**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al. : C-2018-3006116 (consolidated)

: P-2018-3006117

MELISSA DIBERNARDINO : C-2018-3005025 (consolidated)

REBECCA BRITTON : C-2019-3006898 (consolidated)

LAURA OBENSKI : C-2019-3006905 (consolidated)

:

v. :

:

SUNOCO PIPELINE L.P. :

ANDOVER HOMEOWNERS’ :

ASSOCIATION, INC. : C-2018-3003605

:

v. :

:

SUNOCO PIPELINE L.P. :

**ORDER**

**GRANTING SUNOCO PIPELINE, L.P.’S MOTION TO CONSOLIDATE**

On October 10, 2019, Sunoco Pipeline, L.P. (Sunoco or Respondent), filed a Motion to Consolidate the Andover Homeowner’s Association’s (Andover or Association) Complaint at Docket No. C-2018-3003605 with an already consolidated complaint proceeding at Docket No. C-2018-3006116, *Flynn et al. v. Sunoco Pipeline, L.P.* On October 16, 2019, Andover, as an Intervenor at Docket No. C-2018-3006116 filed a response to Sunoco’s Motion in Limine stating:

If her Honor issues a Consolidation Order, Andover, now with party status, may upon review of discovery . . . request that the Association, now a party instead of just an intervenor, recall any lay witness if found necessary later in the litigation.

Andover’s Motion in Limine at Par. 1.

The *Flynn et al.* complaint and petition (Docket Nos. C-2018-3006116, P-2018-3006117) has already been consolidated for hearings and a decision with the *DiBernardino* complaint (Docket No. C-2018-3005025), *Britton* complaint (Docket No. C-2019-3006898), and *Obenski* complaint (Docket No. C-2019-3006905) (collectively, “Mariner East Complaint Proceeding”). All of these proceedings involve the same issues of material facts and questions of law as evidenced by the many cross-interventions between and among the proceedings. Andover is already an Intervenor in the Mariner East Complaint Proceeding. Likewise, two of the Complainants in the Mariner East Complaint Proceeding (Ms. DiBernardino and Ms. Fuller who is one of the Flynn Complainants) petitioned to intervene in the Andover proceeding. Andover had the opportunity to be heard concerning scheduling in the Mariner East Complaint Proceeding. Andover’s Complaint can proceed on the litigation schedule already developed in the Mariner East Complaint Proceeding. The circumstances here clearly meet the standard for consolidation in 52 Pa. Code § 5.81(a).

The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay. In the interest of judicial efficiency, the motion will be granted. If after discovery, Andover requests to submit additional written testimony of its lay witness, Eric Friedman, such a request may be made and ruled upon in the future.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Docket No. C-2018-3003605 is consolidated with Docket Nos. C-2018-3006116, P-2018-3006117, Docket No. C-2018-3005025, Docket No. C-2019-3006898, and Docket No. C-2019-3006905.

Date: October 21, 2019 /s/

Elizabeth H. Barnes

Administrative Law Judge

**C-2018-3006116 et. al.- MEGHAN FLYNN et. al. v. SUNOCO PIPELINE LP**

*(Revised 10/21/19)*

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