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October 4, 2019

VIA: Electronic Filing

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

**Re: Pennsylvania Public Utility Commission, et al. v. Sunoco Pipeline, L.P. et al.
Docket No. C-2018-3006534**

Dear Secretary Chiavetta:

Enclosed for filing is Intervenor West Goshen Township's Answer to Sunoco Pipeline L.P.'s Motion to Strike Portions of West Goshen Township's Comments in the above referenced matter, copies of which were served upon the individuals listed below and in the enclosed Certificate of Service in accordance with 52 Pa. Code § 1.54.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

David J. Brooman

DJB:jmg
Enclosure

cc: Honorable Elizabeth Barnes (via email & U.S. Mail)
Stephanie M. Wimer, Senior Prosecutor (via email & U.S. Mail)
Michael L. Swindler, Deputy Chief Prosecutor (via email & U.S. Mail)
Thomas J. Sniscak, Esquire (via email & U.S. Mail)
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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

HIGH SWARTZ LLP

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
	:	
	:	Docket No. C-2018-3006534
	:	
v.	:	
	:	
Sunoco Pipeline, L.P., a/k/a Energy Transfer Partners, Respondent	:	

**WEST GOSHEN TOWNSHIP’S ANSWER TO SUNOCO PIPELINE L.P.’S
MOTION TO STRIKE PORTIONS OF WEST GOSHEN TOWNSHIP’S COMMENTS**

Intervenor, West Goshen Township (“WGT”), through its Board of Supervisors and by its attorneys, High Swartz LLP, respectfully submits the following Answer in opposition to Sunoco Pipeline L.P.’s (“SPLP”) Motion to Strike Portions of West Goshen Township’s Comments.

SPLP’s Motion seeks to strike the report of WGT’s engineering consultant, Richard B. Kuprewicz of Accufacts, Inc. (Exhibit “A” to WGT’s Comments), a Consent Order and Agreement between the Pennsylvania Department of Environmental Protection and SPLP (Exhibit “B” to WGT’s Comments), as well as portions of WGT’s public comments that SPLP considers irrelevant, scandalous and/or impertinent. The Motion is a shameless attempt to cut out the substance of WGT’s Comments and otherwise censor WGT’s opposition to the

settlement terms so that SPLP and the Bureau of Investigation and Enforcement (“I&E”) do not have to answer for the serious inadequacies in the proposed settlement.

The paramount inquiry currently before the Commission is whether the settlement terms proposed by SPLP and I&E are in the public interest. *See* 52 Pa. Code § 69.1201. With their simultaneous motions to strike, SPLP and I&E are improperly attempting to limit the information available for the Commission’s inquiry into the public interest. WGT, a governmental body, could not offer any meaningful comments on the adequacy of the proposed settlement without the guidance of qualified consultants learned in the complex science underlying the pipeline issues that are the subject of the settlement. SPLP ignores this practical reality, seeking to preclude the information that gives WGT’s Comments any substantive value to the Commission’s determination of whether the proposed settlement is in the public interest. Further, SPLP’s Motion fails to cite any Commission authority supporting its argument for the limited, almost meaningless, scope of public comments in these types of cases. SPLP seemingly takes the position that any public comments in opposition to its own position should be excluded from consideration by the Commission.

SPLP’s argument that WGT is violating its due process rights by introducing evidence and broadening issues is ludicrous. WGT did not come into these proceedings after discovery and a full hearing on the merits and try to introduce new evidence to dispute the parties’ evidence. Rather, WGT has simply offered its commentary, with scientific and legal support, to highlight the inadequacies of the proposed settlement, which was reached before any evidentiary record was ever developed. While SPLP insults WGT, suggesting that WGT is purposely ignoring the Commission’s rules because it does not often practice before the Commission¹,

¹ Despite the fact that SPLP spent the better part of 2017 and 2018 litigating a case against WGT before this Commission.

SPLP's Motion relies solely on general intervention rules, failing to cite any Commission authority in a similar procedural context to this matter to support its view that settlement commentary is limited to bland, unsupported statements. For all of these reasons and those discussed below, SPLP's Motion must be denied.

In support of this opposition, WGT answers as follows:

ANSWER

1. Denied. The July 15, 2019 Order also provides, in relevant part: "I am persuaded to permit Intervenors not agreeing to the settlement to state the reasons why, to delineate the issues they would raise if the settlement were rejected and to outline how their interest would be affected if the settlement were accepted." *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Sunoco Pipeline, L.P.*, Docket No. C-2018-3006534 (July 15, 2019 Order) at 17. This matter involves highly complex issues of science, engineering, technology and related fields. SPLP is attempting to cripple WGT's ability to comment intelligently on these issues by limiting the scope of its public comments. ALJ Barnes' Order specifically permits WGT to articulate the reasons why it does not agree with the settlement. WGT acted within the permissible scope of the July 15, 2019 Order by providing its comments, supported by relevant scientific information and legal context. The paramount inquiry before the Commission is whether the settlement terms are in the public interest. *See* 52 Pa. Code § 69.1201. SPLP is attempting to interfere with the Commission's full inquiry into the public interest determination by limiting the input of the public. SPLP fails to cite any statutory definition or Commission explanation of the permissible scope of "public comment." WGT, as a governmental body, could not offer any meaningful comment on the adequacy of the proposed settlement without the guidance of qualified consultants learned in the complex science underlying the pipeline issues

that are the subject of the settlement. It is contrary to the public interest to thwart the substance of WGT's commentary by asking to preclude scientific basis for those comments as provided by its hired consultant.

2. Denied. The publicly available information regarding the findings of other agencies of this Commonwealth regarding SPLP's safety practices are directly relevant to the monetary sufficiency of the proposed settlement. ALJ Barnes and the Commission can accordingly choose to consider or ignore the information to whatever extent they wish without making an evidentiary ruling or impacting the parties' respective positions in the underlying case.

3. Denied. The allegations in this paragraph of SPLP's Motion are denied for the reasons stated in the opening argument and paragraphs 1 and 2 above, which are incorporated herein by reference.

4. Denied. SPLP's characterization of WGT's public comments is strictly denied.²

5. Denied. It is strictly denied that WGT's public comments "collaterally attack" any order previously entered by this Commission.

6. Denied. SPLP's request to censor WGT's comments undermines the Commission's inquiry into whether the proposed settlement serves the public interest. SPLP's arguments are better suited for its Reply Comments, and in fact seized the opportunity in those Reply Comments to attack WGT. Therefore, raising these hypocritical arguments in the subject Motion is redundant and should be ignored.

² Interestingly, SPLP admonishes WGT for "mudslinging" while sparing no opportunity to attack WGT in its own Reply Comments.

WHEREFORE, Intervenor, West Goshen Township, respectfully requests that Sunoco Pipeline L.P. Motion to Strike Portions of West Goshen Township's Comments be denied.

HIGH SWARTZ LLP



By: _____

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Date: 10/04/2019

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

HIGH SWARTZ LLP

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West Goshen Township*

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	Docket No. C-2018-3006534
	:	
v.	:	
	:	
Sunoco Pipeline, L.P., a/k/a	:	
Energy Transfer Partners,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I David J. Brooman, Esquire, hereby certify that on October 4, 2019, I served a true and correct copy of West Goshen Township’s Answer to Sunoco Pipeline L.P.’s Motion to Strike Portions of West Goshen Township’s Comments, upon the parties listed below by email and U.S. Mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

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Date: 10/04/2019