that the Motion contains various irrelevant, hyperbolic and otherwise improper statements, SPLP will not respond on a paragraph by paragraph basis but will instead respond to the pertinent allegations and arguments in the order Complainants have presented them corresponding to Complainants’ section headings.

² Complainants failed to serve SPLP’s counsel on September 9 contrary to Complainants’ representations in their certificate of service. Email service was received on September 10.

Request Set I (Order on Motion to Compel). That Order required SPLP to respond to approximately 58 interrogatories some of which also required production of large amounts of documents. To date, SPLP has produced 31,522 pages of documents in response to Complainants' Set 1 requests. Where Complainants' counsel has pointed out criticisms regarding SPLP's production (all of which are bound to happen with the amount of requests and breadth of information required to be produced on a short time frame), none of them prejudice Complainant to justify the dramatic seeking of sanctions given hearings are not until July of 2020 and Complainants' direct testimony is not due until January 2020. Omitted from the motion copiously is that SPLP has communicated with opposing counsel and used best efforts to correct any mutual misunderstandings or oversights. SPLP has provided Complainant's counsel not only with electronic production of documents via links that DO NOT EXPIRE³ that are organized into folders that correspond to each request number, conforming with Complainants' own discovery instructions,⁴ but also with paper copies upon request. Complainants' counsel's inability to manage, save, or interpret SPLP's discovery production is not sanctionable conduct on SPLP's part, especially where Complainants' own overbroad requests have caused this issue. Rather it is a self-induced problem of Complainants' counsel.

SPLP has also communicated with Complainants' counsel to try to resolve disagreements. However, SPLP's disagreement with and refusal to adopt Complainant's position regarding what is to be produced and his stated intent to ask for something more or different than the questions themselves pose, is not sanctionable conduct either.

³ Attached as Attachment A is a log from the secure sharefile site SPLP is using to provide access to discovery production. This log shows Complainant's counsel and expert have repeatedly accessed documents using links Complainants' claim "disappeared."

⁴ See Attachment B (excerpt of Flynn Interrogatory Instructions).

Since Complainants have not shown any sanctionable conduct, all relief should be denied. Moreover, it is well-established law that the Commission does not have the authority to order counsel fees⁵ as a sanction or otherwise⁶ and thus this request for relief cannot be granted.

⁵ Again, this is another example of Complainants' counsel asking for a remedy which, if basic research had been done, would have shown such remedy is beyond the Commission's jurisdiction. Such waste of Your Honor's time and Respondent's should if anything result in an admonition that Complainants refrain from seeking relief that cannot be granted. That is sanctionable behavior and at odds with conserving Your Honor's, the Commission's and the parties' time.

⁶

With respect to the request for attorney fees, that request can be dispensed with from the outset. It is well established in the courts of this Commonwealth that legal fees are not generally recoverable except where permitted by statute or other recognized exception to this general rule. *Corace v. Balint*, 418 Pa. 262, 271 (1965); *Becker v. Borough of Schuylkill Haven*, 200 Pa. Super. 305, 312 (1963); 11 Pa. Law Encyclopedia Damages § 33 (1970). Nothing in the Commission's statutes, regulations or orders gives the Commission the power to grant attorney fees in the factual setting of the present Complaint. See *Capitol Bus Company v. Leonard M. Smith*, Docket No. 20830 (Final Order entered September 23, 1975) 1975 Pa. PUC LEXIS 24; 49 Pa. PUC 428; see also *Pa. Pub. Util. Comm'n v. Duquesne Light Company*, 61 Pa. PUC 495 (1986); *Pa. Pub. Util. Comm'n v. National Fuel Gas Distribution Corporation*, 63 Pa. PUC. 68, 71 (1987) (The Commission does not have jurisdiction to award attorney fees and costs); *Edward Dugas v. PECO Energy Company*, Docket No. Z-01417035, 2004 Pa. PUC LEXIS 50 (June 10, 2004) (The Commission was not empowered to award damages, attorney fees or costs); *James H. Joseph v. Bell Telephone Company of Pennsylvania*, Docket No. C-00924568, 1993 Pa. PUC LEXIS 55 (The Commission is without authority to award attorney fees).

Armstrong Telecommunications, Inc. v. Verizon Pennsylvania Inc., Initial Decision, Docket Nos. C-2010-2216311 *et al*, 2018 WL 5082013, at *16 (Oct. 4, 2018) (ALJ Buckley).

B. Siting Plans and G. Planning Process

The Order on Motion to Compel required for Interrogatories 165 and 166 for SPLP to “produce a detailed explanation of its Mariner East Project planning process from its inception in siting location locations for the pipelines, valves, compressor stations, and pumping stations in Chester and Delaware Counties.” Complainants allege that SPLP has not complied, stating SPLP provided documents but the link “disappeared” and that SPLP’s position is that a deposition transcript of Mr. Gordon suffices to fulfill this explanation. Motion at ¶¶ 12-15, 31-41. Complainants’ totally misrepresent what SPLP has produced and how. First, SPLP produced six documents that contain testimony that do give detailed explanations of the planning process. For example, SPLP produced the transcript of Mr. Gordon’s emergency hearing testimony in the Dinniman proceeding, which includes very detailed description of the planning and siting process. SPLP has attached portions of the materials produced as an example (Attachment C) to demonstrate its compliance with the Order on Motion to Compel.

SPLP discussed in more detail how valve site determinations are made in the West Goshen proceeding, and thus SPLP produced relevant portions of Mr. Gordon and Mr. Vieth’s testimony and produced those documents as well.

Counsel for Complainants’ indisputably has access to these documents. The attached log from the Sharefile site that SPLP is using to house its documents shows Complainants’ counsel *repeatedly accessed* these documents. See Attachment A. Complainants’ counsel also demonstrated that he had in fact viewed these documents when corresponding with SPLP’s counsel. See Attachment D. Complainants’ allegation that this link “disappeared” is nonsensical. The documents are housed on that site to date, and as a courtesy SPLP will provide additional instructions for access to Complainants’ counsel by the end of the week should he apparently continue to be unable to understand such commonly used share sites.

SPLP clearly complied with the Order on Motion to Compel and Complainants' request for sanctions is meritless and should be denied.

Astonishingly, Complainants also allege SPLP should be sanctioned for not undertaking actions the Order on Motion to Compel *did not require and in fact expressly overruled*. This type of specious advocacy by Complainants has to stop and Your Honor should so direct. Complainants allege that SPLP is required to produce additional documents regarding the siting planning process. Motion at ¶¶ 14, 34-41. This totally misconstrues the Order on Motion to Compel. Complainants' Interrogatories 165-166 originally sought identification (and thus production) of all documents related to the planning process. Order on Motion to Compel at 33. SPLP objected to this for various reasons, including overbreadth. *Id.* at 33-34. Your Honor agreed, sustained SPLP's objection and **did not require production of documents**, recognizing the overbreadth and undue burden of this request. SPLP cannot be sanctioned for not doing something it was not required to do. Complainants' allegations are frivolous and sanctions must be denied and Complainants' type of advocacy be unrewarded.

C. **Rover Pipeline**

SPLP did provide answers to interrogatories 207-211. Complainants' argue that SPLP should be sanctioned for refusing to answer interrogatories it was not asked or that Counsel for Complainants incorrectly asked. Motion at ¶¶ 16-18. The plain terms of Complainants' interrogatories 207-211 seek information regarding the "Rover" pipeline. Complainants' believe SPLP is somehow compelled to respond with respect to the Revolution pipeline. This is wrong, and any finger need only be pointed inward by Complainants' counsel not outward to divine what was intended but not stated. SPLP and Your Honor are not Complainants counsel's proofreader or co-drafter. The Order on Motion to Compel Ordered: "That Sunoco Pipeline LP

is directed to respond to Interrogatories Set 1, Nos. 207 - 211 within ten (10) days of the date of issuance of this Order.” It did not state SPLP had to respond to interrogatories Complainant apparently intended to ask but did not. Moreover, Complainant should, instead of filing this Motion and making this frivolous argument, have just served the interrogatories it apparently wanted to ask. There is no time constraint preventing them from doing so given the only testimony they could submit opining on this issue is not due until January 2020, approximately four months from now. That procedure would also preserve SPLP’s rights to object to those interrogatories if it chooses to do so. SPLP cannot be sanctioned for not doing something it was not required to do. Complainants’ allegations are frivolous and sanctions must be denied.

D. Sinkholes

SPLP did respond to interrogatories 104-112 as ordered. See Attachment E. Here, Complainants’ again argue that SPLP should be sanctioned, despite providing answers to interrogatories asked, for not responding to interrogatories as Complainant apparently intended and used incorrect or inartful terms to ask. Motion at ¶¶ 19-22. Regarding 104, Complainants defined in their interrogatory instructions “Sinkhole Incidents” to refer to specific incidents and SPLP did not fail to provide a response with respect to these incidents, noting that they were not sinkholes. SPLP produced documents at Bates Ranges SPLP00002625-5714 (Public) and SPLP00000047-2625, 5892- (Confidential and Highly Confidential) in response to Interrogatory 104. See Attachment F (screenshot of production folders showing documents produced in response to Interrogatory 104). Regarding Interrogatories 105-112, Complainants clearly sought information regarding sinkholes, not subsidences or other geological events. While Complainants may wish to ignore the difference between these scientific and technical distinction terms, which SPLP has made clear at various points in this proceeding, SPLP cannot

be sanctioned for not answering interrogatories it was not asked (changing the word “sinkhole” to “subsidence”). SPLP has a right to object to interrogatories and if forced to respond to the interrogatories as written to encompass the word “subsidence” instead of how they are in fact written “sinkhole” deprives SPLP of that right to object. The Order on Motion to Compel did not state or order SPLP to respond to these interrogatories as if they included word subsidence. Moreover, Complainants should, instead of filing this Motion and making this frivolous argument, have just served the interrogatories it apparently wanted to ask. There is no time constraint preventing them from doing so given the only testimony they could submit opining on this issue is not due until January 2020, approximately four months from now. That procedure would also preserve SPLP’s rights to object to those interrogatories if it chooses to do so. SPLP cannot be sanctioned for not doing something it was not required to do. Complainants’ allegations are frivolous and sanctions must be denied.

E. Maps

SPLP concedes that it is still in the process of producing certain maps/alignment sheets.⁷ SPLP agreed to produce these maps when counsel for Complainants’ pointed out this oversight in SPLP’s original response, as Complainants’ concede. Motion at ¶ 25. It has taken counsel for SPLP additional time to produce these materials due to the press of other matters, including responding to this frivolous Motion. SPLP intends to provide the additional materials by the end of this week (September 20, 2019). SPLP should not be sanctioned for an oversight when it has said it is working on correcting it and providing the information requested, particularly where there is absolutely no prejudice to Complainants in waiting a few extra weeks to receive these materials. Flynn’s direct testimony is not due until January 2020, approximately four months

⁷ An alignment sheet is a picture of a pipeline on a map along with other locational information.

from now. SPLP will file certificates of service showing that it has supplemented response to provide the required materials. There is no reason to sanction SPLP for this oversight and minor delay when counsel has agreed to and is working in good faith to correct it particularly when hearings are to be held in July of 2020.

F. Maintenance and Upgrade Information

Complainants' falsely allege that SPLP has not produced the required information for Interrogatories 13 and 10. Motion at ¶¶ 26-30. Complainants are wrong and their grumbling regarding the amount of information produced is not sanctionable conduct on SPLP's part, but due to their own overbroad requests and discovery instructions. Moreover, Complainants' arguments are totally hypocritical considering Complainants did not even initially seek or agree to summary documents and supporting records, but instead wanted production of all documents regarding upgrades and maintenance of the Mariner East 1 and 12-inch pipelines. Complainants Interrogatories at 1, 10, 13. SPLP complied with the Order and cannot be sanctioned for that compliance and following Complainants' own discovery instructions.

For Interrogatory 13, SPLP created and produced a narrative regarding maintenance as well as producing various records. That narrative was served on June 17, 2019, and Complainants' misleadingly quote the wrong interrogatory response when making this allegation. *Compare* Motion at ¶ 28 with Attachment G (Response to Interrogatory 13). Again, this flawed advocacy approach and muddling of facts has to cease and should be so directed by Your Honor.

Complainants' also mischaracterize the Order on Motion to Compel, implying SPLP was required to summarize all of the material it produced when it states "Clearly, Sunoco has not furnished a summary of 24,000 pages of materials." Motion at ¶ 29. That is not what SPLP was

ordered to do. Instead, the Order on Motion to Compel greatly limited the scope of such summary and in fact stated:

That Sunoco Pipeline, L.P. is hereby directed to provide descriptions of pipeline upgrades it made and tests it performed and provide records confirming those tests and upgrades regarding Chester and Delaware Counties since January 1, 2013 in response to interrogatory Set 1, Nos. 1 and 10 within ten (10) days of the date of issuance of this Order.

. . .

That Sunoco Pipeline, L.P. is directed to respond to Interrogatories Set 1, No. 13 by producing information summarizing maintenance and upgrades performed since January 1, 2015 in Chester and Delaware Counties within ten (10) days of the date of issuance of this Order.

Order on Motion to Compel at Ordering Paragraphs 5, 10. Thus, SPLP was ordered to produce summary information and supporting records for 1 and 10, which is exactly what it did. For example, the very first document in the range of the production for these Interrogatories (Bates Range SPLP000007162-7166) contains a summary for pressure testing of the 12-inch pipeline, including description and justification of the tests as well as charts of the results.⁸ This is clearly compliant with the Order, and the rest of the production in response to these interrogatories contains similar summary information and supporting records. Complainants quibble is not that the information produced does not comply with the Order, but that they are unwilling and/or unable due to their own lack of expertise, knowledge, and/or time to review the information produced. This is not sanctionable conduct on the part of SPLP. To the extent Complainants are contending SPLP was required to identify each document it produced, this too is incorrect. The

⁸ SPLP will not go into technical detail regarding the specifics of this document because it is Confidential and Highly Confidential, including Confidential Security Information.

Order on Motion to Compel contained no such requirement, but more importantly, Complainant's own discovery instructions required otherwise:

C. "Identify" is defined as the following:

...

2) when use with respect to a document . . . In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive. ALL DOCUMENTS SO IDENTIFIED SHALL BE BATES STAMPED OR OTHERWISE STAMPED USING SEQUENTIAL NUMBERING FOR EASE OF REFERENCE.

See Attachment B (excerpt of Flynn Interrogatory Instructions, pages 1 and 2). SPLP did exactly this, organizing documents into electronic folders by interrogatory number as explained and demonstrated in H.1. below. Flynn has not shown SPLP failed to comply with the Order on Motion to Compel and their arguments are meritless and should be rejected and the Motion denied.

G. Planning Process

See Section B above.

H. Access to Documents

1. Organization of Productions

Complainants' allegations regarding SPLP's organization of document productions is incorrect, misleading, and fails to recognize that SPLP followed Complainants' own discovery instructions regarding identification of documents. Complainants' allege that SPLP's hard-copy production to Complainants (which SPLP undertook at its own expense as a courtesy at Complainants' counsel's request) conceals the organizational scheme of the documents production and that SPLP has failed to properly identify documents. Motion at ¶¶ 43-44. First, Complainants' counsel has electronic access that he has been repeatedly utilizing to the document production. See Attachment A sharefile log. Moreover, SPLP has identified

documents as Complainants instructed, placing responsive documents into folders labeled by interrogatory request number. *See* Attachment H, screen shots of document production folders with organizational structure. This is exactly what Complainants requested:

C. “Identify” is defined as the following:

...

2) when use with respect to a document . . . In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive. ALL DOCUMENTS SO IDENTIFIED SHALL BE BATES STAMPED OR OTHERWISE STAMPED USING SEQUENTIAL NUMBERING FOR EASE OF REFERENCE.

See Attachment B (excerpt of Flynn Interrogatory Instructions, pages 1 and 2). SPLP has complied with the relevant order and instructions and Complainants’ argument should be rejected and the Motion denied.

2. E-Discovery Platform and Amended Protective Order

Next, Complainants acknowledge that the Amended Protective Order does not allow them to give access to SPLP’s Confidential and Highly Confidential productions (which include Confidential Security Information) to a vendor to set up an e-discovery platform. Motion at ¶ 52. To the extent Complainants’ argument implies SPLP has violated an order by denying non-compliance with the Amended Protective Order, that is shown false by their own statement. Allowing SPLP’s information to be housed in an electronic platform over which SPLP has no control, particularly with respect to who may be granted access to that platform is an uncalled for significant expansion of access to Confidential and Highly Confidential Materials (including Confidential Security Information) in violation of the Amended Protective Order and works at cross purposes with the clear intent if not mandate of our General Assembly in the The Public Utility Confidential Security Information Disclosure Protection Act (35 P.S. §§ 2141.1 to

2141.6) regarding treatment of CSI to protect the public safety. That Act elevates public safety over these chronic pipeline Complainants' wish for more convenience and so should Your Honor. It should not be allowed given the security issues surrounding portions of this information.

Complainants also make the inexplicable and concocted allegation that by giving SPLP's own documents to a vendor for PRINTING ONE COPY SPLP has violated the Amended Protective Order and shown that it should have no issue with creation of an electronic document review platform. This is ridiculous. First, SPLP cannot violate a protective order with respect to keeping secure its own documents in order to protect public safety. SPLP can give access to these documents as it deems secure and reasonable and compliant with law regardless of the Amended Protective Order because they are SPLP's own documents. Next, to imply that providing a vendor access to print one copy means SPLP should have no objection to providing the documents to that vendor for creation of an electronic document platform over which SPLP has absolutely no control, including over who could be granted access is clearly wrong. Even though it is the same vendor, and that vendor may be trustworthy, that is not the issue with electronic database access.

What Complainants are really seeking here is an amended to the Amended Protective Order. Complainants cannot be allowed to seek that relief under the guise of a motion for sanctions with *only a five day reply period*,⁹ which significantly deprives SPLP of its due process rights to file a timely response. This relief must be denied.

⁹ That 5 day reply period and the timing of filing the motion also coincided if not conflicted with SPLP's deadline to respond to the equally vacuous Comments the Flynn Complainants filed in the Morgantown proceeding—quite the coincidence.

I. Relief Requested

SPLP is not in “contempt” of the Order on Motion to Compel and in fact has demonstrated good faith ongoing compliance with it. All relief should be denied. Additional reasons for denials of specific relief requested are listed below.

Relief Section a requests SPLP maintain its digital document link for those who have executed a non-disclosure form – SPLP has and is doing just that for eligible reviewing representatives under the Amended Protective Order that have signed the non-disclosure form.

Section b requests expanded electronic access over which SPLP will have no control to Confidential and Highly Confidential Information including Confidential Security Information. This is prohibited under the Amended Protective Order. There has been no need shown for such uncontrolled release of documents and it is against public safety.

Section b (second “b”) requests identification of documents produced. This was not required, SPLP has not violated any order by not so identifying, and in fact has complied with Complainants’ OWN DISCOVERY INSTRUCTIONS.

Sections c, d, and f request substantial expansion of discovery requests that Complainants’ simply did not ask. This relief would deny SPLP of its rights in the discovery process to object to interrogatories and there is no showing that SPLP has violated an order to obtain such relief.

Section e also seeks to substantially expand discovery requests beyond what was sought, now seek an “all documents production” that was not originally sought and to which SPLP has not had the ability to exercise its right to object through the discovery process.

Section g requests production of additional maps. SPLP is working on this production and will complete it by the end of the week.

Section h requests relief that is not warranted and would not be allowed under the discovery rules. SPLP is not required to create documents not in existence to respond to a discovery response. 52 Pa. Code § 5.361 (b) (instructing “(b) In rate proceedings, discovery is not limited under subsection (a) solely because the discovery request requires the compilation of data or information which the answering party does not maintain in the format requested, in the normal course of business, or because the discovery request requires that the answering party make a special study or analysis, if the study or analysis cannot reasonably be conducted by the party making the request.” implying in non-rate proceedings such discovery is prohibited). Moreover, SPLP has complied with the interrogatory requests to which this relief corresponds as ordered and pursuant to Complainants’ own discovery instructions.

Section i requests relief the Order on Motion Compel expressly denied, seeking an all documents production regarding planning and siting.

Section j requests attorney fees, which the Commission does not have the power to order. Complainants counsel knew or should have known the Commission lacks the power to award such fees had it done basic research on the issue.

It is well established in the courts of this Commonwealth that legal fees are not generally recoverable except where permitted by statute or other recognized exception to this general rule. *Corace v. Balint*, 418 Pa. 262, 271 (1965); *Becker v. Borough of Schuylkill Haven*, 200 Pa. Super. 305, 312 (1963); 11 Pa. Law Encyclopedia Damages § 33 (1970). Nothing in the Commission's statutes, regulations or orders gives the Commission the power to grant attorney fees in the factual setting of the present Complaint. See *Capitol Bus Company v. Leonard M. Smith*, Docket No. 20830 (Final Order entered September 23, 1975) 1975 Pa. PUC LEXIS 24; 49 Pa. PUC 428; see also *Pa. Pub. Util. Comm'n v. Duquesne Light Company*, 61 Pa. PUC 495 (1986); *Pa. Pub. Util. Comm'n v. National Fuel Gas Distribution Corporation*, 63 Pa. PUC. 68, 71 (1987) (The Commission does not have jurisdiction to award attorney fees and costs); *Edward Dugas v. PECO Energy*

Company, Docket No. Z-01417035, 2004 Pa. PUC LEXIS 50 (June 10, 2004) (The Commission was not empowered to award damages, attorney fees or costs); *James H. Joseph v. Bell Telephone Company of Pennsylvania*, Docket No. C-00924568, 1993 Pa. PUC LEXIS 55 (The Commission is without authority to award attorney fees).

Armstrong Telecommunications, Inc. v. Verizon Pennsylvania Inc., Initial Decision, Docket Nos. C-2010-2216311 *et al*, 2018 WL 5082013, at *16 (Oct. 4, 2018) (ALJ Buckley).

WHEREFORE, Sunoco Pipeline L.P. respectfully requests Your Honor Deny Complainant's September 9, 2019 Motion for Sanctions.

Respectfully submitted,

/s/Whitney E. Snyder
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

Dated: September 16, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

ATTACHMENT A

[illegible]

8/6/19 3:08 PM	/Flynn - SPLP Document Productions/SPLP00004447.pdf	Download	Michael Bomstein
8/6/19 3:07 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
8/6/19 3:05 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP Production - Highly Conf CSI Docs/175-177 Highly Confidential/SPLP00007001.pdf	View	Michael Bomstein
8/5/19 8:14 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents (folder) /Flynn - SPLP	Download	mehrooz zamanzadeh
8/3/19 12:36 PM	/Flynn - SPLP Document Productions/SPLP00004447.pdf	Download	Michael Bomstein
8/3/19 12:33 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
8/3/19 12:33 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
8/3/19 12:24 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
8/3/19 12:24 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
8/3/19 12:23 PM	/Flynn - SPLP Document Productions/Public 104 (folder) /Flynn - SPLP Document Productions/Public 113 (folder)	Download	Michael Bomstein
8/3/19 12:19 PM	/Flynn - SPLP Document Productions/165 166 169 Public (folder)	View	Michael Bomstein
8/3/19 12:16 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	Download	Michael Bomstein
8/1/19 3:08 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP	Download	James Flandreau
8/1/19 2:24 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP	Download	James Flandreau
8/1/19 1:54 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.17.19 SPLP	Download	James Flandreau
7/31/19 11:20 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP	Download	James Dalton
7/31/19 10:19 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP	Download	James Dalton
7/31/19 10:08 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.17.19 SPLP	Download	James Dalton
7/26/19 11:11 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.17.19 SPLP Production - Highly Conf CSI Docs/Highly Conf CSI 104/ROW Walking Reports/SPLP00000051.pdf	View	Kelly Sullivan
7/26/19 11:09 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.17.19 SPLP Production - Highly Conf CSI Docs/Highly Conf CSI 104/ROW Walking Reports/SPLP00000047.pdf	View	Kelly Sullivan
7/26/19 10:55 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00008907.pdf	View	Kelly Sullivan
7/26/19 10:54 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007692.pdf	View	Kelly Sullivan
7/26/19 10:53 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007692.pdf	View	Kelly Sullivan
7/26/19 10:51 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007655.pdf	View	Kelly Sullivan
7/26/19 10:46 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007526.pdf	View	Kelly Sullivan
7/26/19 10:46 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007379.pdf	Download	Kelly Sullivan
7/26/19 10:40 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007219.pdf	Download	Kelly Sullivan
7/26/19 10:36 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007167.pdf	View	Kelly Sullivan
7/26/19 10:35 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007162.pdf	View	Kelly Sullivan
7/18/19 3:45 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/SPLP00006952.pdf	Download	Michael Bomstein

7/18/19 3:45 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.19.19 SPLP Production - Public Documents/Flynn- 6.19.19 SPLP Documents 165, 166, 169 Public/SPLP00006952.pdf	View	Michael Bomstein
7/18/19 3:45 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/SPLP00006941.pdf	Download	Michael Bomstein
7/18/19 3:44 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.19.19 SPLP Production - Public Documents/Flynn- 6.19.19 SPLP Documents 165, 166, 169 Public/SPLP00006941.pdf	View	Michael Bomstein
7/18/19 3:43 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/SPLP00006922.pdf	Download	Michael Bomstein
7/18/19 3:43 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.19.19 SPLP Production - Public Documents/Flynn- 6.19.19 SPLP Documents 165, 166, 169 Public/SPLP00006922.pdf	View	Michael Bomstein
7/18/19 3:43 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.19.19 SPLP Production - Public Documents/Flynn- 6.19.19 SPLP Documents 165, 166, 169 Public/SPLP00006922.pdf	View	Michael Bomstein
7/17/19 12:06 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
7/17/19 12:04 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
7/17/19 12:01 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
7/17/19 12:01 PM	/Flynn - SPLP Document Productions/Flynn - Public Documents/Flynn- 6.17.19 SPLP Production - Public	View	Michael Bomstein
7/12/19 12:36 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP	Download	Alex Baumler
7/12/19 12:11 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP	Download	Alex Baumler
7/12/19 12:11 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.17.19 SPLP	Download	Alex Baumler
7/12/19 12:10 PM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.19.19 SPLP	Download	Alex Baumler
7/12/19 11:48 AM	/Flynn - SPLP Document Productions/Flynn - Confidential & Highly Confidential Documents/Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs/Highly Confidential 1, 10, 13/SPLP00007162.pdf	View	Alex Baumler
7/10/19 12:54 PM	/Flynn - SPLP Document Production(s)/SPLP00005721.pdf /Flynn - SPLP Document Production(s)/SPLP00005715.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005725.pdf /Flynn - SPLP Document Production(s)/SPLP00005777.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005738.pdf /Flynn - SPLP Document Production(s)/SPLP00005751.pdf		
7/10/19 12:51 PM	/Flynn - SPLP Document Production(s)/SPLP00005671.pdf /Flynn - SPLP Document Production(s)/SPLP00005673.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005680.pdf /Flynn - SPLP Document Production(s)/SPLP00005692.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005699.pdf /Flynn - SPLP Document Production(s)/SPLP00005702.pdf		
7/10/19 12:50 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/Public 104/SPLP00005632.pdf	View	Kelly Sullivan
7/10/19 12:49 PM	/Flynn - SPLP Document Production(s)/SPLP00005632.pdf /Flynn - SPLP Document Production(s)/SPLP00005636.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005645.pdf /Flynn - SPLP Document Production(s)/SPLP00005652.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005659.pdf /Flynn - SPLP Document Production(s)/SPLP00005663.pdf		
7/10/19 12:49 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/Public 104/SPLP00005636.pdf	View	Kelly Sullivan
7/10/19 12:47 PM	/Flynn - SPLP Document Production(s)/SPLP00005533.pdf /Flynn - SPLP Document Production(s)/SPLP00005570.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005571.pdf /Flynn - SPLP Document Production(s)/SPLP00005585.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005592.pdf /Flynn - SPLP Document Production(s)/SPLP00005606.pdf		
7/10/19 12:45 PM	/Flynn - SPLP Document Production(s)/SPLP00005473.pdf /Flynn - SPLP Document Production(s)/SPLP00005475.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005477.pdf /Flynn - SPLP Document Production(s)/SPLP00005479.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005482.pdf /Flynn - SPLP Document Production(s)/SPLP00005484.pdf		
7/10/19 12:45 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/Public 104/SPLP00005482.pdf	View	Kelly Sullivan
7/10/19 12:43 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/Public 104/SPLP00005389.pdf	View	Kelly Sullivan
7/10/19 12:42 PM	/Flynn - SPLP Document Production(s)/SPLP00005389.pdf /Flynn - SPLP Document Production(s)/SPLP00005412.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005432.pdf /Flynn - SPLP Document Production(s)/SPLP00005435.pdf		
7/10/19 12:40 PM	/Flynn - SPLP Document Production(s)/SPLP00004529.pdf /Flynn - SPLP Document Production(s)/SPLP00005163.pdf	Download	Kelly Sullivan
	/Flynn - SPLP Document Production(s)/SPLP00005166.pdf /Flynn - SPLP Document Production(s)/SPLP00004817.pdf		
	/Flynn - SPLP Document Production(s)/SPLP00005139.pdf /Flynn - SPLP Document Production(s)/SPLP00005168.pdf		

[illegible]

[illegible]

[illegible]

	/Flynn - SPLP Document Production(s)/SPLP00003419.pdf /Flynn - SPLP Document Production(s)/SPLP00005466.pdf /Flynn - SPLP Document Production(s)/SPLP00003165.pdf /Flynn - SPLP Document Production(s)/SPLP00003455.pdf /Flynn - SPLP Document Production(s)/SPLP00002687.pdf /Flynn - SPLP Document Production(s)/SPLP00003156.pdf /Flynn - SPLP Document Production(s)/SPLP00003107.pdf /Flynn - SPLP Document Production(s)/SPLP00003232.pdf /Flynn - SPLP Document Production(s)/SPLP00002843.pdf /Flynn - SPLP Document Production(s)/SPLP00002968.pdf /Flynn - SPLP Document Production(s)/SPLP00003470.pdf /Flynn - SPLP Document Production(s)/SPLP00005702.pdf /Flynn - SPLP Document Production(s)/SPLP00003616.pdf /Flynn - SPLP Document Production(s)/SPLP00005668.pdf /Flynn - SPLP Document Production(s)/SPLP00002646.pdf /Flynn - SPLP Document Production(s)/SPLP00003488.pdf /Flynn - SPLP Document Production(s)/SPLP00003484.pdf /Flynn - SPLP Document Production(s)/SPLP00003074.pdf /Flynn - SPLP Document Production(s)/SPLP00005666.pdf /Flynn - SPLP Document Production(s)/SPLP00003764.pdf /Flynn - SPLP Document Production(s)/SPLP00004330.pdf /Flynn - SPLP Document Production(s)/SPLP00003166.pdf /Flynn - SPLP Document Production(s)/SPLP00002827.pdf /Flynn - SPLP Document Production(s)/SPLP00002700.pdf /Flynn - SPLP Document Production(s)/SPLP00002992.pdf /Flynn - SPLP Document Production(s)/SPLP00003238.pdf /Flynn - SPLP Document Production(s)/SPLP00002625.pdf /Flynn - SPLP Document Production(s)/SPLP00003537.pdf /Flynn - SPLP Document Production(s)/SPLP00003155.pdf /Flynn - SPLP Document Production(s)/SPLP00005163.pdf /Flynn - SPLP Document Production(s)/SPLP00003104.pdf /Flynn - SPLP Document Production(s)/SPLP00002794.pdf /Flynn - SPLP Document Production(s)/SPLP00005630.pdf /Flynn - SPLP Document Production(s)/SPLP00002905.pdf /Flynn - SPLP Document Production(s)/SPLP00002829.pdf /Flynn - SPLP Document Production(s)/SPLP00003215.pdf /Flynn - SPLP Document Production(s)/SPLP00003055.pdf /Flynn - SPLP Document Production(s)/SPLP00005180.pdf /Flynn - SPLP Document Production(s)/SPLP00003821.pdf /Flynn - SPLP Document Production(s)/SPLP00003836.pdf /Flynn - SPLP Document Production(s)/SPLP00003317.pdf /Flynn - SPLP Document Production(s)/SPLP00003056.pdf /Flynn - SPLP Document Production(s)/SPLP00002712.pdf /Flynn - SPLP Document Production(s)/SPLP00003822.pdf /Flynn - SPLP Document Production(s)/SPLP00003237.pdf /Flynn - SPLP Document Production(s)/SPLP00003219.pdf /Flynn - SPLP Document Production(s)/SPLP00003428.pdf /Flynn - SPLP Document Production(s)/SPLP00002709.pdf /Flynn - SPLP Document Production(s)/SPLP00005139.pdf /Flynn - SPLP Document Production(s)/SPLP00005168.pdf /Flynn - SPLP Document Production(s)/SPLP00005692.pdf /Flynn - SPLP Document Production(s)/SPLP00005482.pdf /Flynn - SPLP Document Production(s)/SPLP00005533.pdf /Flynn - SPLP Document Production(s)/SPLP00003454.pdf /Flynn - SPLP Document Production(s)/SPLP00005699.pdf /Flynn - SPLP Document Production(s)/SPLP00003513.pdf /Flynn - SPLP Document Production(s)/SPLP00003651.pdf /Flynn - SPLP Document Production(s)/SPLP00002780.pdf /Flynn - SPLP Document Production(s)/SPLP00002742.pdf /Flynn - SPLP Document Production(s)/SPLP00003834.pdf		
6/20/19 11:53 AM	/Flynn - SPLP Document Production(s)/SPLP00005455.pdf /Flynn - SPLP Document Production(s)/SPLP00002719.pdf	Download	James Flandreau
6/20/19 11:48 AM	/Flynn - SPLP Document Production(s)/SPLP00005721.pdf /Flynn - SPLP Document Production(s)/SPLP00005715.pdf /Flynn - SPLP Document Production(s)/SPLP00005725.pdf /Flynn - SPLP Document Production(s)/SPLP00005777.pdf /Flynn - SPLP Document Production(s)/SPLP00005738.pdf /Flynn - SPLP Document Production(s)/SPLP00005751.pdf	Download	James Flandreau
6/20/19 11:45 AM	/Flynn - SPLP Document Production(s)/SPLP00005843.pdf /Flynn - SPLP Document Production(s)/SPLP00005837.pdf /Flynn - SPLP Document Production(s)/SPLP00005786.pdf	Download	James Flandreau
6/20/19 9:03 AM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/Public 104/SPLP00002625.pdf	View	Michael Bornstein
6/19/19 4:14 PM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	James Flandreau
6/19/19 4:10 PM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	James Flandreau
6/19/19 4:09 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/165 166 169 Public/SPLP00005786.pdf	View	James Flandreau
6/19/19 4:09 PM	/Flynn - SPLP Document Production(s)/Flynn- 6.17.19 SPLP Documents/165 166 169 Public/SPLP00005786.pdf	View	James Flandreau

6/19/19 12:01 PM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	Michael Bornstein
6/19/19 11:54 AM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	Michael Bornstein
6/19/19 9:53 AM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	Alex Baumler
6/18/19 3:00 PM	/Flynn - SPLP Document Production(s)/Public 104 (folder) /Flynn - SPLP Document Production(s)/Public 113 (folder) /Flynn - SPLP Document Production(s)/165 166 169 Public (folder)	Download	Rich Raiders

ATTACHMENT B

unincorporated associations, organizations, businesses, trusts, public entities, parent companies, subsidiaries, divisions, departments or other units thereof, and/or any other type of legal entities.

B. The terms "you" and "your" shall refer both to Sunoco and/or any other person representing or purporting to represent Sunoco in any capacity, including its attorneys.

C. "Identify" is defined as the following:

1) *when used with respect to individuals*, means to state (a) their name; business affiliation and official title and/or position; and (c) their last known residential and business address.

2) *when used with respect to a document*, means to state (a) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail) (b) its date of origin or creation; (c) its author and addressee; (d) its last known custodian or locations; and (e) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive. ALL DOCUMENTS SO IDENTIFIED SHALL BE BATES STAMPED OR OTHERWISE STAMPED USING SEQUENTIAL NUMBERING FOR EASE OF REFERENCE.

3) *when used with respect to a company or other business entity*, means to state, (a) the company's legal name, any former names, and the name under which it trades or does business; (b) the address of its principal place of business; and (c) the identity of its chief executive officer

D. The term "communication" shall refer to any exchange or transmission of words or ideas to another person or entity, whether accomplished person-to-person, by telephone, in writing, via electronic mail or through another medium, and shall include, but shall not be limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes, and statements or questions.

E. For purposes of these interrogatories, the terms "records" and "documents" are used interchangeably and shall include without limitation (1) books of account, spreadsheets, ledgers, computerized data bases and other records; (2) checkbooks, canceled checks, check stubs and checking account statements; (3) personnel files in which records are segregated for individual employees; (4) all written or printed matter of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made in such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, releases, agendas, opinions, reports, studies, test results, records of measurements, surveys, maps of any sort, written protocols, summaries, statements, consultations speeches, summaries, pamphlets, books, inter-office and infra-office communications, manuals, notations of any sort of

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	DOCKET NO. C- 2018-3006116
CAROLINE HUGHES and	:	
MELISSA HAINES,	:	DOCKET NO. P-2018-30066117
Complainants	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent	:	

**COMPLAINANTS' FIRST INTERROGATORIES
ADDRESSED TO SUNOCO PIPELINE L.P.**

Complainants hereby make demand that Sunoco Pipeline L.P. (hereinafter "Sunoco" or "Respondent") answer the following Interrogatories pursuant to the applicable discovery rules of the Public Utility Commission. Answers must be served on all parties within twenty (20) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Sunoco or its representatives (including counsel) learn additional facts not set forth in the original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 20 days after such further information is received. These Interrogatories are addressed to Sunoco as a party to this proceeding; Respondent's Answers shall be based upon information known to Respondent or in the possession, custody or control of Respondent, its attorneys or other representatives acting on its behalf whether in preparation for litigation or otherwise.

These Interrogatories must be answered completely and specifically by Respondent in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Respondent, its counsel, or other representatives at the time of service of the Answers.

Definitions

A. The terms "person" or "persons" shall refer not only to natural persons, but also, without limitation, to firms, partnerships, corporations, associations,

ATTACHMENT C

COMMONWEALTH OF PENNSYLVANIA

326

PUBLIC UTILITY COMMISSION

- - - - - X
:
Pennsylvania State Senator Andrew E. :
Dinniman v. Sunoco Pipeline, L.P. : Docket No.
Petition for Interim Emergency Relief : P-2018-3001453
:
Further Hearing :
:
- - - - - X

Pages 326 through 706 Hearing Room 5
 Commonwealth Keystone Building
 Harrisburg, Pennsylvania

Thursday, May 10, 2018

Met, pursuant to adjournment, at 9:13 a.m.

BEFORE:

ELIZABETH H. BARNES, Administrative Law Judge

APPEARANCES:

MARK L. FREED, Esquire
JOANNA WALDRON, Esquire
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, Pennsylvania 18901
(For Senator Dinniman)

THOMAS J. SNISCAK, Esquire
WHITNEY E. SNYDER, Esquire
Hawke, McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, Pennsylvania 17101
(For Sunoco Pipeline L.P.)

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

APPEARANCES (Continued):

ROBERT D. FOX, Esquire
NEIL S. WITKES, Esquire
DIANA A. SILVA, Esquire
Manko Gold Katcher Fox
401 City Avenue, Suite 901
Bala Cynwyd, Pennsylvania 19004
(For Sunoco Pipeline, L.P.)

KATHRYN URBANOWICZ, Esquire
135 South 19th Street, Suite 300
Philadelphia, Pennsylvania 19103
(For Clean Air Council)

VIRGINIA MARCILLE-KERSLAKE
103 Shoen Road
Exton, Pennsylvania 19341
(Pro se)

- 0 -

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

WITNESS INDEX

<u>WITNESS</u>	<u>VOIR</u> <u>DIRE</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Virginia Marcille-Kerslake					
By Mr. Freed	--	335	--	367	--
By Ms. Urbanowicz	--	--	356	--	--
By Mr. Witkes	--	--	359	--	--
Matthew Gordon					
By Mr. Fox	--	385	--	482	--
By Mr. Freed	--	--	430	--	--
By Ms. Urbanowicz	--	--	458	--	--
By Ms. Marcille-Kerslake	--	--	477		
Anthony Gallagher					
By Mr. Sniscak	--	484	--	512	--
By Mr. Freed	--	--	496	--	--
By Ms. Urbanowicz	--	--	500	--	--
By Ms. Marcille-Kerslake	--	--	510	--	--
John Zurcher					
By Mr. Witkes	--	513	--	--	--
	--	528	--	600	--
By Mr. Freed	527	--	554	--	--
By Ms. Urbanowicz	527	--	572	--	--
By Ms. Marcille-Kerslake	--	--	586	--	602
Alan Christian Engberg					
By Mr. Sniscak	--	605	--	--	--
By Mr. Freed	--	--	614	--	--
By Ms. Marcille-	--	--	617	--	--
Richard Billman					
By Mr. Sniscak	--	621	--	--	--
By Mr. Freed	--	--	630	--	--
David J. Demko					
By Mr. Fox	--	637	--	--	--
By Mr. Freed	--	--	690	--	--
By Ms. Urbanowicz	--	--	696	--	--
By Ms. Marcille-Kerslake	--	--	700	--	--

-0-

EXHIBIT INDEX

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
---------------	---------------------------	--------------------

Petitioner's Exhibit

11 (photo of Allen house)	353	355
12 (notice of violation and proposed compliance order, CPF-1-2018-5002)	374	380
13 (consent order and agreement, 2/8/18)	376	380
14 (consent assessment of civil penalty, 4/27/18)	377	380
15 (notice of violation, 4/26/17)	378	380
16 (mailing to homeowners)	453	457
17 (tariff)	617	617
18 (excerpt, DEP settlement document)	693	693

SPLP Exhibit

1 (map, carbonate rock strata and karst geologic hazards)	645	645
2 (map, karst areas and NPMS pipeline overlay)	396	647
3 (map, proposed ROW collocation)	398	398
4 (MAP, PA DCNR karst points)	408	650
5 (permit modification, Drill 370)	409	410
6 (permit modification, Drill 381)	412	413
7 (void mitigation plan for karst terrain and underground mining)	394	403

EXHIBIT INDEX (Continued)

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>SPLP Exhibit</u>		
8 (HDD inadvertent return assessment, preparedness, prevention and contingency plan)	426	430
10 (10/21/16 letter to public officials)	420	421
11 (PowerPoint for emergency responders)	422	424
12 (resume of D. Demko)	638	638
13 (1/12/18 letter requesting emergency relief)	679	679
14 (1/18/18 letter, PG review of HDDs requested for emergency relief)	679	679
15 (1/22/18 letter, supplemental information for request for relief)	679	679
17 (petition for lift of ex parte emergency order)	636	636
20 (Order in P-2018-3000281)	636	636
21 (Statement of Chairman Brown in P-2018-3000281)	636	636
22 (ME1 ILI Assessments Results - (Highly Confidential))	633	635
25 (resume of J. Zurcher)	514	514
26 (Otis Eastern construction agreement)	405	408
27 (SPLP construction standards)	405	408
28 (SPLP design drawings for ME2 construction)	406	408
29 (engineering design basis memorandum)	406	408

1 Whereupon,

2 MATTHEW GORDON

3 having been duly sworn, testified as follows:

4 JUDGE BARNES: Thank you. Please be seated.

5 Please state your name and spell it for the record.

6 THE WITNESS: My name is Matthew Gordon,
7 M-A-T-T-H-E-W, G-O-R-D-O-N.

8 JUDGE BARNES: Go ahead, Mr. Fox.

9 MR. FOX: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. FOX:

12 Q. Can you state your educational background?

13 A. Yes. I have a Bachelor's of Science in Mechanical
14 Engineering.

15 Q. I want to just go through to discuss kind of your
16 experience working at Sunoco. Can you tell me when you
17 began your employment at Sunoco and what your first job
18 responsibilities were?

19 A. In 2006, I started with Sunoco as a field engineer.
20 Field engineer is a jack-of-all-trades position supporting
21 the maintenance department and operations department,
22 primarily small project work, government compliance work as
23 well, obtaining permits, and facilitating on design and
24 relocations of the pipeline as they came up.

25 Q. Can you tell me when you started your next position

1 and what that position and responsibilities were?

2 A. Approximately a year and a half later, I accepted a
3 promotion as a technical supervisor for Pennsylvania and New
4 York State, so I managed all of our technicians from
5 mechanics and electricians. We maintained all the
6 facilities for reliability.

7 I also supported all of the maintenance work in that
8 area, these two states, including permitting for projects,
9 design of stations, upgrade of stations, and routing for
10 small relocation projects as well.

11 Q. How long were you in that position, approximately?

12 A. Approximately two years.

13 Q. So we're up to 2009. Can you tell me what position
14 you took at Sunoco in 2009?

15 A. In 2009, I was promoted to the operations manager
16 for Philadelphia and New Jersey, and I supervised several
17 manned facilities. I had approximately a hundred direct
18 reports. Those facilities were responsible for bulk
19 transfer of liquids via pipeline, rail, truck, and vessel
20 delivery, in and out.

21 I also served as the area manager for two six-month
22 periods for those locations as well. In that role I
23 supervised union employees, technical and other supervisors,
24 facility supervisors. I was responsible for the safe
25 operations, government compliance.

1 Then while I was overseeing the pipelines as well, any
2 relocation projects, I was responsible and oversaw the
3 design and permitting and routing as well.

4 Q. I just want to make sure. So part of that
5 responsibility included the routing of those projects?

6 A. Yes, for the relocations, correct.

7 Q. And did you also have responsibility on training on
8 safety policies and emergency response policies?

9 A. Yes. I was responsible for making sure that all my
10 employees were trained with all the company's standards,
11 policies, and procedures, as well as our contractors had to
12 go through training as well and verify that they had their
13 training in place prior to working on the equipment.

14 Q. Approximately how long did you stay in that
15 position?

16 A. I was there till 2012.

17 Q. What was your next position for Sunoco?

18 A. I was the area manager for Pennsylvania and New
19 York, basically in charge of all the operations for the
20 pipelines and terminals in those two states, safe
21 operations, and a lot of the similar roles that I used to
22 perform were now reporting to me, so I still had oversight
23 of the relocation projects that happened in that area.

24 I was in that role a short time before it was announced
25 the Mariner 1 project was going to start, and they put me

1 into the project manager role for that pipeline.

2 Q. What are your responsibilities for the Mariner East
3 2 and 2X projects?

4 A. As the project director for the projects, I was
5 responsible for basically everything from design, routing,
6 acquisition, construction, up through commissioning of the
7 new assets, pretty much all aspects.

8 Q. Do you have an internal team that you supervised as
9 part of that?

10 A. Yes, I do.

11 Q. About how many people are on that team?

12 A. It would fluctuate, because especially during
13 permitting phase, we had hundreds of consultants working for
14 us in the field qualified to look at the various aspects
15 that they required for the permits, but there were
16 representatives from permitting, survey, land acquisition,
17 construction, and engineering, were the general topics.

18 Q. Approximately how long did the design and
19 permitting process take for the Mariner East 2 and 2X
20 projects?

21 A. From start to permitting was approximately three
22 years.

23 Q. So we're done with your work experience. Let's
24 talk about some specific substantive areas. Were you
25 responsible for Mariner East 2, for providing the route or

1 the right-of-way for where Mariner East 2 and 2X were
2 located?

3 A. Yes.

4 Q. And what was the overall goal of that routing?

5 A. The overall goal, consistent with the Governor's
6 task force on pipelines, was to collocate with existing
7 utilities and existing utility corridors wherever we were
8 able to do so.

9 Q. What's the reason for that, trying to collocate the
10 pipeline in an existing utility corridor?

11 A. Well, there's a host of reasons. First and
12 foremost, from a maintenance and operations standpoint, you
13 have assets operating in the same location, so it's easier
14 to inspect them and maintain them as you have been
15 successfully --

16 Q. Let me stop you there. Is that a safety issue?

17 A. It is.

18 Q. Okay. Keep going.

19 A. And dovetailed with the safety issue of operating
20 in the same location, because those utilities are well
21 marked and have been there for a length of time, the public
22 is generally familiar with the location, so when you keep
23 the utilities clustered it's just an additional level of
24 awareness for contractors or homeowners that work in the
25 area.

1 Also, from an environmental standpoint, when you're
2 collocating utilities you minimize forrest fragmentation and
3 habitat fragmentation as well. Then from a construction
4 standpoint, you know a utility was built there, so it
5 increases your odds that you can successfully build another
6 utility in the same location.

7 Q. Let me focus a second on habitat fragmentation. Is
8 that a particular concern for Chester County?

9 A. Yes.

10 Q. Why is that?

11 A. Chester County is well known for concentrations of
12 bog turtle habitats, which is a threatened and endangered
13 species.

14 Q. In this routing process, were you aware of the
15 operating history of ME1?

16 A. Yes, generally.

17 Q. And has it operated safely?

18 A. Yes, it's been operating safely in that easement
19 since the '30s, so 80 plus years.

20 Q. Did that factor into your decision to collocate
21 ME2 and 2X in the same utility corridor?

22 A. Yes. If you know you have a utility that's
23 operating safely, that definitely gives you a level of
24 comfort for putting another utility in the same location.

25 Q. Now, I just want to make this clear. You didn't

1 just say, "We have an existing right-of-way, we're just
2 going to put ME2X and 2 in the same one;" is that correct?

3 A. That's correct, we did not.

4 Q. Did you look at alternative routes?

5 A. We did. As I mentioned, we have a team and the
6 team had different functions. They had to go out and
7 physically survey the route and verify that it was going to
8 work from land acquisition, environmental permitting,
9 avoidance of threatened and endangered species or cultural
10 habits, and general constructability, so if any member of
11 the team had a concern, we had a weekly team meeting,
12 sometimes more than every week, to review their concerns and
13 determine what alternative analysis we would review to get
14 around that concern.

15 Q. Did you have a name for this process, this routing
16 process?

17 A. Yes, the management of change process.

18 Q. And just describe a little bit the management of
19 change process.

20 A. For example, like I was discussing earlier, if the
21 surveyors from the environmental team were out in the field
22 and they found an aquatic resource that was a high value,
23 high function, or an endangered species habitat or a
24 cultural resource, they would bring that information back to
25 the team and we would review it from a standpoint of how can

1 we avoid impacting that resource. The goal was avoidance.
2 Then we would look at does it truly enter the construction
3 space or is it something that we could route around or
4 underneath.

5 Q. And based on that process, did you determine that
6 it was both feasible and desirable to install the pipeline
7 in the existing utility corridor?

8 A. Yes, for the most part.

9 Q. You mentioned some issues that you looked at in
10 this routing decision. Can you tell me what kind of
11 sensitive environmental or other features you were looking
12 at?

13 A. Exceptional value wetlands, bog turtle habitats,
14 rattle snake habitats, rat habitats, bat habitat, cultural
15 sites. The state has certain requirements for investigating
16 for cultural sites. We went above and beyond that and
17 shovel tested the entire project where we weren't on the
18 side of a cliff.

19 Constructability also is another concern. You want to
20 make sure, when you're looking at the work space from
21 encroachment over the years and/or other utilities in the
22 work space, where they cross, that you still have a
23 constructable route, that the pipeline will fit safely in
24 there.

25 Q. As part of this process, did you also consider

1 geological considerations?

2 A. Yes, we did.

3 Q. Would that include a consideration of the presence
4 of karst areas?

5 A. Yes, it was, and it was part of the permitting
6 application.

7 MR. FOX: Your Honor, I just want to put up
8 one of the exhibits.

9 BY MR. FOX:

10 Q. I will have one of our other experts identify the
11 source of this material, but have you seen this map of karst
12 in Pennsylvania?

13 A. Yes, I have.

14 Q. Is there any way to route the pipeline in Chester
15 County without going through karst?

16 A. Well, this shows all of Pennsylvania, and I'd say,
17 first and foremost, you can't get across Pennsylvania
18 without going through karst, but with looking at Chester,
19 no, it's got some karst bands as well.

20 Q. So because of that, did you submit a void
21 mitigation plan for karst terrain and underground mining as
22 part of your DEP permit application for ME2 and ME2X?

23 A. Yes.

24 Q. Can you take a look at Exhibit 17, I believe it is
25 -- number 7. I'm sorry.

1 (Whereupon, the document was marked as SPLP Exhibit
2 No. 7 for identification.)

3 A. I found it.

4 Q. Is that the document I just identified?

5 A. Yes. This is the void mitigation plan for karst
6 terrain underground mining that was incorporated in the
7 permit application.

8 Q. And this plan was approved by DEP?

9 A. It was.

10 Q. And the purpose of this, as we said, DEP and Sunoco
11 knew there was no way to build this pipeline without going
12 through karst, correct?

13 A. Yes.

14 Q. And so the purpose of this plan was to develop
15 mitigation measures for when you encounter karst?

16 A. Yes.

17 Q. Can you turn to page 6 and 7 of that document? At
18 the bottom of page 6 it says, "best management practices and
19 mitigation measures," and then it goes over onto the next
20 page. These are the best management practices that Sunoco
21 is required to comply with when you're doing any
22 construction through karst areas?

23 A. Yes, that's correct.

24 Q. Can you give me some examples of what those best
25 management practices are?

1 A. Sure. For karst, you definitely want to control
2 stormwater, so it highlights the additional stormwater
3 control measures during construction. If you encounter a
4 void, it discusses how the void will be investigated and/or
5 plugged.

6 It also talks about grading at the site. Again, the
7 grading is adjusted to make sure you're not flowing water
8 into the karst zone, and in regards to that, trying to
9 backfill as soon as construction is complete without delay,
10 and then post construction monitoring of those areas after
11 you complete restoration.

12 Q. You're the project manager. Are there sufficient
13 funds in the ME2 and ME2X project to perform these
14 mitigation measures in West Whiteland Township?

15 A. Yes, there are.

16 Q. In addition to that, in the plan are there specific
17 sections that deal with karst mitigation measures for each
18 and every type of construction technique that Sunoco is
19 employing in West Whiteland Township?

20 A. Yes. Section 7 covers your open cut installation,
21 section 9 covers conventional bores on page 12, and then at
22 the bottom of page 12 you'll find HDD installation measures
23 as well.

24 Q. So no matter what type of construction method that
25 Sunoco is using in West Whiteland Township, you have

1 mitigation measures for that construction through karst that
2 have been approved by DEP?

3 A. That's correct.

4 Q. I'm going to show you what's now Exhibit 2, which
5 is a blow-up of the karst map on Exhibit 1 just for Chester
6 County. I need to look at it too, so can I approach?

7 There's an overlay here of hazardous waste liquids and
8 gas pipelines existing that go through Chester County. Do
9 you see that?

10 (Whereupon, the document was marked as SPLP Exhibit
11 No. 2 for identification.)

12 A. Yes.

13 Q. Where did that information come from?

14 A. The pipeline mapping comes from the Department of
15 Transportation Pipeline Hazardous Material Safety
16 Administration website that they developed a national
17 pipeline mapping system that's publicly available.

18 Q. Can anybody get that information?

19 A. Yes. There's no log-in or account information
20 required, it's publicly available.

21 Q. And is the pipeline from that mapping accurately
22 overlain on Chester County?

23 A. Yes.

24 Q. Now, do all of the pipelines, whether they're blue
25 or red, that are identified, whether natural gas or

1 hazardous waste liquids, that are in Chester County, do they
2 go through karst?

3 A. Yes.

4 Q. Are you aware of any safety concerns with those
5 pipelines?

6 A. No.

7 Q. One last thing on this. In any areas of the
8 pipeline construction for ME1 or ME2 that have crossed
9 karst, have you had any subsidence which has exposed ME1 or
10 impacted ME1?

11 A. No.

12 Q. And does that include areas where you used HDDs to
13 construct through karst?

14 A. Yes.

15 Q. You testified earlier that you considered other
16 locations in West Whiteland Township other than collocating;
17 is that correct?

18 A. Yes, early on in the project.

19 Q. And were those other alternatives rejected?

20 A. They were.

21 Q. Can you tell me why they were rejected?

22 A. It would have required tens of miles of greenfield
23 pipeline routing onto new landowners that didn't have a
24 pipeline, which would have resulted in additional forest
25 fragmentation and additional habitat fragmentation.

1 Q. I'm going to show you Exhibit 3. Can you just tell
2 me what this is?

3 (Whereupon, the document was marked as SPLP Exhibit
4 No. 3 for identification.)

5 A. That is a map of the pipeline route through West
6 Whiteland Township.

7 Q. And does it identify the areas where the pipeline
8 is collocated and where it is not collocated?

9 A. Yes.

10 Q. The collocation is in green; is that correct?

11 A. That's correct.

12 Q. And the area where it's not collocated is in
13 purple?

14 A. Like a reddish color, yeah.

15 Q. Is that an accurate depiction of the pipeline and
16 where it is collocated and where it is not in West Whiteland
17 Township?

18 A. Yes, it is. The only area that it's not collocated
19 is where it crosses under Route 30.

20 Q. We'll talk about that in a second.

21 MR. FOX: I'd like to admit this as Exhibit 3.

22 JUDGE BARNES: Any objection?

23 MR. FREED: No objection.

24 JUDGE BARNES: It is admitted.

25 (Whereupon, the document marked as SPLP Exhibit No. 3

1 was received in evidence.)

2 BY MR. FOX:

3 Q. Did you accomplish the goal, consistent with the
4 pipeline task force recommendation, to collocate these
5 Mariner East 2 and 2X pipelines?

6 A. Yes, to the extent practicable.

7 Q. You mentioned one deviation where you couldn't do
8 that. Can you explain why that deviation was done?

9 A. The eight-inch and 12-inch pipelines underneath
10 Route 30 were horizontal bored, and there's a 90 degree
11 offset -- I'll try to point to it, Your Honor -- where they
12 come off to the side a little bit before crossing and then
13 come back into the easement, and with the trenchless
14 technique that we were planning to use there, they can't
15 make that 90 degree turn.

16 Q. Is that a very small area where you're not
17 collocating?

18 A. Yes.

19 Q. So based upon the routing process that you just
20 described, and the routing decision, is the route that
21 Sunoco ultimately selected -- did you avoid the more densely
22 populated areas of Chester County as far as practicable?

23 A. Yes.

24 Q. Now, when you're constructing a pipeline in the
25 same utility corridor, do you have a procedure and policies

1 to ensure that you're not affecting the safety on the
2 existing utilities?

3 A. Yes.

4 Q. So let's go through that. What's the first step
5 that you take in identifying the existing utilities?

6 A. Once you have a route identified -- and it's a
7 state requirement -- you perform what's called a design One
8 Call whereby you take the polygons, the GPS coordinates, the
9 drawings that comprise the route and you submit them to the
10 One Call system, which identifies all the other public
11 utilities and utility crossings throughout the project area.
12 It gives an opportunity for you to find out who those
13 utilities are, to meet with them in advance, to show them
14 your drawings so they can comment with respect to the design
15 and let you know, first and foremost, what are their
16 restrictions for crossing their utilities, where are their
17 utilities located, and general stuff of that nature just to
18 make sure that you have a viable constructable route.

19 Q. So is this a give-and-take with the utilities and
20 your design team to design this so that you're not going to
21 be impacting the existing utilities?

22 A. Yes.

23 Q. What do you do next after that initial phase?

24 A. Well, when we proceed to survey, we follow up with
25 One Calls in the field and have those utilities marked out

1 by the utilities we cross and our own utilities as well.

2 Then we have a crew that is called a potholing crew.

3 Potholing --

4 JUDGE BARNES: Potholing?

5 THE WITNESS: I can spell it if you'd like.

6 It's a soft dig technique so that it's not injurious to the
7 subsurface utilities. Basically, in most cases they'll use
8 a water jet and a vacuum hose and expose the utility to find
9 both the location of where it's at and the top of it. Then
10 a surveyor will take coordinates on those locations so we
11 can model exactly where those utilities are in the real
12 world and update the design of the pipeline model.

13 It gives us a better understanding of the clearances for
14 the pipe, for our new pipes to avoid those utilities. It
15 also gives us valuable information on the depth of cover for
16 those utilities so that we can design the crossings not just
17 for the pipe but for the equipment that traverses the right-
18 of-way to safely go over those either with extra fill, maybe
19 they're fine as they are. Some cases we have to build a
20 bridge over those utilities to ensure that we don't cause
21 any undue harm.

22 Q. Can you turn to Exhibit 35 in the binder? Did you
23 do that potholing work for ME1 as part of your construction
24 and design of the ME2 and ME2X lines?

25 (Whereupon, the document was marked as SPLP Exhibit

1 No. 35 for identification.)

2 A. Yes, I had crews pothole the ME1 line across the
3 entire length of the project.

4 Q. And is Exhibit 35 that potholing data for ME1 in
5 West Whiteland Township?

6 A. It is.

7 MR. FOX: I'd like to move Exhibit 35.

8 JUDGE BARNES: Any objection, Mr. Freed?

9 MR. FREED: There's no dates on here, Your
10 Honor. I don't have an objection.

11 JUDGE BARNES: It's admitted.

12 (Whereupon, the document marked as SPLP Exhibit No. 35
13 was received in evidence.)

14 MR. FOX: Thank you. Just to clean one thing
15 up, I didn't move for the admission of Exhibit 7, which was
16 the void mitigation plan. I'd like to move for the
17 admission of that.

18 JUDGE BARNES: Yes, I don't think you did.

19 Any objection?

20 MR. FREED: No objection.

21 MS. URBANOWICZ: Your Honor, I don't have an
22 objection, but just to clarify the record, the version that
23 was provided is not the most recent version and it's not a
24 complete printout. There are appendices, I believe, that
25 are part of the version that's also available online.

1 JUDGE BARNES: All right. It is admitted.

2 MR. FOX: Thank you.

3 (Whereupon, the document marked as SPLP Exhibit No. 7
4 was received in evidence.)

5 BY MR. FOX:

6 Q. In addition to potholing, do you review municipal
7 records with respect to the existing utilities?

8 A. Yes, we do.

9 Q. And after you gather this information --

10 JUDGE BARNES: I hate to interrupt you, but
11 SPLP Exhibit 2 also was not moved for admission.

12 MR. FOX: That's because I have to have the
13 base information on two by our geologist, and I will admit
14 it after that.

15 JUDGE BARNES: All right. Thank you.

16 MR. FOX: Some of the demonstrative exhibits
17 that we have have multiple sources, so I have to get them
18 all in before I admit them. Thank you, though.

19 BY MR. FOX:

20 Q. Do you have a surveyor depict the exact location
21 and the depths of the utilities to be used in the design
22 process?

23 A. Yes, we do.

24 Q. And to the extent the existing pipelines have some
25 kind of protections, electric protections, like cathodic

1 protection, are you designing this to avoid any interference
2 with that cathodic protection?

3 A. Yes. During the design One Call process, if other
4 utilities have cathodic protection, we meet with their
5 corrosion engineers and we develop a plan for establishing
6 test points to confirm if there's any connection between the
7 two systems and how we will come up with testing protocols
8 or additional anodes for basically proactive measures.

9 Q. Now, do you have written procedures and policies
10 for doing the actual construction so as not to impact
11 existing utilities?

12 A. Yes.

13 Q. Generally, can you tell me what they cover?

14 A. Well, the procedures and policies cover the type of
15 equipment that can be used. For example, if you're using a
16 backhoe, there's a specific bucket where the teeth have a
17 bar across so you can't gouge a piece of pipe or a utility.

18 There's specifications, procedures and standards and
19 operator qualifications. So the guy operating the backhoe
20 has to have proper training and be trained on the procedures
21 for us as well. The gentleman welding the pipe has to pass
22 welding tests.

23 There's a host of standards that are followed. The
24 different crews have different requirements based on their
25 job functions. Likewise, we have inspectors with every

1 crew. So those inspectors have to have the same testing and
2 qualifications to oversee the work in the field.

3 MR. FOX: Your Honor, in order to speed this
4 up, we have Exhibits 26 through 33. I can identify what
5 they are. I will ask the witness whether these are the
6 policies and procedures that he just testified to in terms
7 of construction safety, and I'll just run through what they
8 are. We're not going to ask specific questions about them.

9 Number 26 is the Otis Eastern construction
10 agreement dated July 15, 2015.

11 (Whereupon, the document was marked as SPLP Exhibit
12 No. 26 for identification.)

13 BY MR. FOX:

14 Q. Is that one of the policies that you just
15 mentioned?

16 A. Yes. It references the policies and the scope of
17 work through the contract.

18 Q. And Exhibit 27 is the SPLP construction standards.
19 Is that another one of these policies that you talked about?

20 A. Yes.

21 (Whereupon, the document was marked as SPLP Exhibit
22 No. 27 for identification.)

23 BY MR. FOX:

24 Q. Exhibit 28 are design drawings for the ME2
25 construction. Is that another one of the policies and

1 procedures that you referred to?

2 A. Yes. These are some of the standard details.

3 (Whereupon, the document was marked as SPLP Exhibit
4 No. 28 for identification.)

5 BY MR. FOX:

6 Q. And Exhibit 29 is Sunoco Logistics Ohio/
7 Pennsylvania Pipeline Projects Engineering Design Basis
8 Memorandum dated April 5th, 2016. That's also one of those
9 policies?

10 A. Yes.

11 (Whereupon, the document was marked as SPLP Exhibit
12 No. 29 for identification.)

13 BY MR. FOX:

14 Q. Number 30 is the Statement of Work, Electromagnetic
15 and GPR Utility Locating. That's also one of the policies?

16 A. I'm sorry. The previous exhibit, the most recent
17 revision is 2018, just to correct.

18 Q. Okay. Sorry. Thirty is Statement of Work,
19 electromagnetic and GPR utility locating. Is that one of
20 the policies?

21 A. Yes.

22 (Whereupon, the document was marked as SPLP Exhibit
23 No. 30 for identification.)

24 BY MR. FOX:

25 Q. Number 31 is the Scope of Work, Pennsylvania 20-

1 inch and 16-inch Natural Gas Line Pipeline Project Spread 6?

2 A. Yes.

3 Q. And Spread 6 is where West Whiteland is located?

4 A. It is.

5 (Whereupon, the document was marked as SPLP Exhibit

6 No. 31 for identification.)

7 BY MR. FOX:

8 Q. Thirty-two is the TRICO Surveying and Mapping,
9 Inc., Scope of Work. That's one of the policies?

10 A. Yes, for the surveyors.

11 (Whereupon, the document was marked as SPLP Exhibit No.

12 32 for identification.)

13 BY MR. FOX:

14 Q. And Number 33 is the Energy Transfer Standard
15 Operating Procedures Hazardous Liquids Pipelines and Related
16 Facilities. That's also one of the policies?

17 A. Correct.

18 (Whereupon, the document was marked as SPLP Exhibit

19 No. 33 for identification.)

20 MR. FOX: I'm going to move for the admission
21 of Exhibits 26 through 33.

22 JUDGE BARNES: Any objection?

23 MR. FREED: No objection.

24 JUDGE BARNES: Exhibits 26 through 33 of
25 Sunoco are admitted.

1 (Whereupon, the documents marked as SPLP Exhibits Nos.

2 26 through 33 were received in evidence.)

3 BY MR. FOX:

4 Q. Now, during your construction of ME2 and ME2X, have
5 you impacted the structural integrity of ME1 anywhere?

6 A. No.

7 MR. FOX: Okay. So I just want to now put up
8 Exhibit 4. Your Honor, this is in your materials and also
9 this is a lot of components on this map. So I'm going to
10 have to wait until the other witness comes in to move this
11 as well.

12 (Whereupon, the document was marked as SPLP Exhibit
13 No. 4 for identification.)

14 BY MR. FOX:

15 Q. So this is a map that's overlaying on something
16 which shows the construction route of ME2 and 2X; is that
17 correct?

18 A. Yes, across West Whiteland Township.

19 Q. And I just want to walk through so we know what
20 drills we're talking about, because we're going to have
21 subsequent expert testimony on each of these drills just to
22 familiarize Judge Barnes with this information.

23 So the first drill that's identified -- and is that
24 location and the identification of the drills on this map
25 accurate?

1 A. Yes.

2 Q. I want to start with the first drill, Drill 360.

3 That's at Shoen Road, correct?

4 A. Yes, in the top left-hand corner.

5 Q. And is that pretty close to the West Whiteland
6 Township boundary?

7 A. Yes, about a thousand feet. It starts about a
8 thousand feet from the property -- sorry, the township line.

9 Q. What's the current status of that drill?

10 A. It is inactive.

11 Q. Now, the next drill, can you identify the next
12 drill there?

13 A. Yes, the North Pottstown Pike or HDD 370.

14 Q. So we call it either North Pottstown Pike or Drill
15 370, correct?

16 A. Yes.

17 Q. On that one, has Sunoco submitted a major permit
18 modification to change that drill from an HDD to an open cut
19 and bore?

20 A. Yes, we have.

21 Q. If you could turn to Exhibit 5, please.

22 A. I see it.

23 (Whereupon, the document was marked as SPLP Exhibit
24 No. 5 for identification.)

25 BY MR. FOX:

1 Q. Is that the major permit modification to change
2 Drill 370 from an HDD to an open cut and bore?

3 A. It is.

4 MR. FOX: Move to admit Exhibit 5.

5 JUDGE BARNES: Any objection?

6 MR. FREED: No objection.

7 JUDGE BARNES: Exhibit 5 is admitted.

8 (Whereupon, the document marked as SPLP Exhibit
9 No. 5 was received in evidence.)

10 BY MR. FOX:

11 Q. Were you in the courtroom on Monday to hear Senator
12 Dinniman's testimony?

13 A. I was.

14 Q. Do you recall that we had a colloquy about whether
15 he had certain permitting and geological information
16 available to him?

17 A. Yes.

18 Q. Is this permit modification available to the public
19 on the DEP website?

20 A. Yes.

21 Q. And that permit modification includes geologic and
22 geophysical information?

23 A. Yes.

24 Q. Was this drill also subject to what is known as a
25 reevaluation report?

1 A. Yes, it was.

2 Q. And is that reevaluation report available on the
3 DEP website?

4 A. It is.

5 Q. Are you aware whether Senator Dinniman actually
6 submitted a written comment letter on that reevaluation
7 report?

8 A. He did.

9 Q. In fact, is the entire permit application for all
10 ME2 and 2X activities throughout the Commonwealth on DEP's
11 website?

12 A. It is.

13 Q. Including all the geological information in support
14 of the application?

15 A. Yes.

16 Q. Is the karst mitigation plan also on DEP's website?

17 A. It is.

18 Q. Okay. So I want to go back to the permit
19 modification and application for Drill 370. Why did you
20 make a switch to this drill from an HDD to an open cut and
21 bore?

22 A. We did some geophysics analysis of the area and
23 found a lot of cobble, which is not conducive for drilling
24 because it tends to collapse around the drill bit and make
25 it difficult to keep the stem free, which could cause

1 premature bit breakage. It's also material that could be
2 conducive to an inadvertent return.

3 Q. Did you change to an open cut and bore voluntarily?
4 And by that, I mean you weren't ordered by DEP to do that,
5 correct?

6 A. That's correct.

7 Q. That was done based on Sunoco's own evaluation?

8 A. Yes.

9 Q. All right. The next drill, can you identify that?

10 A. Yes. Swedesford Road is what we call it. I
11 believe it's 381.

12 Q. And did you submit a permit modification to change
13 that drill from an HDD to an open cut and bore?

14 A. We did.

15 Q. Can you turn to Exhibit 6, please?

16 A. Yes. I see it.

17 (Whereupon, the document was marked as SPLP Exhibit
18 No. 6 for identification.)

19 BY MR. FOX:

20 Q. Is that the permit modification for the Swedesford
21 Road Drill 381?

22 A. Yes, it is.

23 MR. FOX: I move to admit Exhibit 6.

24 JUDGE BARNES: Any objection?

25 MR. FREED: No objection.

1 JUDGE BARNES: It is admitted.

2 (Whereupon, the document marked as SPLP Exhibit

3 No. 6 was received in evidence.)

4 BY MR. FOX:

5 Q. Is that permit modification also on DEP's website?

6 A. Yes.

7 Q. And did it contain geologic information?

8 A. Yes.

9 Q. Was there a reevaluation report for this site,
10 also?

11 A. There was.

12 Q. And did Senator Dinniman submit written comments on
13 that reevaluation report as well?

14 A. He did.

15 Q. Now, at this site, did you work with Aqua?

16 A. Yes. As I referenced earlier, we reached out to
17 all the utilities in the corridor, and Aqua had raised a
18 concern and they wanted to consult with us on this one; and
19 in coordination with them, we performed additional
20 geophysical testing of the area.

21 Q. What was their concern?

22 A. I don't want to say the location, but they have a
23 public water supply near the route, and they asked us to
24 confirm that the drilling could not impact that, and upon
25 review with Aqua, we agreed that HDD would not be the best

1 method to construct there for the possibility that it could
2 impact the water source, and we didn't want to take that
3 chance, so we switched to open cut and bore in those areas.

4 Q. I'm going to ask you the same question I asked you
5 about the last drill. Did Sunoco do that voluntarily, and I
6 mean based upon its own evaluation, not because DEP ordered
7 the change?

8 A. Yes.

9 Q. When the change was proposed to go to open cut and
10 bore, did Aqua concur that switching to an open cut and bore
11 would not impact its well?

12 A. Yes.

13 Q. Do you know whether Aqua used open cut and bores to
14 install its own water lines in West Whiteland Township?

15 A. Yes. All subsurface utilities use the similar
16 techniques. Aqua uses the same methods.

17 Q. And that includes above karst formations?

18 A. Yes.

19 Q. Can you go to the next drill, please?

20 A. 382.

21 Q. Is 382 part of the same permit modification
22 application as 381?

23 A. It is.

24 Q. So that's just a short bore under a road?

25 A. Correct.

1 Q. And, again, did you do that based upon Sunoco's own
2 evaluation as opposed to being ordered to do that?

3 A. Yes, we did.

4 Q. The next drill is Drill 400. That's what everybody
5 calls Lisa Drive, correct?

6 A. Yes.

7 Q. Can you tell me the status of the 16-inch line
8 there?

9 A. The 16-inch line is complete, pulled back into the
10 hole, and the hole has been grouted.

11 Q. There will be a 20-inch line there, correct?

12 A. There will be, but we'll be using open cut through
13 that area.

14 Q. So in the area near Lisa Drive, the next drill will
15 not use an HDD, correct?

16 A. That's correct.

17 Q. It will be open cut?

18 A. Correct.

19 Q. Now, there's still a portion of that drill that has
20 to go under the railroad and under the Exton Bypass; right?

21 A. Yes, and we'll review other trenchless techniques
22 there.

23 Q. So you're viewing alternatives in those locations.
24 You still have to go underneath the ground, but you're
25 reviewing alternatives there to HDDs?

1 A. Yes, and we have to submit them for review to the
2 department.

3 Q. You recall yesterday when you heard testimony,
4 there were questions asked about the integrity of the
5 railroad tracks?

6 A. Yes.

7 Q. Do you recall that?

8 A. I do.

9 Q. Has Amtrak been inspecting the tracks next to Lisa
10 Drive?

11 A. They have.

12 Q. How frequently?

13 A. They have inspectors out there daily doing survey
14 work.

15 Q. And have they communicated to you that those
16 inspections have revealed any safety concerns relating to
17 those tracks?

18 A. No.

19 Q. Can you tell me the next drill?

20 A. 401.

21 Q. Has that drill started?

22 A. No.

23 Q. Can you tell me the next drill?

24 A. 410.

25 Q. And what's the status of that? That's Ship Road?

1 A. Yes.

2 Q. What's the status of that?

3 A. The drill is complete and we're waiting to start
4 pull-back.

5 Q. Pipe pull-back?

6 A. Correct.

7 Q. Speak into the microphone.

8 A. I'm sorry. Yes. The drill was completed, but we
9 haven't pulled the pipe in yet.

10 Q. Can you tell me the next drill?

11 A. 421.

12 Q. And what's the status of that?

13 A. That drill was started and it's in pilot, but it's
14 currently shut down.

15 Q. You heard some testimony yesterday that there was
16 an IR at Lisa Drive, correct?

17 A. Yes.

18 Q. Have there been any other IRs in West Whiteland
19 Township other than at Lisa Drive?

20 A. No.

21 Q. Was there an IR on Shoen Road?

22 A. No.

23 Q. I want to just talk a little bit about the Shoen
24 Road drill for a second. Can you explain what Sunoco did
25 when they got the homeowner complaints that their water

1 levels had been reduced and they had sentiment in their
2 wells?

3 A. Yeah. We dispatched a professional geologist and a
4 land agent to the neighborhood to speak with the landowners
5 and assess their concerns. We then notified the township,
6 but ultimately, we ended up offering temporary water supply
7 to the affected residents and then permanent water supply.

8 Q. So when you say the affected residents, did you
9 offer the temporary and permanent water supplies to just the
10 people who complained the impacts of their wells or the
11 entire community?

12 A. No. There were only a couple of complaints, three
13 or four, but we offered it to the entire community in the
14 area that had well service.

15 Q. How many residents did not accept public water?

16 A. To date, two.

17 Q. Approximately how many did accept public water?

18 A. Ballpark, 30.

19 Q. The residents who accepted public water, were they
20 also given the opportunity that after the drill is done,
21 they can re-hook up to their private well if they desire?

22 A. Yes. We had a meeting with the township and the
23 county, and the county agreed to waive some of their
24 requirements to allow a backflow preventer to be installed
25 so that when drilling was complete, that the temporary

1 impacts of the well were subsided, that the residents had
2 the opportunity to go back to their wells.

3 Q. And were the residents also provided a lump sum
4 payment?

5 A. They were.

6 Q. The last couple of topics I want to cover are
7 public awareness. Does Sunocc have a public awareness
8 program for this project?

9 A. Yes.

10 Q. Are you familiar with that?

11 A. I am.

12 Q. Can you turn to Exhibit 9?

13 A. I see it.

14 Q. Okay. I'm sorry. This is a letter from Gladys M.
15 Brown, Chairman of the Public Utility Commission, to the
16 Honorable Thomas Wolf, Governor of the Commonwealth of
17 Pennsylvania, dated February 2nd, 2018.

18 Have you seen this letter before?

19 A. Yes.

20 Q. If you turn to page 2, the third paragraph, it
21 says, and I'm going to quote this, "The Commission also
22 understands that in 2017, Sunoco sent public awareness
23 program mailings to approximately 66,000 people. This
24 includes property owners within one-eighth of a mile of a
25 Sunoco pipeline, public officials, emergency responders,

1 schools and excavating companies."

2 Do you see that?

3 A. Yes.

4 Q. Is that accurate?

5 A. Yes. We actually went further than that, but yes.

6 Q. When you say you went further, further than an
7 eighth of a mile?

8 A. Yes. We went a quarter-mile.

9 Q. How many people in Chester County got that
10 information?

11 A. Approximately, 20,000.

12 Q. About how many public officials statewide got that
13 information?

14 A. Statewide, it's just shy of 2,300.

15 Q. And how many public officials in Chester County
16 received that information?

17 A. Just under 150.

18 Q. Was a letter sent to Senator Dinniman?

19 A. It was.

20 Q. If you turn to page 10 -- Exhibit 10, I'm sorry,
21 can you tell me whether that's an example of the letter to
22 public officials and the safety brochure that was submitted
23 to public officials?

24 A. Yes, they are.

25 (Whereupon, the document was marked as SPLP Exhibit

1 No. 10 for identification.)

2 BY MR. FOX:

3 Q. And is that also available on Sunoco's website?

4 A. Yes, it is.

5 MR. FOX: I'd like to move the admission of
6 Exhibit 10?

7 MR. FREED: No objection.

8 JUDGE BARNES: It is admitted.

9 (Whereupon, the document marked as SPLP Exhibit
10 No. 10 was received in evidence.)

11 BY MR. FOX:

12 Q. Let's go back to Chairman Brown's letter. She then
13 states in that paragraph, "Sunoco conducted training for
14 over 2,000 emergency responders and public officials over 16
15 meetings in 2017." Is that accurate?

16 A. Yes.

17 Q. And then she states that, "Additionally, through a
18 review of Sunoco's public awareness program, the Commission
19 is aware that Sunoco is working with county emergency
20 management agencies, EMAs, to share emergency preparedness
21 information about its Mariner East Pipelines with all
22 schools within a half a mile of Mariner;" is that correct?

23 A. Yes.

24 Q. Is that accurate?

25 A. Yes.

1 Q. How many meetings were held between Sunoco and the
2 Chester County emergency responders?

3 A. Two.

4 Q. About how many people attended those meetings?

5 A. Approximately 90.

6 Q. Was there a PowerPoint used in that presentation?

7 A. Yes.

8 Q. Can you turn to Exhibit 11, please?

9 A. Yes.

10 (Whereupon, the document was marked as SPLP Exhibit
11 No. 11 for identification.)

12 BY MR. FOX:

13 Q. Is that the PowerPoint presentation that was
14 provided at those meetings?

15 A. It was.

16 Q. And does that include information on emergency
17 response procedures?

18 A. It does.

19 Q. And on pipeline maintenance?

20 A. Yes.

21 Q. And on the properties of natural gas liquids?

22 A. Yes.

23 Q. And specifically on managing pipeline incidents,
24 whether they're ignitable or not?

25 A. Yes.

1 Q. Did the Chester County hazmat personnel attend
2 those meetings?

3 A. They did.

4 Q. And did representatives of the West Whiteland Fire
5 Department attend those meetings?

6 A. They did.

7 Q. Have there been other public meetings regarding
8 this project in West Whiteland Township?

9 A. Yes.

10 Q. Was that about the permit modifications that have
11 been proposed?

12 A. Yes, that was one of them.

13 Q. And was Senator Dinniman present at that meeting?

14 A. Yes.

15 Q. Was DEP present at that meeting?

16 A. They were.

17 Q. Just a couple other facts I want to clear up. When
18 did the construction of ME2 start?

19 A. April -- March, April of last year.

20 Q. And how many miles of ME2 have been constructed so
21 far?

22 A. Approximately 98 percent.

23 Q. How many miles?

24 A. In terms of miles, I'd have to do the math in my
25 head. I don't recall. I'd have to convert it.

1 Q. Over a hundred?

2 A. Well over a hundred. Close to 330, 340, in that
3 range.

4 MR. FOX: I'd like to move for the
5 introduction of Exhibit 11.

6 JUDGE BARNES: Any objection?

7 MR. FREED: No objection.

8 JUDGE BARNES: It is admitted.

9 (Whereupon, the document marked as SPLP Exhibit No. 11
10 was received in evidence.)

11 MR. FOX: And I'd also like to move the
12 introduction of Exhibit 9 if I didn't do that.

13 JUDGE BARNES: I believe it's admitted.

14 MR. FOX: Okay. Sorry about that.

15 BY MR. FOX:

16 Q. Does Sunoco have an Integrity Management Plan?

17 A. Yes, we do.

18 Q. And has Sunoco designated that plan as containing
19 highly confidential information?

20 A. Yes.

21 Q. Now I want to talk a little bit about the PUC and
22 the inspections by the Bureau of Inspection and Enforcement.
23 Has the PUC through the Bureau of Inspection and Enforcement
24 regularly conducted safety inspections of the ME2 and ME2X
25 pipelines?

1 A. Yes.

2 Q. And if you turn back to Chairperson Brown's letter,
3 if you look at the second page, the first paragraph, I'm
4 going to quote again, "The Commission's Pipeline Safety
5 Section has devoted a significant portion of its resources
6 over the past several years to Sunoco and its Mariner East
7 Project. The Pipeline Safety Section spent 76 inspection
8 days during 2007 on the Mariner East Project, more
9 inspection days than on any other pipeline."

10 To the best of your knowledge, is that accurate?

11 A. Yes.

12 Q. And putting aside any of the inspections that were
13 done recently on Lisa Drive, has the frequency of those
14 inspections increased in 2008?

15 A. Yes.

16 Q. I want to talk to you about the last issue is about
17 inadvertent returns. I'm sorry. I said 2007 and 2008. I
18 meant 2017 and 2018.

19 A. I'm sorry. Yes. I thought that's what I heard.

20 Q. Okay. So I want to just talk about the last point
21 about inadvertent returns. Does Sunoco have a plan that
22 deals with minimizing the likelihood and responding to
23 inadvertent returns?

24 A. Yes, we do as part of the permit package approved
25 by DEP.

1 Q. Has that plan been amended to include additional
2 notification requirements and procedures to reduce the
3 likelihood of inadvertent returns and any impacts?

4 A. Yes. It's been amended twice.

5 Q. Could you turn to Exhibit 8, please?

6 A. Yes.

7 (Whereupon, the document was marked as SPLP Exhibit
8 No. 8 for identification.)

9 BY MR. FOX:

10 Q. Is that the most recent version of the inadvertent
11 return plan?

12 A. Yes, it is.

13 Q. Was that plan approved by DEP?

14 A. Yes.

15 Q. And was that plan approved by DEP in April of 2018?

16 A. Yes.

17 Q. Was it also agreed to by the Clean Air Council, who
18 is an intervenor in this case?

19 A. Yes.

20 Q. Now, let me start with the public awareness
21 portions of the plan, and I just want to highlight -- this
22 is a long plan, and I'm not going to spend a lot of time on
23 it, but I want to just highlight notices.

24 One of the testimony yesterday was about which well
25 owners were notified. Could you tell me about the current

1 procedures that Sunoco uses to identify wells that are near
2 the Mariner East 2 and 2X pipelines?

3 A. Yes. In addition to the original PAGWIS database,
4 the land agents have contacted all the landowners with
5 letters and in person, in some cases knocking on doors, to
6 ask them if they've got a well on their property, and we
7 follow up with their response to determine where the well
8 location is at with respect to the project itself in regards
9 to HDDs. So we have boots on the ground in addition to the
10 mailings to verify everyone.

11 Q. And is that for all property owners who may have a
12 well within 450 feet on either side of the pipeline right-
13 of-way?

14 A. Yes.

15 Q. So let's go back to the notification requirements
16 here as part of the public awareness. Before commencing any
17 HDD drill, do you have to give notice to any landowner
18 within 450 feet of the drill who has a public or private
19 water supply?

20 A. Yes, we do.

21 Q. And to those same parties, do you have to offer
22 them temporary water supply during construction whether or
23 not you're going to impact their well?

24 A. Yes.

25 Q. And to those parties, do you offer to sample their

1 well before, during and after construction?

2 A. Yes, we do.

3 Q. And to those parties, do you have to give them
4 notice anytime a loss of circulation of the drilling mud
5 occurs?

6 A. Yes.

7 Q. And do you have to give that notification anytime
8 an IR occurs?

9 A. Yes.

10 Q. You also heard some testimony about water getting
11 into the bore hole. Is that known as making water?

12 A. Yes, it is.

13 Q. And do you have to give those same property owners
14 notice anytime of making water?

15 A. We do.

16 Q. And anytime there's an actual impact to water
17 supplies in that area, do you have to notify them as well?

18 A. Yes.

19 Q. Now, in addition to these public awareness
20 requirements, were there amendments to the plan to mitigate
21 or minimize the likelihood of any future IRs of 50 gallons
22 or more or that could impact an aquatic resource or any
23 public or private well?

24 A. Yes.

25 Q. Is one of those requirements that before you can

1 restart that drill, you have to submit a restart report to
2 DEP?

3 A. It is.

4 Q. Does it have to be sealed by a professional
5 geologist?

6 A. Yes, it does.

7 Q. Does it have to include a consideration of
8 alternative entry and exit points?

9 A. It does.

10 Q. Does it have to include a discussion and
11 consideration of alternative entry and exit angles?

12 A. It does.

13 Q. Does it have to include alternative discussion of
14 profile depths?

15 A. It does.

16 Q. Does it have to include information that the
17 professional geologist is assessing every five feet along
18 the drill path?

19 A. Yes, on the pilot.

20 Q. And does it have to have a professional geologist
21 assessment of the geology where the inadvertent return has
22 occurred?

23 A. It does.

24 Q. And does it have to recommend measures that will
25 minimize the likelihood of future IRs?

1 A. It does.

2 Q. And does it have to include an analysis of the risk
3 of additional IRs after the use of these proposed mitigation
4 measures?

5 A. Yes, it does.

6 Q. And before that can be approved, does Sunoco have
7 to demonstrate that the mitigation measures will adequately
8 protect public health, safety and the environment?

9 A. Yes, we do.

10 MR. FOX: I'd like to admit Exhibit 8.

11 MR. FREED: No objection.

12 JUDGE BARNES: It is admitted.

13 (Whereupon, the document marked as SPLP Exhibit
14 No. 8 was received in evidence.)

15 MR. FOX: No further questions, Your Honor.

16 JUDGE BARNES: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. FREED:

19 Q. Good morning, Mr. Gordon.

20 A. Good morning.

21 Q. I believe you gave a lot of testimony initially
22 about --

23 A. I'm sorry. I'm having trouble hearing you.

24 JUDGE BARNES: Please speak in the mic.

25 BY MR. FREED:

COMMONWEALTH OF PENNSYLVANIA
 ENVIRONMENTAL HEARING BOARD

- - - - - X
 CLEAN AIR COUNCIL, THE :
 DELAWARE RIVERKEEPER NETWORK, :
 AND MOUNTAIN WATERSHED :
 ASSOCIATION, INC. :

v. :

EHB Docket No.
 2017-009-L

COMMONWEALTH OF PENNSYLVANIA, :
 DEPARTMENT OF ENVIRONMENTAL :
 PROTECTION and SUNOCO :
 PIPELINE, L.P., Permittee :
 - - - - - X

Pages 287 through 666 Hearing Room 1
 Second Floor
 Rachel Carson State
 Office Building
 400 Market Street
 Harrisburg, Pennsylvania

Thursday, March 2, 2017

Met, pursuant to notice, at 9:05 a.m.

BEFORE:

BERNARD A. LABUSKES, JR.,
 Administrative Law Judge

APPEARANCES:

ALEXANDER G. BOMSTEIN, Esquire
 KATHRYN L. URBANOWICZ, Esquire
 Clean Air Council
 135 South 19th Street, Suite 300
 Philadelphia, Pennsylvania 19103
 (For Clean Air Council)

Commonwealth Reporting Company, Inc.
 700 Lisburn Road
 Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1053

APPEARANCES, (Continued):

AARON STEMPLEWICZ, Esquire
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, Pennsylvania 19007
(For Delaware Riverkeeper Network)

MELISSA MARSHALL, Esquire
Mountain Watershed Association
1414-B Indian Creek Valley Road
Post Office Box 408
Melcroft, Pennsylvania 15462
(For Mountain Watershed Association)

MARGARET O. MURPHY, Esquire
Department of Environmental Protection
400 Market Street, 16th Floor
Post Office Box 2063
Harrisburg, Pennsylvania 17105
(For Department of Environmental Protection)

CURTIS SULLIVAN, Esquire
Department of Environmental Protection
900 Elmerton Avenue
Harrisburg, Pennsylvania 17110
(For Department of Environmental Protection)

WILLIAM J. GERLACH, Esquire
Department of Environmental Protection
2 East Main Street
Norristown, Pennsylvania 19401
(For Department of Environmental Protection)

GAIL GUENTHER, Esquire
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745
(For Department of Environmental Protection)

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

1 pipeline which included rerouting small sections
2 of that pipe when we made those repairs, siting
3 the pump stations, and routing the entire
4 50-mile pipeline, assembling all of the design
5 engineering firms to do that work, the
6 environmental consultants for the permitting
7 characteristics, the land team, dealing with
8 local municipalities, public meetings to explain
9 what the project is about.

10 That type of thing.

11 Q Did that include obtaining the 102
12 and 105 permits for that project?

13 A Yes.

14 Q And what are your responsibilities
15 for the Mariner East 2 project?

16 A Very similar to Mariner 1 only on a
17 bigger scale. Construction of the pipelines
18 from west to east for this application starting
19 in Houston, Pennsylvania and parallel the
20 existing Mariner 1 pipeline all the way into
21 Philadelphia. So routing decisions, assembling
22 the teams for permitting, design, construction,
23 bidding out all those contracts, making awards.

24 Q Can you describe a little bit about
25 the meeting process you had with your team?

1 A In terms of routing --

2 Q Before you get to routing. Just
3 overall.

4 A Well, we sit down in the very
5 beginning of the project and make sure that
6 everyone understands the scope of what the
7 project is, what we're trying to do, how we are
8 going to transport it, and we really set a lot
9 of goals and expectations at that point.

10 Q How frequently did your team meet?

11 A No, less than once per week. Quite
12 often we have a meeting every day.

13 Q And over how long of a period of
14 time?

15 A From -- starting in 2013 and it's
16 still ongoing. We still meet multiple times
17 every week.

18 Q So let's talk about routing. What
19 was the overall goal that you had for routing
20 the pipeline, Mariner East 2 pipeline?

21 A The overall goals include finding
22 the least environmentally impactful route and
23 sticking in the existing pipeline utility
24 corridor, to the best of our ability.

25 Q Was the goal also to avoid densely

1 populated areas?

2 A Yes, for a host of reasons. It's
3 tougher to construct because this original
4 pipeline route from Delmont to Philadelphia was
5 constructed in 1931. So over the years, more
6 encroachment from housing and other development
7 have gotten in close proximity to the pipe
8 itself. And it makes it much more difficult to
9 construct in the narrow corridors.

10 Q So you state it is one of the goals
11 that you wanted to route this in the existing
12 right-of-way for the pipeline and that you have
13 existing utility corridors also, correct?

14 A That's correct.

15 Q So can you tell me some of the
16 reasons why you wanted to do that, keep this
17 close to the existing pipeline and utility
18 corridors?

19 A Well, from a high level, if the
20 pipes are in the same easement, it's easier for
21 our folks to maintain them because they're in
22 the same spot that they've been patrolling since
23 the 1930's. There's cost benefits to that as
24 well. It also -- since you're overlapping
25 previously disturbed area, you're minimizing

1 your impact on the environment.

2 Q So I want to identify as Exhibit 58,
3 you have a small version in your materials
4 there, but it may be easier to see it up here.
5 So we can do both.

6 Can you identify what these maps
7 are?

8 A Those appear to be the maps of the
9 pipeline route.

10 Q And the green on the map depicts
11 areas where it is colocated with the existing
12 Mariner East 1 right-of-way and other utility
13 lines; is that correct?

14 A That's correct.

15 Q And the purple would be where
16 there's no colocation; is that correct?

17 A Yes.

18 Q So I'm just going to flip these
19 because I think it's easier on this scale than
20 what's in your books, but this is going from
21 west to east, correct?

22 A Yes.

23 Q Okay. So that's the green and the
24 purple in that section, and that's the green and
25 the purple in the next section; is that correct?

1 A Yes.

2 Q Okay. There's 13 of these, so I'm
3 going to flip these. I feel like Vanna White
4 here.

5 And we're just going to show, this
6 is the -- again the colocation. I'm just going
7 to flip these now. I'm not going to stop at
8 each page. There may be one page I want an
9 explanation for.

10 Okay. So this one has a little bit
11 more of no colocation. Is there a reason for
12 that? This is near Huntington County.

13 A It doesn't show the area
14 background. It could be near Raystown. I'm not
15 -- it's tough to say with the level of detail.
16 That's zoomed out pretty far.

17 Q So this one has a lot of purple. Is
18 this one not colocated because it traverses the
19 Pennsylvania Turnpike?

20 A Yeah. As you approach the
21 Mechanicsburg area it's -- the original route is
22 densely populated and we followed the
23 Pennsylvania Turnpike corridor.

24 Q So even though you didn't consider
25 that a utility, you followed basically a

1 turnpike corridor?

2 A Exactly. Previously disturbed
3 corridor.

4 Q I think that's it.

5 So as a result of that, how much of
6 the pipeline was able to be colocated with the
7 existing right-of-way for the Mariner East 1 and
8 for existing utility corridors?

9 A Approximately 80 percent.

10 Q So in this routing decision, just so
11 we have an idea of the process, can you tell me
12 how you went about this routing process?

13 A Yes. We start by looking at the
14 existing utility corridor. And we have a host
15 of teams. When I say we, I've got environmental
16 specialists, I got design engineers, I've got
17 land folks who are out talking to the property
18 owners, and we have field survey teams. The
19 different teams go out into the field and
20 they're literally walking every mile of the
21 pipeline and looking for areas that could be a
22 problem for construction or permitting.

23 So they look at the initial
24 corridor. They also do desktop surveys like we
25 heard about from some other testimony where

1 they're looking at the Pennsylvania National
2 Diversity Index, and they'll run their models
3 and determine if there's any polygons for
4 threatened and endangered species, sensitive
5 habitats, and they'll also verify those in the
6 field. And it could be other reasons as well.
7 Like I talked about earlier, it may be design
8 engineers say hey, we can't construct physically
9 in this location or there's a limitation on the
10 technology to allow us to drill. We're going to
11 have to go around something.

12 But we meet as a team and someone
13 identifies a problem they encounter and we look
14 at alternate solutions on how to get around that
15 particular item and come to a decision and
16 ultimately I'll decide which route we take.

17 Q How often did this team meet?

18 A A minimum of once per week.

19 Q And did you ascribe a name to this
20 process?

21 A We call it the management of change
22 process. So the person who brings up a conflict
23 on the right-of-way will basically document what
24 that conflict is. Maybe take an aerial picture
25 and show it on a map for us all to understand

1 what their concern is, and then each different
2 group gives their input on what they think the
3 best means to avoid or get around that issue
4 are.

5 Q So are there other avoidance
6 measures that you used in terms of shifting the
7 route or avoiding natural features as part of
8 this process?

9 A Yes. Directional drilling was
10 another means of avoidance as well.

11 Q And did you employ something called
12 micro rerouting?

13 A Sure. Micro rerouting, if there's
14 small features that we couldn't drill, the micro
15 reroutes would be finding ways to get around an
16 issue that we encounter.

17 Q So I want to talk about avoidance of
18 some specific potential environmental features.
19 So one is riparian buffer. What did you do,
20 what steps did you take to avoid the disturbance
21 to forested riparian buffers to the extent
22 practicable?

23 A Well, one of the first steps we
24 looked at was minimizing the total amount of
25 disturbance. Industry standard for constructing

1 two pipelines of this diameter in a single work
2 area is a hundred foot wide. So when we
3 initially started off the project, we were using
4 a hundred foot wide work space overlapping our
5 existing easement to the extent practical.

6 One of our first minimization steps
7 was to reduce that work space to 75 foot wide by
8 eliminating one of the travel lanes that the
9 contractors would use when they were building
10 it. And then when we got to riparian buffer
11 areas for EV wetlands, we further reduced that
12 to a 50-foot construction width, which is really
13 the minimum possible we felt we could construct
14 safely.

15 Q Did you also use HDD to minimize
16 some potential impacts?

17 A Yes. In addition to that we also
18 used HDD and/or auger boring, which is basically
19 drilling without guidance or -- yeah.

20 Q And in areas outside the
21 right-of-way, could you discuss what you did
22 with respect to riparian as far as reforest
23 restoration?

24 A I'm sorry, could you repeat?

25 Q Sure. In the areas outside the

1 right-of-way, can you discuss what you did with
2 riparian forest restoration?

3 A Yes. So in the riparian buffer
4 areas, the temporary work spaces are going to be
5 replanted at the -- part of the restoration
6 process.

7 Q why can't you replant trees in the
8 right-of-way itself?

9 A Trees in relationship to the
10 pipeline right-of-way cause two issues. It
11 obstructs visibility from an aerial patrol
12 inspection. We're required to inspect our
13 right-of-way very often by the federal
14 government. And from the sky is the most
15 efficient way to perform that inspection.

16 The other problem is trees for the
17 most part can have invasive roots and they're
18 attracted to the pipe by the cathodic protection
19 system. Electrical current that we use to
20 protect the pipeline. Those roots will wrap
21 around the pipe and they can actually damage the
22 coating that we use to protect the pipe and it
23 will prematurely cause coating failure and
24 failure that needs -- cause to go repair the
25 pipe.

1 Q So you've had a lot of experience in
2 designing pipeline routing, correct?

3 A Yes, sir.

4 Q Do you believe that the project, the
5 Mariner East 2 project, is designed to avoid
6 disturbance to the riparian buffer to the extent
7 practicable?

8 A Yeah, I think it's -- we've done an
9 outstanding job, colocated over 80 percent over
10 this 300-plus mile project. We've gone above
11 and beyond to the extent practical.

12 Q Okay. So when you did the routing
13 analysis, you also attempted to avoid the
14 wetlands impacts to the extent practicable,
15 correct?

16 A Yes.

17 Q Was it possible over this 306-mile
18 pipeline to avoid wetlands crossings entirely?

19 A No.

20 Q Now, you stated in your -- in your
21 employment history that you had supervisory
22 capacities at some of Sunoco's truck and rail
23 terminals, correct?

24 A That's correct.

25 Q Are you aware of the volume of

1 liquid that is designed -- this Mariner East 2
2 pipeline is designed to handle per day?

3 A If we were talking about just the
4 20-inch pipeline --

5 Q Yes.

6 A -- we would need -- you'd need a
7 minimum of a thousand large tanker trucks, more
8 than that actually, but a minimum of a thousand
9 per day to be loaded, to drive across the state
10 and to offload that product. And it's not
11 logistically feasible.

12 If you are looking at rail transport
13 -- which also I was involved with rail
14 offloading in the Philadelphia area. You'd need
15 a minimum of 400 railcars per day. It would be
16 more feasible but highly -- very difficult to
17 get that many railcars loaded and across the
18 state and offloaded in a day just from the
19 standpoint of loading the cars and offloading
20 them. But when you factor in all the rail lines
21 are heavily utilized in the Philadelphia area
22 already, in my experience other operations where
23 we were just moving a hundred cars a day, we
24 didn't have the rail reliability we needed to
25 get those cars there every day. So I don't think

1 it's practical.

2 Q Far be it for me to ask an engineer
3 to check his math, but I want to ask you one
4 question. When you talked about just Mariner
5 East 2, is that about 280,000 barrels per day?

6 A Just the 20 inches, yes.

7 Q I think you said it with a thousand
8 trucks per day. Is it more than that?

9 A Probably slightly over a thousand.
10 I don't remember the exact number.

11 Q When you originally laid out the
12 course in this management of change process,
13 what was the total impacted acres of wetlands?

14 A Original total impact in acres of
15 wetlands, if I remember, was approximately 100
16 acres.

17 Q And did you reduce that in the final
18 permit?

19 A Yes. By reducing it through the
20 avoidance measures we employed, which includes
21 shrinking the width of the work area, micro
22 reroutes, and horizontal directional drilling,
23 we got that down to 36 acres plus, as you heard,
24 four-tenth of an acre conversion.

25 Q So Judge Labuskes asked you about

1 construction sequencing, but before we get to
2 that, and I won't belabor that, but can you tell
3 me kind of the design process. Now you've
4 routed it. Tell me a little bit about the
5 design process and what you did as part of that.

6 A Design of the pipe itself?

7 Q Yes.

8 A We have a third party firm that
9 we've employed that once a route is finalized,
10 they can go out and develop the installation
11 specifications. But mostly what they're looking
12 at is design for the drills and the bores
13 themselves to make sure that all of them are
14 feasible. All the -- there's a lot of geology
15 that's done in the field to assess the rock
16 formations and they -- they take all the data
17 and look and make sure that the drill itself is
18 going to fit into the work space that we're
19 going to use it for.

20 Q Anything else as part of the design?
21 Did you have a pollution prevention contingency
22 plan?

23 A In the application itself we have a
24 horizontal directional drilling plan which
25 references a lot of the design of the drills.

1 Along with that there's an inadvertent return
2 plan which tells the contractors who to notify
3 and how to react in the event of an inadvertent
4 return during a drill. There's a PPC plan, so
5 if the contractors have an unanticipated
6 discovery of some sort of a polluted soil, they
7 know who to notify, how to take care of it.
8 It's not just the contractors. As I mentioned
9 earlier, we have our own third party inspectors
10 out there who are trained in all those plans and
11 are aware of the contacts and how to proceed.

12 So there's -- yes, there's a host of
13 plans that are included in the permitting
14 package. It's more than just drawings.

15 Q So I don't want to belabor this
16 because I think you answered well with Judge
17 Labuskes, but I think this is Exhibit 46.

18 This is a schematic of the
19 construction process. I want you to go through
20 a little bit more detail just so everybody is
21 clear. And first I want to ask you, are you
22 familiar with this schematic?

23 A Yes.

24 Q Were you involved in creating this?

25 A Yes. We've used that for public

1 outreach.

2 Q And is this a fair and accurate
3 depiction in general terms of how you go about
4 building the pipeline?

5 A Yeah. It's a general simplification
6 for upland, open trench construction.

7 Q So can you just walk through that a
8 little bit, from beginning -- like starting with
9 tree cutting all the way through?

10 A Yeah. Try to think of it as an
11 assembly line, and this schematic basically
12 starts on the left side of the page and works
13 towards the right.

14 Initially the surveyors will flag
15 out the entire limit of disturbance in the
16 field. They'll also put up signs, you know,
17 caution, sensitive species area, caution,
18 wetland. There will be signs that show truckers
19 where our access roads are to get in and out of
20 the limits of disturbance.

21 There will be what we call goal
22 posts, which are basically another form of
23 notification that there's overhead power lines,
24 and they have to be careful of those.

25 After the right-of-way is positively

1 staked out with a professionally licensed
2 surveyor, crews come through and clear the
3 trees. E & S controls are then deployed, and
4 then bulldozers come through to grade off the
5 topsoil and flatten out the work space.

6 Q Can I stop you there for the topsoil
7 for a second because we had some questions about
8 that.

9 Are you changing the limits of
10 disturbance with respect to the storage of
11 topsoil?

12 A No. All work will occur within the
13 limits of disturbance, and that's factored in
14 the design of the work space.

15 Q And you don't have any plans to sell
16 the topsoil?

17 A No. Everything -- we're going to
18 restore the work space to the pre-existing
19 contours and we've -- we're going to segregate
20 the topsoil and put it back.

21 Q Keep going.

22 A So after the work space is graded
23 out, they'll put timber mats down in certain
24 areas of the travel lanes for the construction
25 equipment to travel on.

1 Q Can you tell me the purpose of the
2 timber mats?

3 A Timber mats is another means of
4 dispersing the load of the equipment and prevent
5 compaction. The equipment itself has low
6 pressure design in both low pressure tires or
7 tracks, depending on the type of equipment.

8 So definitely when you get to
9 wetlands and soft areas, you put timber mats
10 down so the equipment won't sink and/or compact
11 the ground.

12 After the travel lane's established,
13 the surveyors come back through and they'll
14 stake out a center of where the pipe is supposed
15 to go for the ditch crew, and that's basically a
16 backhoe or another type of rotary excavator that
17 will excavate the ditch, separate the topsoil
18 and the subsoil. Behind them comes a crew with
19 the truck crew, sometimes at the same time,
20 sometimes ahead or behind, will string out the
21 pipe along one side of the right-of-way.

22 Union welders come in. They weld up
23 every joint of pipe. Every joint of pipe gets
24 x-ray inspected to make sure the welds are solid
25 and good. After the welds are complete, the

1 coating crew comes through and they apply the
2 protective coating over the welded areas because
3 the pipe is coated but the weld areas have to be
4 bare steel for the welding process.

5 So then they inspect the coating to
6 make sure that it's -- that there's no dents,
7 gouges, scrapes, pock marks. They lower the
8 pipe into the excavation. They once again
9 inspect the coating to make sure it didn't get
10 damaged during the lowering in process. Coating
11 is very important to the pipe.

12 Then they take a backhoe that has a
13 shaker bucket, which is basically a screen, and
14 they take the subsoil and they'll shake it over
15 the pipe. It will capture the rocks but let the
16 dirt fall through. We use that to pad around
17 the pipe. At least 24 inches of cover with that
18 technique. It's not compacted. Then they'll
19 put the remaining subsoil over top of the pipe
20 and then they will put the topsoil back in
21 place.

22 The last -- once that crew is
23 through, for this project in the uplands, that's
24 when the next pipeline surveyor will come
25 through and stake out the centerline and then

1 that process would repeat for the second pipe.

2 If for some reason -- and picture
3 this again like an assembly line, they could
4 encounter certain geographical constraints like
5 a river crossing or a mountain. So some crews
6 might be moving a nice fast pace and then they
7 hit that mountain, they slow down and the crews
8 behind them catch up. So a little bit of an
9 accordion effect. So if there's ever a point
10 where there's no active disturbance for -- I
11 want to say four days and they're out there
12 temporarily stabilizing with seed and mulch per
13 their permit restrictions and requirements and
14 what we proposed in the application.

15 Yeah, so after the second pipes come
16 through with the identical construction
17 sequence, then at the end, the grading crews
18 come through. They remove the timber mats.
19 They re-establish grade and they perform
20 decompaction, which is -- picture similar to
21 what a farmer does. They're dragging
22 decompaction behind the heavy equipment. And
23 then they're seeding it and stabilizing it.

24 If it's the growing season, they'll
25 be doing permanent stabilization at that point

1 but the permanent controls still remain in place
2 throughout that process until we've reached the
3 appropriate means of revegetation.

4 Q And the average time on the open
5 trench method that this is open, like fastest to
6 longest?

7 A The single pipeline crew, that
8 single one pipe could be through in seven days
9 roughly on a single property. Depends how big
10 the property is. With all the crews.

11 Q On the long end?

12 A It could take up to 30 days. It
13 just depends on the terrain they're working in
14 and what they encounter and field conditions,
15 weather, stuff like that.

16 Q When you're doing stream crossings,
17 how long is that period of time?

18 A Stream crossings are a completely
19 separate set of crews. They're like a strike
20 team if you will. They come in and they'll
21 trench across the stream in whatever the
22 restrictions are, 24 to 48 hours. They'll dig
23 that ditch, they'll lower the pipe in, they'll
24 pad the pipe, they'll restore the subsoil, and
25 basically stabilize the stream in accordance

1 with the submitted plans and immediately work on
2 the second pipe, installing that one as well.

3 MR. FOX: Your Honor, I'd like to
4 move Exhibits 46 and 58, which were the routing
5 maps and the schematic for construction.

6 JUDGE LABUSKES: Any objection?

7 MR. BOMSTEIN: No objection.

8 JUDGE LABUSKES: Admitted.

9 (Whereupon, the document was marked
10 as Sunoco Exhibit No. 46 for
11 identification, and was received
12 in evidence.)

13 (Whereupon, the document was marked
14 as Sunoco Exhibit No. 58 for
15 identification, and was received
16 in evidence.)

17 BY MR. FOX:

18 Q You talked a little bit about the
19 schedule for the first pipe that's going in and
20 the --

21 JUDGE LABUSKES: Let me -- just so I
22 understand, can you give me a little more --
23 better description of what actually happens when
24 you hit a stream, when you're going through the
25 stream? What's it look like in the field?

1 THE WITNESS: They'll already -- the
2 crews will have to put out E & S controls up to
3 that point when they get to the stream crossing.
4 Then the right-of-way kind of necks down.
5 Depending on the stream crossing, most of them
6 have some sort of a bridge from bank to bank so
7 the equipment can travel across a bridge. So it
8 will be what we call a travel lane. They'll be
9 -- they'll dig the ditch across. Like you saw
10 in the one detail drawing earlier, they're going
11 to take that excavated material, they'll have a
12 staging area either side of the stream, deposit
13 that soil that will have controls around it so
14 that it can't run downhill at the stream
15 basically.

16 JUDGE LABUSKES: What's happening to
17 the stream while that's going on?

18 THE WITNESS: Oh, yeah, I'm sorry.
19 There's different means of dry crossing
20 techniques that we employ. Sometimes we'll
21 install a temporary dam, and we'll put pumps and
22 we'll pump around the work area from the
23 upstream side to the downstream side. We'll
24 have dams on each end.

25 Sometimes we'll put in dams with a

1 flume pipe so the stream can travel through the
2 pipe. Then we can excavate underneath the pipe.
3 But both methods are dry methods.

4 Sometimes streams are ephemeral and
5 there's no water at all. So we don't have to
6 deal with that issue as well.

7 BY MR. FOX:

8 Q Let me go back to the schedule. You
9 talked about the schedule for both. Why is that
10 schedule important to Sunoco?

11 A Well, it's important to us because
12 this project is an investment. As you heard
13 earlier, we've only just started construction.
14 We've already invested over \$800 million, so
15 we'd like to make a return on that investment as
16 soon as possible.

17 Q So it's important for you because of
18 the capital investment you made so far to start
19 generating revenue to offset those costs?

20 A Yes, sir.

21 Q Now, you've provided an affidavit
22 for the temporary supersedeas hearing about some
23 critical path items, and since it was just an
24 affidavit I'd like to get those into evidence
25 here. I think you testified to this a little

1 bit before. So one of the critical path items
2 was tree cutting in the Indiana bat area,
3 correct?

4 A That's correct.

5 Q And you indicated that there was a
6 specific date by which that work had to be
7 concluded. What is that date?

8 A If I remember correctly we have to
9 be complete by March 31st. And if for some
10 reason we couldn't, we wouldn't be able to go
11 back in until November.

12 Q So that's a seven-month delay if
13 that work were stopped?

14 A Yes.

15 Q You also talked about the horizontal
16 directional drilling at Raystown Lake. And that
17 has a deadline associated with it as well; is
18 that correct?

19 A That's correct. Raystown Lake is --
20 from the Army Corps process, a 408 crossing. We
21 need a lease from them to cross the property.
22 And as part of that process we had to develop an
23 environmental assessment and a FONSI, F-O-N-S-I.
24 The environmental assessment, Raystown mission
25 -- one of their primary missions is recreation,

1 so they put a stipulation in for us to complete
2 construction by April 30th so that we wouldn't
3 interrupt their mission of providing recreation.
4 And we would not be able to gain access again
5 until November.

6 Q So I just want to show you, turn to
7 Exhibit 55.

8 A Okay.

9 Q So is this the Corps' approved
10 impact avoidance minimization and mitigation
11 measures for Raystown Lake?

12 A Appears to be so, yes.

13 Q And can you turn to Page 6, please.
14 And under recreational uses, the first bullet.
15 Could you read that, please.

16 A Construction would be conducted only
17 between the months of November and April in
18 Raystown Lake Seven Points recreational area.
19 Construction in the ridge camp area would be
20 allowed only between the months of October and
21 April.

22 Q So that's the deadline that you're
23 referring to for Raystown Lake?

24 A That's correct.

25 Q You also said that this was subject

1 to some approvals from the Army Corps of
2 Engineers, correct?

3 A Yes.

4 MR. FOX: Okay. So I'd like you to
5 turn to -- you mentioned this FONSI as an
6 environmental assessment. I'd like you to turn
7 to Exhibits 39 and 40.

8 MR. FOX: Before I do that, I'd like
9 to move Exhibit 55 into evidence.

10 MR. BOMSTEIN: No objection, Your
11 Honor.

12 JUDGE LABUSKES: Admitted.
13 (Whereupon, the document was marked
14 as Sunoco Exhibit No. 55 for
15 identification, and was received in
16 evidence.)

17 BY MR. FOX:

18 Q So let's start with the
19 environmental assessment.

20 A What number is that?

21 Q This is 40.

22 A Okay.

23 JUDGE LABUSKES: I'm not sure why I
24 don't have that. Oh, it's this one. Oh, okay.
25 Sorry.

1 BY MR. FOX:

2 Q So Number 40. Is this the
3 environmental assessment for Raystown Lake that
4 was approved by the Army Corps of Engineers?

5 A Yeah, it appears to be.

6 Q So this was an independent
7 assessment done by another federal agency,
8 correct?

9 A Yes.

10 Q Take a look at Page 155, which is in
11 the Section 7.0 summary.

12 A (Witness complying.)

13 Q And I want you to read -- you did so
14 well reading slowly last time, we can do it
15 again -- in the second paragraph, the first two
16 sentences please.

17 A When compared to the No Action
18 Alternative, the Preferred Alternative would
19 result in environmental impacts to USACE
20 properties. However, these impacts would be
21 reduced with implementation of adequate
22 mitigation. The proposed mitigation measures
23 would minimize impacts and are anticipated to
24 result in net beneficial impacts on USACE
25 properties exceeding -- exceeding pre-project

1 conditions.

2 MR. FOX: I'd like to move for the
3 admission of Exhibit 40.

4 MR. BOMSTEIN: No objection, Your
5 Honor.

6 JUDGE LABUSKES: Admitted.
7 (Whereupon, the document was marked
8 as Sunoco Exhibit No. 40 for
9 identification, and was received
10 in evidence.)

11 BY MR. FOX:

12 Q The last document is Number 39. You
13 mentioned a FONSI, or a finding of no
14 significant impact. Is that what this document
15 is?

16 A Yes, it appears to be.

17 Q Okay. If you'll turn to the second
18 page of that exhibit. And if you'll go down to
19 the -- I guess it would be the second full
20 paragraph, starting with the word after. Could
21 you read that please?

22 A After having carefully evaluated and
23 balanced all beneficial and detrimental aspects
24 of the proposed action, including all regulatory
25 agency inputs, I have reasonably concluded that

1 the proposed project would not constitute a
2 major federal action significantly affecting the
3 quality of the human environment. Consequently,
4 the preparation of an environmental impact
5 statement under the National Environmental
6 Policy Act for this action is not warranted.

7 MR. FOX: I'd like to move for the
8 admission of that exhibit as well.

9 MR. BOMSTEIN: No objection, Your
10 Honor.

11 JUDGE LABUSKES: Admitted.

12 (Whereupon, the document was marked
13 as Sunoco Exhibit No. 39 for
14 identification, and was received
15 in evidence.)

16 BY MR. FOX:

17 Q So the last critical path item you
18 mention was the horizontal directional drilling.
19 Is that the longest lead time item?

20 A It's the longest construction
21 activity on this project.

22 Q And in order to meet your overall
23 construction schedule, do you need to begin
24 shortly the other work on this project,
25 including grading, clearing and open trenching?

1 A Yes.

2 Q By the way, have you started any
3 open trenching work at this point?

4 A No.

5 Q Why is it important for you to start
6 that other work?

7 A Well, there's interrelation to all
8 the work. When you think about the drills in
9 particular, we have for both lines over 200
10 horizontal directional drills as part of our
11 avoidance project wide. There's a limited
12 number of machines that can perform that work.
13 It's specialized equipment.

14 When you get into a congested area,
15 such as Chester and Delaware County, the drills
16 literally are back to back. Where one stops
17 another one starts. Where one starts and stops,
18 another one starts at the stop of that one. So
19 they're linked, sometimes we have three chained
20 in a row. The machine can only drill one at a
21 time. It will drill one direction and complete
22 that and then turn around and drill the other
23 direction. So we can only deploy a maximum
24 number of 19 machines in that area, for example,
25 at a time.

1 So any time one of those drills is
2 delayed, it pushes back all the other work
3 behind it from getting completed in a timely
4 fashion.

5 Q If you were stopped from doing your
6 work now, even for a few weeks, what would that
7 mean for construction completion?

8 A At this point -- well, we'd have the
9 delays we talked about for tree clearing, that's
10 a seven-month delay. So that would push us back
11 definitely into next year.

12 Likewise, we talked about the
13 Raystown, if that was stopped, that also again
14 pushes us into next year, a significant delay.

15 And then as far as these drills, et
16 cetera, go, every day we're delayed is a day
17 that we have to push that schedule back.

18 Q And if you were stopped from
19 construction now, what would that mean to the
20 people in the field?

21 A Well, for the work sites that
22 they're started right now, they would have to
23 demobilize the equipment, we'd have to stabilize
24 the earth immediately. We would incur costs for
25 those -- for that equipment and the time of the

1 mobilization charges and standby charges and
2 they would have uncertainty as to their future
3 work.

4 Q So you would incur standby charges
5 even if they weren't working, you would be
6 paying the contractors some standby fee?

7 A Yeah. That's correct.

8 MR. FOX: No further questions.

9 JUDGE LABUSKES: Does Department
10 have any questions?

11 MS. MURPHY: No, Your Honor.

12 JUDGE LABUSKES: Why don't we take a
13 short break at this point.

14 (Recess declared from 4:05 p.m.
15 until 4:15 p.m.)

16 JUDGE LABUSKES: I think we're at
17 cross-examination, Mr. Bomstein.

18 MR. BOMSTEIN: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. BOMSTEIN:

21 Q Hi, Mr. Gordon.

22 A Hi.

23 Q So earlier in your direct testimony,
24 you talked a little bit about colocation,
25 correct?

ATTACHMENT D

Whitney Snyder

From: Michael Bomstein <mbomstein@gmail.com>
Sent: Monday, August 26, 2019 4:25 PM
To: Diana Silva; Whitney Snyder
Subject: Flynn Case Docs

Whitney and Diana,,

I reviewed your document production and found Matt Gordon's Dinniman testimony but it stops at SPLP 5836. Right after that is EHB material. So, my copy of Matt's testimony ends at page 430 of the official transcript. I believe there may be 50 pages missing. Can you send the missing pages asap? Thanks. MSB

ATTACHMENT E

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

104. Identify all records in your possession, custody or control that relate in part or in whole to the Sinkhole Incidents.

RESPONSE: Sinkholes did not occur. In the events that this request references, the ground surface subsidences that did occur were not in karst geology or other carbonate rock formations. See documents to be produced, some of which are Confidential Materials, Highly Confidential Materials and/or Confidential Security Information.

SPLP continues to compile responsive information and reserves its right to supplement this response, including through its testimony in this proceeding pursuant to 52 Pa. Code § 5.324(a)(2).

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

105. Other than the sinkholes in the Sinkhole Incidents, have other sinkholes occurred along the routes of ME1, the 12 inch pipeline and the workaround pipelines since 2014?

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to "to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only." Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: No sinkholes have occurred in the relevant area.

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

106. Identify the specific location of each such sinkhole listed in response to No. 105 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set 1

107. Identify when and how Sunoco first learned of each sinkhole identified in the answer to No. 106 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

108. Identify who, if anyone, Sunoco notified about each sinkhole identified in the answer to No. 106 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

109. With respect to your answer to No. 108 above, state when such notice of a sinkhole was given.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to "to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only." Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

110. Identify what testing or studies were done as a result of each of the sinkholes identified in your answer to No. 106 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

111. Identify any mitigating action taken in relation to the sinkholes identified in your answer to No. 106 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to "to respond to Interrogatories Set I, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only." Order Granting In Part And Denying In Part Complainants' Motion To Compel Responses To Complainants' Interrogatories And Document Request Set I, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

112. Identify any and all records that relate in whole or in part to the sinkholes identified in your answer to No. 106 above.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “to respond to Interrogatories Set 1, Nos. 104-112 regarding sinkhole incidents in Delaware and Chester Counties only.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 12.

RESPONSE: N/A

DATE: June 17, 2019

BY: Matthew Gordon

ATTACHMENT F

Folders > Flynn - SPLP Document Productions > Flynn - Public Documents > Flynn- 6.17.19 SPLP Production - Public Documents > Public 104



Public 104

More Options

Items in this Folder [People on this Folder](#)

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator		
<input type="checkbox"/>	SPLP00002625.pdf	496 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002642.pdf	150 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002646.pdf	2 MB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002685.pdf	625 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002687.pdf	2 MB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002690.pdf	571 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002700.pdf	1015 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002703.pdf	223 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002708.pdf	80 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002709.pdf	2 MB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002712.pdf	2 MB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002719.pdf	28 KB	6/18/19	R. DeJesus		
<input type="checkbox"/>	SPLP00002720.pdf	9 MB	6/18/19	R. DeJesus		





Folders > Flynn - SPLP Document Productions > Flynn - Confidential & Highly Confidential Documents > Flynn- 6.17.19 SPLP Production - Highly Conf CSI Docs



Flynn- 6.17.19 SPLP Production - Highly Conf CSI Docs

 More Options

 Items in this Folder  People on this Folder

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator	 
<input type="checkbox"/>	  Highly Conf CSI 104	4 GB	6/18/19	R. DeJesus	

Email me when a file is: ☐ Downloaded from this folder ☐ Uploaded to this folder

ATTACHMENT G

Meghan Flynn, et al. v. Sunoco Pipeline L.P.
Docket Nos. C-2018-3006116 and P-2018-3006117 et al

Sunoco Pipeline L.P.'s Answers to Complainants' Interrogatories, Set I

13. Identify all records containing information on the maintenance and upgrades of ME1, the 12 inch pipeline, and the workaround pipeline.

Response Required Pursuant to June 7, 2019 Order on Motion to Compel: ALJ Barnes modified this request to require SPLP to “produc[e] information summarizing maintenance and upgrades performed since January 1, 2015 in Chester and Delaware Counties.” Order Granting In Part And Denying In Part Complainants’ Motion To Compel Responses To Complainants’ Interrogatories And Document Request Set 1, at Ordering Paragraph 10.

RESPONSE: Regarding upgrades, see Responses to Nos. 1 and 10. Regarding maintenance, below is a list of activities and corresponding procedures.

- MLV inspections (49 CFR 195.116, 195.258, 195.260, 195.420): Reference HLM.01 Performed twice annually.
- Control Valve Inspections (includes transmitters) (49 CFR 195.428): Reference HLM.02 Performed twice annually.
- Pressure Protection and Relief Valve Capacity Calculations (49 CFR 195.428): Reference HLM.04
- Relief Valve Testing and Inspections (49 CFR 195.428): Reference HLM.05 Performed twice annually.
- Cathodic Protection Testing and Inspections: Reference HLD.03,.06,.09,.10,.12,.13,.14,.15,.17,.19,.20,.21,.22,.23,.30,.32,.33,.44 Frequency varies per inspection.
- Monthly Fire Extinguisher Inspections (49 CFR 195.430): Reference HLH.20 Performed monthly.
- Annual vapor detection/Fire detection inspections (49 CFR 195.262, 195.402): HLH.18 Performed twice annually.
- Medium Voltage VFD Inspection and Maintenance (49.CFR 195.428): HLH.24 Performed annually where applicable.
- Right of Way Encroachments (49 CFR 195.412, 195.442): Reference HLI.28 As needed.
- PA One Call Response (49 CFR 195.442): Reference HLI.31 As needed.
- Public Awareness Meeting/Mailings (49 CFR 195.440): Reference HLI.40
- Right of Way Maintenance (49 CFR 195.410, 195.412): Reference HLI.29 Performed annually.

See also documents to be produced.

ATTACHMENT H

Folders > Flynn - SPLP Document Productions > Flynn - Confidential & Highly Confidential Documents > Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs



Flynn- 6.26.19 SPLP Production - Highly Conf CSI Docs



More Options

Items in this Folder People on this Folder

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator		
<input type="checkbox"/>	Highly Confidential 1, 10, 13	15 GB	7/10/19	D. Silva		

Email me when a file is: ☐ Downloaded from this folder ☐ Uploaded to this folder







Folders > Flynn - SPLP Document Productions > Flynn - Confidential & Highly Confidential Documents > Flynn- 6.19.19 SPLP Production - Highly Conf CSI Docs



Flynn- 6.19.19 SPLP Production - Highly Conf CSI Docs

 More Options

 Items in this Folder  People on this Folder

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator	 
<input type="checkbox"/>  	104 Highly Confidential	1 GB	6/20/19	R. DeJesus	
<input type="checkbox"/>  	175-177 Highly Confidential	25 MB	6/20/19	R. DeJesus	

Email me when a file is: ☐ Downloaded from this folder ☐ Uploaded to this folder

Folders > Flynn - SPLP Document Productions > Flynn - Public Documents > Flynn- 6.17.19 SPLP Production - Public Documents



Flynn- 6.17.19 SPLP Production - Public Documents



More Options

Items in this Folder People on this Folder

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator	
<input type="checkbox"/>	165 166 169 Public	61 MB	6/18/19	R. DeJesus	
<input type="checkbox"/>	Public 104	1 GB	6/18/19	R. DeJesus	
<input type="checkbox"/>	Public 113	20 MB	6/18/19	R. DeJesus	

Email me when a file is: ☐ Downloaded from this folder ☐ Uploaded to this folder

Folders > Flynn - SPLP Document Productions > Flynn - Public Documents > Flynn- 6.19.19 SPLP Production - Public Documents



Flynn- 6.19.19 SPLP Production - Public Documents



More Options

Items in this Folder People on this Folder

<input type="checkbox"/>	Name ▲	Size	Uploaded	Creator	
<input type="checkbox"/>	Flynn- 6.19.19 SPLP Documents 165, 1...	21 MB	6/20/19	R. DeJesus	

Email me when a file is: ☐ Downloaded from this folder ☐ Uploaded to this folder

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the persons listed below in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

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

Counsel for Flynn et al. Complainants

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 Intervenor
Range Resources – Appalachia LLC*

Erin McDowell, Esquire
3000 Town Center Blvd.
Canonsburg, PA 15317
emcdowell@rangeresources.com

Counsel for Range Resources Appalachia

Rich Raiders, Esquire
Raiders Law
606 North 5th Street
Reading, PA 19601
rich@raiderslaw.com

*Counsel for Intervenor
Andover Homeowner's Association, Inc.*

Vincent M. Pompo
Guy A. Donatelli, Esq.
24 East Market St., Box 565
West Chester, PA 19382-0565
vpompo@lambmcerlane.com
gdonatelli@lambmcerlane.com

*Counsel for Intervenor
West Whiteland Township,
Downingtown Area School District,
Rose Tree Media School District*

Leah Rotenberg, Esquire
Mays, Connard & Rotenberg LLP
1235 Penn Avenue, Suite 202
Wyomissing, PA 19610
rotenberg@mcr-attorneys.com

*Counsel for Intervenor
Twin Valley School District*

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Counsel for Intervenors
East Goshen Township and County of Chester
Mark L. Freed
Joanna Waldron
Curtin & Heefner LP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
mlf@curtinheefner.com
jaw@curtinheefner.com

Counsel for Intervenor
Uwchlan Township
Josh Maxwell
Mayor of Downingtown
4 W. Lancaster Avenue
Downingtown, PA 19335
jmaxwell@downingtwn.org

Pro se Intervenor

James C. Dalton, Esquire
Unruh Turner Burke & Frees
P.O. Box 515
West Chester, PA 19381-0515
jdalton@utbf.com

Counsel for West Chester Area School
District, Chester County, Pennsylvania
Virginia Marcille-Kerslake
103 Shoen Road
Exton, PA 19341
vkenslake@gmail.com

Pro Se Intervenor

James R. Flandreau
Paul, Flandreau & Berger, LLP
320 W. Front Street
Media, PA 19063
jflandreau@pfblaw.com

Counsel for Intervenor
Middletown Township

Thomas Casey
1113 Windsor Dr.
West Chester, PA 19380
Tcaseylegal@gmail.com

Pro se Intervenor

Patricia Sons Biswanger, Esquire
217 North Monroe Street
Media, PA 19063
patbiswanger@gmail.com

Counsel for County of Delaware

Melissa DiBernardino
1602 Old Orchard Lane
West Chester, PA 19380
lissdibernardino@gmail.com

Pro se Complainant

James J. Byrne, Esquire
Kelly S. Sullivan, Esquire
McNichol, Byrne & Matlawski, P.C.
1223 N. Providence Road
Media, PA 19063
jjbyrne@mbmlawoffice.com
ksullivan@mbmlawoffice.com

*Counsel for Thornbury Township, Delaware
County*

Michael P. Pierce, Esquire
Pierce & Hughes, P.C.
17 Veterans Square
P.O. Box 604
Media, PA 19063
Mppierce@pierceandhughes.com

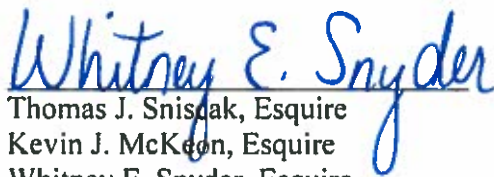
Counsel for Edgmont Township

Rebecca Britton
211 Andover Drive
Exton, PA 19341
rbrittonlegal@gmail.com

Pro se Complainant

Laura Obenski
14 South Village Avenue
Exton PA 19341
ljobenski@gmail.com

Pro se Complainant


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

Dated: September 16, 2019