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October 16, 2019

BY FEDERAL EXPRESS

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

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OCT 16 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Andover Homeowner Association v. Sunoco Pipeline L.P.; Docket No. C-2018-3003605; **SUNOCO PIPELINE L.P.'S ANSWER TO MOTIONS TO COMPEL AND MOTIONS TO STRIKE OF ANDOVER HOMEOWNERS ASSOCIATION**

Dear Secretary Chiavetta:

Enclosed you will find an original and one copy of Sunoco Pipeline L.P.'s Answer to Motions to Compel and Motions to Strike of Andover Homeowners Association in the above-referenced proceeding. Please date stamp the copy of this filing and return in the self-addressed stamped envelope enclosed. Because this document does not contain new averments of fact, it does not require a verification.

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/jld
Enclosure

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

RECEIVED

OCT 16 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ANDOVER HOMEOWNERS' ASSOCIATION,
INC.

:
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:
:
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:

C-2018-3003605

v.

SUNOCO PIPELINE, L.P.

**SPLP Answer to Motions to Compel and Motions to Strike of Andover Homeowners
Association**

Sunoco Pipeline L.P. (SPLP) files this answer in response to the Motions to Compel and Motions to Strike Andover Homeowners Association Inc. (Andover) filed and served on October 11, 2019.

1. Andover filed and served two duplicative documents on October 11, 2019, both of which contain a Motion to Strike Objections to Interrogatories and a Motion to Compel SPLP to Answer Andover's Interrogatories. The motions should be denied in full.

2. It appears Andover was attempting to file one set of motions regarding SPLP's objections to Andover Interrogatories and one set of motions regarding SPLP's objections to requests for production of documents. However, Andover solely filed duplicative motions regarding interrogatories. By failing to file a motion to compel regarding SPLP's objections to Andover's requests for production of documents, Andover is deemed to have withdrawn its requests for production of documents. 52 Pa Code §§ 5.342(g), 5.349(d). SPLP's counsel attempted to resolve this issue with Andover's attorney, but Andover's attorney did not withdraw the Motion or respond in a timely manner to attempt to resolve this issue despite SPLP allowing

as much time as possible for him to do so given the accelerated replies required in discovery matters. *See Attachment A.*

3. SPLP filed a Motion to Consolidate this proceeding with the Flynn proceeding where SPLP has produced a tremendous amount of responses to discovery. Much of that discover is responsive to Andover's interrogatories. Andover can use those responses for its Complaint if the proceedings are consolidated as they should be. This is yet another reason to deny Andover's Motion now and avoid further burden to the parties and Your Honor concerning discovery.

I. Motion to Strike

4. The Motions to strike are completely frivolous, incorrectly alleging procedural error while at the same time committing procedural error by failing to include the notice to plead required under 52 Pa. Code 5.103(b).

5. Andover alleges that SPLP's objections to its interrogatories should be stricken because one of SPLP's attorneys did not sign the objections document. There is no requirement that all attorney sign a document and in any event the objections document did contain the signature of Attorney Fox. SPLP's objections complied with required procedures and the motion is frivolous. Objections to discovery cannot be stricken on this basis.

6. Moreover, Attorney Snyder submitted to Andover a copy of the objections with an additional signature from Attorney Snyder to satisfy any concerns Andover may have and also communicated to Andover's counsel that the Motion was frivolous and requested it be withdrawn. Andover's attorney did not withdraw the Motion or respond as of the filing of this Answer to attempt to resolve this issue despite SPLP allowing as much time as possible for him to do so given the accelerated replies required in discovery matters. *See Attachment A.*

7. SPLP also notes that it appears Andover may have, by filing two documents, been attempting to strike SPLP's objections to The Motions to Strike should be denied.

II. Motion to Compel

8. Andover's Motion should be denied in full because it is late and under the PUC's regulations and thus the interrogatories to which it relates are deemed withdrawn. 52 Pa Code §§ 5.342(g), 5.349(d). SPLP served its objections on September 30, 2019. Pursuant to Section 5.342(g) Andover's Motion to Compel was due on October 10, yet Andover did not file its Motion until October 11. *Id.* ("If a motion to compel is not filed within 10 days of service of the objection, the objected to interrogatory will be deemed withdrawn."). Given Andover's Motions to Strike based on procedural rules, it too should be held to abiding by procedural rules and its interrogatories should be deemed withdrawn.

9. Andover's Motion should likewise be denied in full because it is wholly insufficient to meet its burden as the proponent of an order. 66 Pa. C.S. § 332(a) (proponent of an order has the burden of proof); *cf.* § 333 (containing provisions regarding discovery that do not alter the burden of proof for motions to compel). As detailed below, while Andover's Motion is 61 pages in length, it largely just refers back to four one-paragraph long, inadequate arguments to attempt to justify compelling responses that contain requests for productions of documents to over 154 Interrogatories. Your Honor should not waste your time attempting to justify Andover's overbroad discovery attempts and deficient motion and should instead deny the Motion in whole on this basis.

A. Arguments Regarding Entirety of Set 1 Interrogatories and Objections

10. SPLP's objections to Andover's Interrogatories were not made in bad faith. Andover wholly ignores and misconstrues SPLP's objections. SPLP is not objecting to Andover merely

lodging duplicative interrogatories and requests for production of documents. SPLP is objecting to Andover lodging over 300 discovery requests, most of which are duplicative, and all of which are overbroad because of the nature of the requests. SPLP objected to both the interrogatories and requests for production of documents in whole as follows and incorporates such argument herein.

11. Complainant's Set 1 Interrogatories are duplicative of their Set 1 RFPs, seeking identification and description of documents requested in the RFPs, or otherwise seeking details that would be readily available from such documents if they were produced. Like the RFPs, the Interrogatories are an unacceptable and disallowable fishing expedition.

12. Interrogatory Set 1 is so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every textual material in whatever form in your possession and then describe the facts, any person that knows these facts, and identify all documents that evidence the answer or relating or referring to the subject matter. That giant fishing expedition is obviously disallowable under the Commission's regulations,¹ and Andover's attempt to disguise such request using 154 interrogatories is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable

¹ See, e.g., *City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is **relevant to a pending proceeding** and **reasonably calculated to lead to the discovery of admissible evidence**. 52 Pa. Code § 5.321(c) (emphasis added).

request. Your Honor should uphold SPLP's objection to the entirety of Complainant Set 1 Interrogatories because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents and identification and description of information, Complainant's have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be answered. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant's attempt to turn this process on its head must be rejected.

13. As described in SPLP's Objections to Complainants Set 1 RFPs which are hereby incorporated herein and contained in **Attachment B**, those RFPs are totally overbroad and essentially seek all documents related to multiple subject matters and are not reasonably tailored to lead to the discovery of admissible evidence. Complainant's Set 1 Interrogatories then piggy back on those RFPs, lodging corresponding interrogatories that at first glance may appear to be a reasonable question, but when interpreted with the corresponding instructions actually seek identification of any document that supports or relates to the answer given. That is absurd and unduly burdensome coupled with the request for production of those same documents in the Set 1 RFPs. Each Interrogatory begins with the request to "identify and describe." Describe is defined as:

"Describe" shall mean state what is requested to be described, including all facts and opinions known and held regarding, relating to, or pertinent to what is requested to be described, and (i) *the identity of each person or entity involved or having any knowledge of each fact or opinion that relates to what is so described*, (ii) the identity of each document evidencing the answer or response given or relating, referring or pertaining to said subject-matter in any way, and (iii) all relevant or material dates and time periods, specifying the way in which said dates or time periods are pertinent to the subject-matter described.

Interrogatories at p.2. Identify is defined as:

7. "Identify" when used in reference to a natural person means to state the person's full name, business and home address, business telephone number, present or last known title or business position and employer or other business affiliation.
8. "Identify" when used in reference to a document or to a communication contained in a document means to:
 - (1) State the title or other description of the document;
 - (2) State the date of the document;
 - (3) Identify the author and each recipient and addressee and all persons who also received copies of the document; and
 - (4) State the identification number, if any, of the document.

Id. at pp. 2-3.

14. So for example, when Complainants say in Interrogatory 12: "Identify and describe the pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania," they mean describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. That is absurdly overbroad given the overbreadth of the RFPs. Moreover, it is unduly burdensome and would require an unreasonable investigation on SPLP's part.

15. Complainants Interrogatories Set 1 is one giant fishing expedition and it is not allowable. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into

under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

16. Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

17. SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its manipulation of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the amount of requests, SPLP raised individual objections, but reserved its rights to lodge further objections in the future.

18. Andover “responds” in its Motion by arguing SPLP has the burden to prove that none of the requests could lead to any admissible evidence. Motion at 2-4. That is totally absurd and based on inapplicable Pennsylvania Courts of Common Pleas cases. The Commission’s discovery standards do not allow discovery that causes unreasonable burden, expense, or investigation, and that is exactly what the entirety of Andover’s Interrogatories does. Moreover, as the proponent of an order, under the Public Utility Code Andover inarguably has the burden of proof:

(a) Burden of proof.--Except as may be otherwise provided in section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, **the proponent of a rule or order has the burden of proof.**

66 Pa. C.S. § 332(a) (emphasis added); *cf.* § 333 (containing provisions regarding discovery that do not alter the burden of proof for motions to compel).

19. Your Honor in upholding SPLP’s overbreadth and undue burden objections in the Flynn proceeding already recognized that these types of “all documents” requests are unreasonable and disallowed. *See, e.g.,* So too here.

20. Moreover, Andover’s Motion is not a “response” it is a motion seeking affirmative relief to compel SPLP to undertake a huge and unreasonable discovery burden. Andover wholly failed to meet its burden to show any of its Interrogatories should be responded to.

21. SPLP is not attempting to “evade all discovery” in this matter. Motion at 1. Instead, SPLP is refusing to respond to Andover’s absurdly broad requests. Each and every request is infected with the same overbreadth and undue burden flaw. Andover chose to frame its requests this way, not SPLP. SPLP is entirely justified in refusing to respond where valid

objections exist because it is only required to respond to interrogatories to which it has not objected. 52 Pa. Code § 5.342(f).

B. Arguments Regarding Individual Interrogatories and Objections

22. Andover's Motion is needlessly lengthy and repetitive. It raises a total of four arguments to attempt to justify response to its 0154 overbroad and unduly burdensome interrogatories that contain requests for production of documents. In an attempt to assist Your Honor with considering these arguments, SPLP has grouped its responses by compiling the interrogatories for which Andover has simply referenced its prior argument – for example, Andover raises the same argument for interrogatories 9-36, 39-56, 68-73, so SPLP will respond to that argument with respect to all interrogatories in one section below.

23. First, SPLP will address Andover's untrue argument that it could not understand SPLP's objections where SPLP in its Objections to Interrogatories referred to objections contained within its Objections to Requests for Production of Documents. Andover states in "response" to all of SPLP's objections that: "Sunoco's objection is vague and its objection irrelevant. Absent knowledge of what Sunoco intends, the Association is fully unable to evaluate any relevance to any objection." *See e.g.* Motion at pp. 7-10. Andover is fully aware and admits that its Interrogatories are duplicative of its Requests for Production of Documents. SPLP provided objections to those Requests for Production of Documents and then referred Andover to find SPLP's objection to the duplicative Request for Production of documents. Perhaps Andover would have had an easier time with this if it had correlated the numbering between the two duplicative sets. Andover created this discovery mess and cannot place the blame on SPLP for its inability to correlate duplicative materials. SPLP has attached both sets of its Objections as **Attachment B**.

C. Interrogatories 1-8

24. Andover provides no argument justifying its motion to compel for these interrogatories, instead claiming it cannot understand SPLP's objection. Accordingly, Andover's Motion should be denied as it failed to provide any support or justification to meet its burden to obtain an order compelling discovery.

25. These requests all seek information regarding SPLP's witnesses in these proceedings. However, instead of just seeking identification of witnesses (which SPLP already did in its prehearing memorandum), these requests are totally overbroad. These requests correspond to Request for Production of Documents 1, 2, 127, 128, where SPLP provided the following objection that equally applies to these interrogatories:

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence.

SPLP further objects to these requests as seeking information beyond what is allowable under the privilege for litigation preparation. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

26. SPLP further explained in its objections to definition and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP's objections should be sustained and the motion denied.

D. Interrogatories 9-36, 39-56, 68-73

27. After falsely alleging it cannot understand SPLP's objections, Andover attempts to justify compelling responses to approximately 50 interrogatories by stating:

Further, Sunoco is fully able to provide a narrative of actions it took in response to a project which has only been operational for approximately three (3) years. The Mariner East system did not exist twenty years ago, as, to the Association's knowledge, planning only began for this system in approximately 2012. Sunoco knows what plans it made and what assessments it performed since it launched this program. Sunoco suffers no burden by providing a narrative of its actions.

Motion at p. 10.

28. SPLP's objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover's argument totally ignores that it did not just ask for a narrative of actions taken for the Mariner East project. Review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and

reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

29. SPLP also objected to these requests on ground that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

30. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP’s objections should be sustained and the motion denied.

E. Interrogatories 37, 57-67, 86-91

31. After falsely alleging it cannot understand SPLP’s objections, Andover attempts to justify compelling responses to these approximately 17 interrogatories by incorporating its “response” to number 9 (quoted above), then stating:

Further, the Association is under the belief that, based on the answers provided in prior testimony by Sunoco witnesses before the Commission, that it manages its public awareness programs on a national basis in alleged compliance with 49 CFR 195.440. If in fact Sunoco does not develop a project-specific Public Awareness Program for each separate pipeline, the contents, implementation, relevance and utility of any Sunoco Public Awareness Program is wholly relevant.

Motion at p. 20.

32. SPLP’s objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover’s incorrect argument to justify responses covers only one topic and does not fully address SPLP’s objections. Andover is basically saying that it is entitled to all documents and information regarding SPLP or Energy

transfer public awareness materials for any Energy Transfer pipeline. That is absurdly overbroad considering the number of pipelines this implicates. Just because the same public awareness plans or materials may be used for multiple pipelines does not mean any information for any pipeline related to public awareness or emergency response is relevant to one particular set of pipelines. Moreover, review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

33. SPLP also objected to these requests on ground that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

34. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information,

but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP's objections should be sustained and the motion denied.

F. Interrogatories 74-83, 85, 91-154

35. After falsely alleging it cannot understand SPLP's objections, Andover attempts to justify compelling responses to these approximately 70 interrogatories by incorporating its "response" to number 9 and 37 (quoted above), then stating:

Further, Sunoco failed to aver that it operates the Mariner East system on a dedicated, isolated control system away from other pipelines it operates in Pennsylvania and elsewhere. Its practices in operating pipelines, as applied to Mariner East and other similarly situated pipelines, is wholly relevant to evaluate if Sunoco is operating this pipeline in compliance with applicable law. Sunoco could offer as a defense to a defect in its Mariner East system "we run all of our pipelines this way", which would, at that point, make the operation of any and all similarly operated pipelines throughout Sunoco's or Energy Transfer's system relevant. The Association seeks to discover here if its allegations of inadequate service and operations are isolated to Mariner East or are endemic to additional Sunoco or Mariner East assets.

Motion at p. 34.

36. SPLP's objections were clear and referred to the related objections in its Objections to Request for Production of Documents. Andover's incorrect argument to justify responses covers only one topic and does not fully address SPLP's objections. Andover is basically saying that it is entitled to all documents and information regarding SPLP or Energy transfer materials for any Energy Transfer pipeline. That is absurdly overbroad considering the number of pipelines this implicates. Just because the same practices or documents may be used for multiple pipelines does not mean any information for any pipeline is relevant to one particular set of pipelines. Moreover, review of these requests shows they seek much more extensive and burdensome information that Andover fails to justify as likely to lead to the

production of relevant evidence. These requests are a fishing expedition and that is not allowed. *See, e.g., City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("Anything in the nature of a mere fishing expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c) (emphasis added).

37. SPLP also objected to these requests on ground that they seek information related to areas and pipelines for which Andover does not have standing to pursue, again showing overbreadth of these requests.

38. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP's objections should be sustained and the motion denied.

G. Interrogatory 84

39. Andover's entire argument to justify this request is apparently an attempt to modify its request:

The Association incorporates its answer to #74 above in full as if reproduced here. Further, the existence of permits, or the nonexistence of permits, is relevant to Sunoco's plans to manage emergencies and is not a legal conclusion. If Sunoco holds no permits that address these situations, it should just state as much as a response to this interrogatory. If it holds such permits, it should identify them.

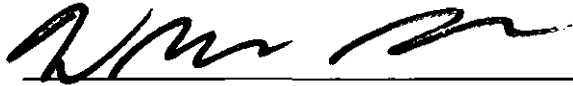
Motion at p.38. This modification fails to show how the request is even relevant. The Commission does not have jurisdiction to enforce environmental permits and Andover fails to justify how such permits or lack thereof is likely to lead to the discovery of relevant evidence. Again, Andover fails to acknowledge that they are not just seeking identification of permits.

40. SPLP further explained in its objections to definitions and instructions to the Interrogatories how these requests are overbroad – they seek not just the requested information, but for SPLP to describe the facts, any person that knows these facts, and identify all documents evidence the answer or relating or referring to the subject matter. SPLP's objections should be sustained and the motion denied.

III. CONCLUSION

WHEREFORE, SPLP respectfully requests Andover's Motion to Compel be denied.

Respectfully submitted,



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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: October 16, 2019

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ATTACHMENT A

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OCT 16 1

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

From: Whitney Snyder
Sent: Monday, October 14, 2019 12:55 PM
To: Rich Raiders <rich@raiderslaw.com>
Cc: Thomas Sniscak <tjsniscak@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes <NWitkes@mankogold.com>; Diana Silva <DSilva@mankogold.com>
Subject: RE: FW: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Rich – if this response was intended to be sent to us, we understand and are willing to work with you on personal scheduling issues. SPLP’s Answers to the Motions to Compel are due Wednesday, so please respond prior to 10 AM Wednesday.

From: Rich Raiders <rich@raiderslaw.com>
Sent: Monday, October 14, 2019 12:40 PM
To: Whitney Snyder <WESnyder@hmslegal.com>
Cc: Thomas Sniscak <TJSniscak@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes <NWitkes@mankogold.com>; Diana Silva <DSilva@mankogold.com>
Subject: Re: FW: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Dana, I can respond to this on Wednesday. I am heading to Boston for a funeral this afternoon that will consume all of my Tuesday. Thank you for your understanding.

Rich

On 10/14/2019 12:24 PM, Whitney Snyder wrote:
Rich,

Concerning the motions you served per the below email:

1. Motions to Strike - I have attached copies of SPLP’s objections that now include my signature. The copies I originally served on September 30, 2019 did have an electronic signature from Attorney Fox and a cover letter and certificate of service with my signature. Moreover, you did not include with your motions the required notice to plead. The motions to strike are frivolous and we request that you withdraw them.
2. Motions to Compel - What you served does not match what you filed with the Commission per the document descriptions that appear on the Commission’s website (both reflect that you filed motions regarding interrogatories) and you appear not to have in fact filed or served a motion to compel responses to requests for production of documents (while one of the file names of the documents you served indicates “Andover RPD Motion to Compel” it appears to be a copy of the motion to compel interrogatories). Again, you failed to include the required notices to plead with your motions. Your motions were also a day late. We request you properly file and serve the motions with required notices to plead tomorrow (the Commission is closed today), and agree that service tomorrow will start the answer period for the motions. We will not challenge the motions as untimely if you correct and perfect service of the motions with the required notices to plead.

We see no reason to require the ALJ to address these issues and believe we can cooperate and work them out ourselves as professionals.

ATTACHMENT A

Feel free to call to discuss.

Whitney E. Snyder | Partner

Hawke McKeon & Sniscak LLP

100 North 10th Street | Harrisburg, PA 17101

Phone: 717.703.0807 | Fax: 717.236.4841 | Email: wesnyder@hmslegal.com

<http://www.hmslegal.com/> |

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From: Rich Raiders <rich@raiderslaw.com>

Sent: Friday, October 11, 2019 2:16 PM

To: Whitney Snyder <WESnyder@hmslegal.com>

Cc: Melissa DiBernardino <lissdibernardino@gmail.com>; mmorris@regerlaw.com;
joe_minott@cleanair.org; abomstein@cleanair.org; Ernest Logan Welde (lwelde@cleanair.org)
<lwelde@cleanair.org>; Kathryn Urbanowicz <kurbanowicz@cleanair.org>; Thomas Sniscak
<TJSniscak@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes
<NWitkes@mankogold.com>; Diana Silva <DSilva@mankogold.com>; Barnes, Elizabeth
<EBARNES@pa.gov>

Subject: Re: SPLP Objections to Andover Set 1 RFPS and Interrogatories

Your Honor, Counsel and Pro Se Intervenors,

Please see attached filed with the Commission's electronic filing system today. Thank you. A Word copy of the body of the document to Judge Barnes will follow.

Rich Raiders, Esq.

On 9/30/2019 4:27 PM, Whitney Snyder wrote:

Rich,

Please see attached.

Regards,

Whitney E. Snyder

Hawke McKeon & Sniscak LLP

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ATTACHMENT A

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ATTACHMENT A

ATTACHMENT B

RECEIVED

OCT 16 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS' ASSOCIATION, INC	:	
	:	C-2018-3003605
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.	:	

**SUNOCO PIPELINE L.P. OBJECTIONS TO COMPLAINANT ANDOVER
HOMEOWNERS' ASSOCIATION, INC'S REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Pursuant to 52 Pa. Code § 5.342, Sunoco Pipeline L.P. (SPLP) submits these Objections Complainant's Set 1 Requests for Production of Documents (RFP). As explained below, SPLP objects in whole to this set of RFPs because they are an abuse of the discovery process in that they are so overbroad that it is difficult to envision a document in SPLP's possession regarding its Mariner East pipelines and related practices and procedures that would not fall within the scope of these RFPs as propounded. They are essentially unlimited in time and scope, duplicative, and would place a totally undue burden on SPLP if it were required to respond. Your Honor should uphold SPLP's objections to RFP Set 1 in full and place the burden on Complainant to propound reasonable requests for production of document in the first instance instead of lodging an inappropriate fishing expedition that puts a heavy burden on SPLP to argue and Your Honor to determine what is in the realm of fair and reasonable discovery.

52 Pa. Code § 5.361 does not permit fishing expeditions or discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id. Complainant's Set 1 is all of the above and so overbroad as to constitute an abuse of the discovery process.

SPLP also objects to individual instructions, definitions and RFPs Complainant propounded in Set 1 because they seek information that is privileged, not relevant to the issues raised and/or allowable in this proceeding, and not likely to lead to the discovery of relevant or admissible evidence in this proceeding.

Under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). In addition, under Section 5.323, discovery may not include disclosure of legal research or legal theories. 52 Pa. Code § 5.323(a).

The interrogatories and requests for production of documents to which SPLP objects seek information that is exempt from discovery under the Commission's regulations.

I. OBJECTIONS TO ENTIRETY OF RFP SET 1

RFP Set 1 is so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every textual material in whatever form

in your possession. That giant fishing expedition is obviously disallowable under the Commission's regulations,¹ and Andover's attempt to disguise such request using 128 RFPs is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable request. Your Honor should uphold SPLP's objection to the entirety of Complainant Set 1 RFPs because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents, Complainant's have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be produced. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant's attempt to turn this process on its head must be rejected.

First, SPLP will demonstrate the overbreadth of these requests. RFP 1, page 6 requests production of "any and all documents that refer to, relate to, or constitute in any way to" and then goes on to list 128 separate RFPs referring to broad swaths of materials that are essentially unlimited in time or scope. Notably, "document" has an extremely broad definition that basically constitutes any textual materials in any form whatsoever. See RFP at pp. 1-3 (definition of document, sprawling approximately 1.5 pages in length). Keeping the original

¹ See, e.g., *City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("**Anything in the nature of a mere fishing expedition is not to be encouraged.** Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is **relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence.** 52 Pa. Code § 5.321(c) (emphasis added).

request for all documents referring or relating or constituting to and the definition of documents in mind, the individual RFPs are absurdly overbroad. For example:

- RFP 1 seeks: “For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;” – this is not just a request for documents relied upon for testimony, but all documents relating or referring to those documents. That is absurd. There is no time constraint or scope, geographic or otherwise. A fact witness in this proceeding may have reviewed hundreds of thousands of documents over the course their employment with SPLP on which their testimony would be based. Interpreted literally this question would seek all of those documents, plus any documents related thereto. This is not allowable. Moreover, the request is contrary to the use of pre-filed written testimony as it essentially asks for the information in advance of it being filed, impermissibly asks for production or disclosures not allowed under the Commission’s rules regarding expert testimony, and would include drafts of documents or attorney-client privileged communications or privileged attorney mental impressions or work product which are not producible under the Commission’s rules for pre-filed testimony and discovery. Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).RFPs 3-9, 21-26, 29-37, and 58 (among others) all relate to inspections, testing, maintenance and integrity management. While each is overbroad in its own right seeking all documents related or referring to the topic of the request, they are also duplicative and taken together essentially seek any documents related to the integrity of the pipelines. RFP 58 is the prime example. It seeks all documents relating, referring, or constituting: “Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual”. The term your is defined not just as SPLP (which operates pipelines in other jurisdictions than

Pennsylvania), but also all of Energy Transfer. RFPs at p. 4. So, this request by its terms seeks not just versions over time of integrity management program(s), manuals, procedures, and all communications related thereto, but also by use of the term relating would also encompass any documents implementing the plans/programs. There is no time limitation, no geographic scope, no scope by pipeline. It swallows all of the other related requests that may appear to have some form of geographic or time or scope request. Again, this is a disallowable fishing expedition, is not reasonably tailored to obtain relevant information, and causes unreasonable burden on SPLP if it had to respond.

- RFP 59 seeks all documents relating, referring, or constituting to “The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania.” It does not relate to any specific event or anything relevant but rather is a lazy cast of the fishing net. The request does not use the word current and is not limited in time. Thus, it seeks every document related to status of construction of these pipelines since the inception of the idea. This is clearly a fishing expedition and not reasonable tailored to obtain relevant information.

- RFP 115 seeks all documents related, referring or constituting to “the selection of drilling methods, including the switching from Horizontal Direction Drilling to open cut and/or shorter HDD”. There is no pipeline, geographic, or time limitation to this request. It is essentially seeking all documents related to any pipeline construction where SPLP or ET has ever considered using some form of drilling. Again, this is an absurdly overbroad and disallowable fishing expedition.

These are just some of the most glaring examples of the complete overbreadth of these requests. Other topical examples that contain these same flaws include public awareness,

emergency response, construction, events at Lisa Drive in Chester County, BIE investigations, groundwater, etc.

Complainants RFPs Set 1 is one giant fishing expedition and it is not allowable.

Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.

City of York v. Pa. P.U.C., 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Andover and its counsel have done none of these. Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its fishing expedition abuse of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the number of requests, SPLP raises individual objections below, but reserves its rights to lodge further objections in the future.

II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

- SPLP objects to the instructions and definitions contained in Complainant RFPS, Set 1 to the extent any such instructions or definitions are inconsistent with the Commission's regulations. Lack of specific written objection to any instruction or definition shall not construed as SPLP's agreement with such instruction or objection.
- To the extent any of SPLP's responses contain confidential, proprietary, highly confidential, or confidential security information, SPLP will only provide such materials pursuant to the terms of the Amended Protective Order² once it is entered in this proceeding.
- SPLP objects to Definition 4, which states:

The term "document" is used in its customary broad sense, whether recorded, filmed or reproduced by any mechanical

² SPLP will be submitting a motion to amend the Protective Order in this proceeding if it is not consolidated with the *Flynn* Complaint proceeding.

process, or written or produced by hand, and whether an original, master, or copy, and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise. "Document" includes, without limitation, the following items: agreements; books; records; letters; accounts; notes; summaries; forecasts; appraisals; surveys; Investigation Materials and correspondence as defined below; estimates; diaries; desk calendars; reports; communications; cablegrams; radiograms; telegrams; telexes; facsimiles; memoranda; intra-office memoranda; testimony; summaries; notes and records of telephone conversations, meetings and conferences; notes and records of personal conversations or interviews; ledgers; invoices; receipts; order forms; purchase orders; change orders; order confirmations; reservations; orders; shipping logs; packing slips; contracts; notices; drafts of any documents; marginal or other comments or notes appearing on any documents; business records; charts; maps; plans; diagrams; specifications; schedules; press releases; computer printouts; e-mails; text messages; Internet postings; webpages; instant messages or similar online real-time discussions (including transcripts from such discussions), including without limitation Gmail Chat, Google Hangout, Messenger, Facebook messages, and Skype; transcripts of voicemails; screenshots; word processing documents; computer files; any documents stored on a hard drive, online, or in the cloud; computer tapes, discs, and diskettes; flash drives; microfilm; microfiches; active, archival, and/or residual electronic information; photographs; slides, negatives; motion pictures; video, graphic or oral recordings or representations of any kind, including without limitation, tapes, cassettes, cartridges, discs, YouTube or other Internet videos, chips, records and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other information containing paper, writing or physical thing in the actual or constructive possession, custody or control of you, or any of your agents, representatives or attorneys.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). Section 5.323(a) of the Commission's regulations also exempts preliminary or draft versions of testimony and exhibits from discovery, whether or not the final versions of the testimony or exhibits are offered into evidence. 52 Pa. Code §

5.323(a). In addition, the Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4).

Complainant Definition E defines "Document" in a manner which is unreasonably burdensome, unreasonably broad as opposed to focused as required in *City of York*, and seeks information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence.

Complainant Definition 4 specifically seeks to include all prior drafts of any document, and handwritten notes, notations, records or recordings of any conversation in the definition of "Document." Any prior drafts of a document are irrelevant and immaterial to the issues in this proceeding and are not likely to lead to the discovery of admissible evidence. To the extent that a document is relevant to the issues in this proceeding, the content of that document speaks for itself and does not require inquiry into any prior draft(s). Moreover, such drafts are exempt from discovery under the Commission's regulations. In addition, production of prior drafts, and any handwritten notes, notations, records or recordings of any conversation is unreasonably burdensome. Production of such materials would require an unreasonably extraordinary and burdensome effort by SPLP, and only serve to inefficiently delay this proceeding.

Moreover, Definition 4 seeks to include materials and documents that were created in preparation of litigation in its definition of Document. To the extent that any document or other material was prepared in anticipation or preparation of litigation, such materials are privileged and exempt from discovery.

Based on the foregoing, SPLP objects to Complainant Set 1 Definition 4 as unreasonably burdensome, and as seeking information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. SPLP reserves the right to further object to any

question that similarly seeks discovery of an overly broad classification or category of materials or documents.

- SPLP objects to Definition 6, which provides:

The term "agent" shall mean past or present agents or representatives, including any attorneys, accountants, consultants, and independent contractors or subcontractors.

SPLP object to Definition 6 to the extent it seeks disclosures of an attorney's mental impressions, advice or work product and to the extent it seeks production of information exempt from discovery under 52 Pa. Code § 323(a) (litigation preparation materials).

- SPLP objects to Definition 21, which provides:

"You" or "Your" refers to Sunoco Pipeline L.P. and/or Energy Transfer Partners, L.P.

SPLP objects to Definition 21 to the extent it seeks information regarding any subsidiary or company other than Sunoco Pipeline L.P. or any pipeline other than the Mariner East pipelines.

- SPLP objects to Instruction 1. The Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 1 seeks to unreasonably burden SPLP efforts to respond to requests for productions of documents by seeking all copies of any document requested. That is unreasonably burdensome and not reasonably tailored to lead to the discovery of relevant evidence. Instead it is a fishing expedition which wishes impermissibly to sift through

- SPLP objects to Instruction 2. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged). However, the Commission's regulations do not require a party to maintain a privilege log for any material or materials for which privilege is asserted. In addition, the Commission's

regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 2 seeks to unreasonably burden SPLP efforts to respond to discovery requests, which specifically inquire into matters which are exempt from discovery under the Commission's regulations, by imposing a requirement on SPLP that is not contemplated by the Commission's regulations.

- SPLP objects to Instruction 8, which seeks not only production of documents, but extensive identification of documents. That is unreasonably burdensome, particularly given the scope of these requests for production of documents. It is also not reasonably tailored to lead to the discovery of relevant evidence. Complainant should be able to locate identifying information from the documents themselves and to the extent any particular information about a document is needed, can use the discovery process to more particularly obtain allowable information.

- SPLP also objects to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover's work.

III. OBJECTIONS TO INDIVIDUAL RFPS

A. Litigation Materials RFPS (1-2, 127-128)

These RFPS state:

produce any and all documents that refer to, relate to, or constitute in any way to:

1. For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;
2. For each witness for whom you to intend to present testimony, all texts, article, reports, theses, other publications, and any other witness testimony or statement offered in any state or federal judicial or administrative proceeding related to pipelines;

127. Any and all documents you intend to present at any hearing in this matter; and
128. Any and all reports and witness statements of any experts or witnesses you intend to have testify at any hearing in this matter.

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence.

SPLP further objects to these requests as seeking information beyond what is allowable under the privilege for litigation preparation. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

B. Integrity Related RFPs (3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

3. Any and all actions taken by you or on your behalf to assess the condition, adequacy, efficiency, safety, and reasonableness of ME1, ME2, ME2X and Point Breeze-Montello pipeline in and around Delaware and Chester Counties, Pennsylvania;
4. The integrity of the ME1 pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;
5. The integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;
6. Any and all actions taken by you or on your behalf to assess the integrity of the ME1 pipe, including without limitation

the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

7. Any and all actions taken by you or on your behalf to assess the integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

8. The materials that ME1, ME2, ME2X and Point Breeze-Montello are made of in and around Delaware and Chester Counties, Pennsylvania;

9. The pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

21. The types of welded seams on ME1 (e.g., oxygen-acetylene welding, electric resistance welded seams) in and around Delaware and Chester Counties, Pennsylvania;

22. Any and all inspections or testing of the welded seams on ME1 in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

23. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in ME1;

24. Your Second Post Grouting Report, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

25. Any and all inspections or testing of the welded seams on Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

26. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in Point Breeze-Montello;

29. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in ME1;

30. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used in ME1 are compatible with the materials of ME1 is made;

31. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in Point Breeze-Montello;

32. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used

in Point Breeze-Montello are compatible with the materials of Point Breeze-Montello is made;

33. Any and all in-line inspections of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

34. Any and all welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

35. Any and all training and tests administered to welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

36. Any and all records of all PHMSA operator qualification ("OQ") qualifications for each person so required to hold OQ qualifications constructing ME2 or ME2X.

37. Any and all records of all involved in ME2 or ME2X who performed construction duties on ME2 or ME2X construction while failing to hold the appropriate OQ qualifications, the length of time such persons performed work on ME2 or ME2X absent proper OQ qualifications, and all responsive actions you took to remedy any unqualified workers from performing further work on ME2 or ME2X.

45. The Maximum Allowable Operating Pressures for ME1, ME2, ME2X and Point Breeze-Montello;

58. Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual;

69. The failure that occurred on the Point Breeze-Montello Pipeline in Delaware County and/or Philadelphia County on or about June 19, 2018;

70. The removal and replacement of portions of ME2 and/or ME2X in or around Delaware County in or around August of 2018;

71. How you became aware of the need to replace the portions of pipe on ME2 and/or ME2X referenced in the preceding paragraphs;

72. Any and all other areas along ME2 and ME2X that you replaced portions of the pipeline, and the reasons, dates and locations for such replacement;

73. Falsified inspection reports related to welds along ME2 and/or ME2X;

74. Any and all investigations made by you in response to any and all claims regarding falsified inspection reports related to welds along ME2 and/or ME2X;

84. Specifications for any and all hydrocarbon detection systems in use in your NGL facilities, including locations, specifications and design parameters;

85. Any and all specifications for critical components of valve sites, including but not limited to metallurgy, gaskets, valves,

meters, pig-related equipment and other features of valve sites installed or proposed within Delaware and Chester Counties, Pennsylvania;

86. Any and all plans, designs, permits or relevant documents showing how you would deinventory a pipeline segment in need of repair or maintenance, including documentation concerning how NGL product would be removed from an isolated pipeline segment. Include all provisions for protecting the public during a release of the volume of an entire pipeline segment and any agency oversight that would or should be expected during such a release.

90. Any and all studies identifying a potential impact radius of a NGL pipeline incident on ME1, ME2, ME2X or Point Breeze-Montello, specifically for incidents within Delaware or Chester Counties, Pennsylvania. Include critical population and critical infrastructure information for locations within one (1) mile of any Mariner East pipeline in Delaware or Chester Counties, Pennsylvania.

94. Any and all actions taken by you or on your behalf to evaluate the integrity of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

95. Any and all risks or threats identified by you or on your behalf related to ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

96. Any and all remedial, preventative and mitigative measures taken by you or on your behalf to address the risks or threats related to ME1, ME2, ME2X and Point Breeze-Montello;

122. Any documentation concerning the steel used in construction of ME2, ME2X or any interchange between ME2 or ME2X and Point Breeze-Montello or ME1; including but not limited to steel thickness for each type or order of pipe used for all pipelines, technical specifications of all coatings provided or field applied to each grade and type of pipe and precautions required to avoid or minimize damage to pipe, coating and other features of pipe;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. *See e.g., BI&E v. SPLP* (Morgantown Complaint Order on Interventions).

C. Locational RFPs (10-20, 121)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

10. The depth of cover over ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester County, Pennsylvania;
11. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over ME1 is less than 48 inches;
12. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over Point Breeze-Montello is less than 48 inches;
13. The distance (or proposed distance) of ME1 from ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania in places where these lines are co-located or substantially co-located;
14. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from private dwellings in and around Delaware and Chester Counties, Pennsylvania for all private dwellings within 2,000 feet of any listed pipeline;
15. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each and every school located in and around Delaware and Chester Counties, Pennsylvania, including all schools within one (1) mile of any listed pipeline;
16. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each hospital, nursing home, day care center, or rehabilitative care facility in and around Delaware

and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

17. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each mall or shopping center located in and around Delaware and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

18. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from places of public assembly, including without limitation playgrounds, recreation areas, theaters, and houses of worship in and around Delaware and Chester Counties for all such facilities within one (1) mile of any listed pipeline;

19. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supply wells in Delaware and Chester Counties within one (1) mile of any listed pipeline;

20. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supplies in Delaware and Chester Counties, Pennsylvania within one (1) mile of each listed pipeline;

21. Areas in which ME2 and ME2X will not be collocated with the existing right of way for ME1 in Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. (*City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”)).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

D. Lisa Drive Related RFPs (27-28, 63, 65, 124)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

27. The Pipeline Elevation Monitoring Data, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

28. The Strain Gauge Data, including but not limited to, those document provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

63. Any and all investigations made by you or on your behalf related to the all sinkholes and depressions that occurred in and around Lisa Drive in 2017 and 2018;

65. The status of any and all activities undertaken or to be undertaken by you or on your behalf to remediate address sinkholes and depressions in and around Lisa Drive, West Whiteland Township, Chester County.

124. Any and all communications with Amtrak regarding construction of ME2 and M2X in and around Lisa Drive, including the identification of any sinkholes and depressions in the location;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. Complainants here cannot pursue issues on behalf of residents of the Lisa Drive Area.

E. Emergency Response and Public Awareness Related RFPs (38-39, 46-50, 83, 87-89, 97-101, 113-114)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

38. Your emergency response plans, practices and procedures in and around Delaware and Chester Counties, Pennsylvania, including but not limited to all pertinent portions of your 49 CFR 195 Manual;

39. Coordination with fire, police, the Pennsylvania Emergency Management Agency, PHMSA, and other federal and state agencies in responding to a release or ignition of highly volatile liquids from ME1, ME2 or ME2X within and around Delaware and Chester Counties, Pennsylvania;

46. Your public awareness program for ME1, ME2, ME2X and Point Breeze-Montello, including all relevant portions of your 49 CFR 195 Manual;

47. Any and all actions taken by you to warn and protect the public from danger associated with ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

48. Any and all actions taken by you to reduce the hazards to employees, customers, residents and others related to ME1, ME2 or ME2X in and around Delaware and Chester Counties, Pennsylvania;

49. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in ME1;

50. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in Point Breeze-Montello;

83. Any and all information, studies or other documents you may have produced, had produced on your behalf or otherwise obtained describing variations in emergency response and public awareness standards for NGL transportation;
87. Any and all documentation, information and studies you used to create a public awareness program for NGL transportation services. Include information which may change based on the composition of NGL being transported and for situations where one line may transport a heavier than air NGL and an adjacent line may transport a lighter than air NGL, and other situations which anticipate an incident impacting more than one Mariner East pipeline at a specific location.
88. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate or shelter in place in the event of a NGL incident in your transportation system, including impacts on ground features, elevation, grade, and other hazards potentially faced by the public.
89. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate without creating a electrical spark or energy source that could potentially ignite a vapor cloud or a boiling liquid vapor cloud explosion ("BLEVE").
97. Any and all actions taken by your or on your behalf to advise the public of the risks or threats associated with ME1, ME2, ME2X and Point Breeze-Montello;
98. Any and all information provided to the public by you or on your behalf on how to respond in the event of a release or other emergency associated with ME1, ME2 or ME2X;
99. Any and all proposed or anticipated changes to information provided by your or on our behalf on how to respond in the event of a release or other emergency associated with ME1, ME2 or ME2X;
100. Any and all communications between you and any school district or higher education institution based in Delaware or Chester Counties, Pennsylvania;
101. Any and all communications between you and any operator of any private educational institution in Delaware or Chester Counties, Pennsylvania;
113. Any and all communications between you and Delaware and Chester Counties, Pennsylvania local emergency management officials;
114. Any and all communications between you and Chester County or Delaware County emergency management officials;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. This is particularly true here regarding requests for communications with schools, county and local officials, etc.

F. Construction and Geology Related RFPs (40-44, 56-57, 59-62, 66-67, 80-81, 94-93, 111-112, 115-119, 102, 123, 126)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

40. Any and all geophysical studies conducted by you or on your behalf (including without limitation electrical resistivity, gravity, microgravity surveys, multi-channel analysis of surface waves and other seismic methods) at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;

41. Any and all geotechnical studies conducted by you or on your behalf at and around at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;
42. Any and all geological bores undertaken by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
43. Any and all fracture trace analyses conducted in or around Delaware and Chester Counties, Pennsylvania;
44. Each and every instance where you or someone on your behalf identified an anomaly, or “soft zone” from geophysical or geotechnical testing, or geologic borings in Delaware and Chester Counties, Pennsylvania;
56. Any and all sink holes and depressions, including their location, observed by you or your consultants while constructing ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;
57. Any and all sink holes and depressions, including their location, caused or contributed by activities conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
59. The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
60. The proposed method of installing ME2 and ME2X in and around all areas where construction has not been completed as of the date of service of this document in Delaware and Chester Counties, Pennsylvania;
61. The status of applications to DEP for permit(s) to construct ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
62. Any and all sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018 related to the construction of ME2 and ME2X;
66. The impacts to private water supplies in Delaware and Chester Counties, Pennsylvania after January 1, 2017 related to the construction of ME2 and ME2X;
67. Any and all actions taken by you or on our behalf to remedy the water seeps and/or flooding in Delaware or Chester Counties, Pennsylvania;
80. Any and all studies performed by you, your consultants, contractors and other agents on your behalf concerning Karst, igneous or metamorphic rock formations where you installed or proposed to install ME2 or ME2X;
81. Any and all information concerning engineering evaluations performed by you or under your direction concerning

challenges in installing NGL pipelines in Karst, igneous or metamorphic rock, including but not limited to using direct boring or Horizontal Directional Drilling ("HDD");

91. Any and all complaints made to you by the public (including but not limited to complaints related to noise, dust, smoke or particulates, water supply, water pressure, flooding, sinkholes or depressions) related to the construction or operation of ME1, ME2 or ME2X;

92. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

93. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

111. Groundwater in the right-of-way for the Mariner East Project in Delaware and Chester Counties, Pennsylvania, including but not limited to flow and infiltration paths and patterns, the water table, the aquifer system(s), and soil and/or geologic characteristics;

112. Any and all karst, igneous or metamorphic geology identification, testing or sampling collected for, or related to, the Mariner East Project;

115. The selection of drilling methods, including the switching from Horizontal Directional Drilling to open cut and/or shorter HDD;

116. The preparation, drafting, submission or completion of the Void Mitigation Plan for Karst Terrain and Underground Mining prepared by Tetra Tech, Inc. on November 18, 2016, including any document communications about the Void Mitigation Plan;

117. Any and all communications about your Prevention, Preparedness, and Contingency Plan;

118. Any and all communications about the preparation, drafting, submission, completion of the Inadvertent Return Plan;

119. Landscape design plan prepared by or on behalf of you to address water at 103 Schoen Road;

102. Any and all communications related to the Aqua public water source in or around Drill 381, including but not limited to the establishment of the monitoring well in that location;

123. Any and all grout plugs used in any drilling in and around Delaware and Chester Counties, Pennsylvania;

126. Sunoco Logistics Engineering Design Basis Memorandum dated February 22, 2018, version D, or any other later version, an

earlier version of which is marked as SPLP 29 at the hearing on the Amended Petition for Emergency Relief;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

G. Revolution Pipeline (68)

RFP 68 states:

produce any and all documents that refer to, relate to, or constitute in any way to:

68. The failure that occurred on the Revolution Pipeline in or around Center Township, Beaver County on or about September 10, 2018;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests

could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

Moreover, this request seeks information regarding a pipeline not at issue here, which is not a public utility and is located half way across the state. The only jurisdiction the Commission has over that pipeline is pursuant to Act 12 of 2011. Neither that Act nor the Public Utility Code Section 701 allow for the public to make Complaints against non-public utility pipeline operators. Only the Commission’s Bureau of Investigation and Enforcement has the ability to make such Complaint before the Commission. Moreover, Complainants’ fail to show how allegations concerning that pipeline have any bearing on the pipelines at issue here. These requests do not seek information relevant to this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence as required under the Commission’s regulations. 52 Pa. Code § 5.321(c).

H. Private/Public Water Communication Related RFPs (51-55)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

51. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities prior to 2018;

52. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities prior to 2018;

53. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities in 2018 and thereafter;

54. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities in 2018 and thereafter;

55. Any and all testing of public or private water supplies conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

I. Siting and Planning Related RFPs (82, 103-104, 120)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

82. Any and all studies you performed or had performed on your behalf concerning appropriate siting of NGL valve sites in residential or commercial areas, including but not limited to setback distances to highways, residences, commercial properties, restaurants, and other facilities where the public may congregate;

103. Any and all efforts made by you to avoid areas containing private dwellings, industrial buildings, and places of public assembly;

104. Any and all investigations of alternative routes for the construction of ME2 and ME2X;

120. The surveying and routing conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including the identification of any and all collocated utilities in the existing Mariner East Project Right of Way;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

J. Agency Investigation/Order Related RFPs (64, 75-77, 125)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

64. Any and all investigations made by the PUC, PHMSA, DEP or any other government organization related to the sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018;

75. Any and all Notices of Probable violations issued to you by PHMSA or the PUC in the last 5 years;

76. Any and all Orders, Consent Orders, or Consent Agreements issued to you by PHMSA or the PUC in the last 5 years;

77. Any and all civil penalty assessments or consent assessments of civil penalties issued to you by PHMSA or the PUC in the last 5 years;

125. Any and all facts, investigation, review, inquiries, communications regarding any investigation by the Commission's Bureau of Investigation and Enforcement ("BIE");

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. ("But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work. SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

K. Municipal Permit Related RFPs (78-79)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

78. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME2 or ME2X work in Delaware or Chester Counties, Pennsylvania;

79. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME1 or Point Breeze-Montello work in Delaware or Chester Counties, Pennsylvania since January 1, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

L. Tariff/Production Related RFPs (105-110)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

- 105. Any and all PUC tariffs related to ME1, ME2, ME2X or Point Breeze-Montello;
- 106. Any and all products approved for conveyance through ME1, ME2, ME2X and Point Breeze-Montello.
- 107. Any and all products conveyed through ME1, ME2, ME2X and Point Breeze- Montello since 2014;
- 108. Any and all products approved for intrastate conveyance through ME1, ME2, ME2X and Point Breeze-Montello;
- 109. Any and all products conveyed intrastate through ME1, ME2, ME2X and Point Breeze-Montello since 2014.
- 110. The Application to the Commission to expand service, and which was granted on August 21, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of

relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

SPLP further objects to these requests because they do not seek information relevant to this proceeding, instead seeking information in an attempt to argue SPLP is not a public utility. . The Commission and appellate courts have repeatedly and conclusively decided SPLP is a PUC-certificated utility and that its Mariner pipelines provide public utility service. Moreover, evidence regarding specific destinations, rates, and the inter or intra-state nature of transportation on the pipeline would not even be dispositive to whether SPLP is providing service to or for the

public. The test is whether SPLP is willing and able to provide service to or for the public. It is. Complainant's legally incognizable theory regarding bearing risk for non-Pennsylvania services is nothing more than attempting to rehash SPLP's public utility status. Such claims are not relevant here.

IV. CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. objects to Complainant Set 1 Request for Production of Documents in full as well as the individual objections discussed herein.

Respectfully submitted,

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Dated: September 30, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANDOVER HOMEOWNERS' ASSOCIATION, INC	:	
	:	C-2018-3003605
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.	:	

**SUNOCO PIPELINE L.P. OBJECTIONS TO COMPLAINANT ANDOVER
HOMEOWNERS' ASSOCIATION, INC'S REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Pursuant to 52 Pa. Code § 5.342, Sunoco Pipeline L.P. (SPLP) submits these Objections Complainant's Set 1 Requests for Production of Documents (RFP). As explained below, SPLP objects in whole to this set of RFPs because they are an abuse of the discovery process in that they are so overbroad that it is difficult to envision a document in SPLP's possession regarding its Mariner East pipelines and related practices and procedures that would not fall within the scope of these RFPs as propounded. They are essentially unlimited in time and scope, duplicative, and would place a totally undue burden on SPLP if it were required to respond. Your Honor should uphold SPLP's objections to RFP Set 1 in full and place the burden on Complainant to propound reasonable requests for production of document in the first instance instead of lodging an inappropriate fishing expedition that puts a heavy burden on SPLP to argue and Your Honor to determine what is in the realm of fair and reasonable discovery.

52 Pa. Code § 5.361 does not permit fishing expeditions or discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id. Complainant's Set 1 is all of the above and so overbroad as to constitute an abuse of the discovery process.

SPLP also objects to individual instructions, definitions and RFPs Complainant propounded in Set 1 because they seek information that is privileged, not relevant to the issues raised and/or allowable in this proceeding, and not likely to lead to the discovery of relevant or admissible evidence in this proceeding.

Under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). In addition, under Section 5.323, discovery may not include disclosure of legal research or legal theories. 52 Pa. Code § 5.323(a).

The interrogatories and requests for production of documents to which SPLP objects seek information that is exempt from discovery under the Commission's regulations.

I. OBJECTIONS TO ENTIRETY OF RFP SET 1

RFP Set 1 is so overbroad that Complainant has essentially asked one completely unreasonable and unduly burdensome request – produce every textual material in whatever form

in your possession. That giant fishing expedition is obviously disallowable under the Commission's regulations,¹ and Andover's attempt to disguise such request using 128 RFPs is likewise disallowable and a more underhanded and inappropriate attempt as it places a huge burden on SPLP and Your Honor to attempt to sift through these overbroad requests to discern what may be an allowable request. Your Honor should uphold SPLP's objection to the entirety of Complainant Set 1 RFPs because of this abuse of the discovery process. By seeking such an overbroad and disallowable production of documents, Complainant's have placed an unduly onerous burden on SPLP and Your Honor to attempt to determine what should be produced. The burden of lodging reasonable and allowable discovery is on the requester in the first instance, and Complainant's attempt to turn this process on its head must be rejected.

First, SPLP will demonstrate the overbreadth of these requests. RFP 1, page 6 requests production of "any and all documents that refer to, relate to, or constitute in any way to" and then goes on to list 128 separate RFPs referring to broad swaths of materials that are essentially unlimited in time or scope. Notably, "document" has an extremely broad definition that basically constitutes any textual materials in any form whatsoever. See RFP at pp. 1-3 (definition of document, sprawling approximately 1.5 pages in length). Keeping the original

¹ See, e.g., *City of York v. Pa. P.U.C.*, 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) ("**Anything in the nature of a mere fishing expedition is not to be encouraged.** Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.") (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is **relevant to a pending proceeding** and **reasonably calculated to lead to the discovery of admissible evidence**. 52 Pa. Code § 5.321(c) (emphasis added).

request for all documents referring or relating or constituting to and the definition of documents in mind, the individual RFPs are absurdly overbroad. For example:

- RFP 1 seeks: “For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;” – this is not just a request for documents relied upon for testimony, but all documents relating or referring to those documents. That is absurd. There is no time constraint or scope, geographic or otherwise. A fact witness in this proceeding may have reviewed hundreds of thousands of documents over the course their employment with SPLP on which their testimony would be based. Interpreted literally this question would seek all of those documents, plus any documents related thereto. This is not allowable. Moreover, the request is contrary to the use of pre-filed written testimony as it essentially asks for the information in advance of it being filed, impermissibly asks for production or disclosures not allowed under the Commission’s rules regarding expert testimony, and would include drafts of documents or attorney-client privileged communications or privileged attorney mental impressions or work product which are not producible under the Commission’s rules for pre-filed testimony and discovery. Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).RFPs 3-9, 21-26, 29-37, and 58 (among others) all relate to inspections, testing, maintenance and integrity management. While each is overbroad in its own right seeking all documents related or referring to the topic of the request, they are also duplicative and taken together essentially seek any documents related to the integrity of the pipelines. RFP 58 is the prime example. It seeks all documents relating, referring, or constituting: “Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual”. The term your is defined not just as SPLP (which operates pipelines in other jurisdictions than

Pennsylvania), but also all of Energy Transfer. RFPs at p. 4. So, this request by its terms seeks not just versions over time of integrity management program(s), manuals, procedures, and all communications related thereto, but also by use of the term relating would also encompass any documents implementing the plans/programs. There is no time limitation, no geographic scope, no scope by pipeline. It swallows all of the other related requests that may appear to have some form of geographic or time or scope request. Again, this is a disallowable fishing expedition, is not reasonably tailored to obtain relevant information, and causes unreasonable burden on SPLP if it had to respond.

- RFP 59 seeks all documents relating, referring, or constituting to “The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania.” It does not relate to any specific event or anything relevant but rather is a lazy cast of the fishing net. The request does not use the word current and is not limited in time. Thus, it seeks every document related to status of construction of these pipelines since the inception of the idea. This is clearly a fishing expedition and not reasonable tailored to obtain relevant information.

- RFP 115 seeks all documents related, referring or constituting to “the selection of drilling methods, including the switching from Horizontal Direction Drilling to open cut and/or shorter HDD”. There is no pipeline, geographic, or time limitation to this request. It is essentially seeking all documents related to any pipeline construction where SPLP or ET has ever considered using some form of drilling. Again, this is an absurdly overbroad and disallowable fishing expedition.

These are just some of the most glaring examples of the complete overbreadth of these requests. Other topical examples that contain these same flaws include public awareness,

emergency response, construction, events at Lisa Drive in Chester County, BIE investigations, groundwater, etc.

Complainants RFPs Set 1 is one giant fishing expedition and it is not allowable.

Anything in the nature of a mere **fishing** expedition is not to be encouraged. Where the plaintiff will swear that some specific book contains material or important evidence, and sufficiently describes and identifies what he wants, it is proper that he should have it produced. But this does not entitle him to have brought in a mass of books and papers in order that he may search them through to gather evidence.

City of York v. Pa. P.U.C., 281 A.2d 261, 265 (Pa. Commw. Ct. 1971) (quoting *American Car & Foundry Company v. Alexandria Water Company*, 70 A. 867, 869 (Pa. Super. Ct. 1908)). Andover and its counsel have done none of these. Instead, under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c) provides that a party is entitled to obtain discovery of any matter not privileged that is *relevant to a pending proceeding* and *reasonably calculated to lead to the discovery of admissible evidence*. 52 Pa. Code § 5.321(c) (emphasis added).

Moreover, the plain terms of the discovery regulations disallow placing such unreasonable burden on SPLP as well as prohibit such bad faith attempts at discovery. 52 Pa. Code § 5.361 does not permit discovery that is sought in bad faith, would cause unreasonable burden or expense, relates to a matter which is privileged, and/or would require an unreasonable investigation:

§ 5.361. Limitation of scope of discovery and deposition.

(a) Discovery or deposition is not permitted which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

Id.

SPLP should not be forced to object to and Your Honor should not have to determine what is reasonable on a request by request basis here given this abuse of the discovery process. This is an onerous burden Complainant creates with its fishing expedition abuse of the discovery process. The burden to lodge reasonable and allowable discovery is upon the proponent of the discovery – here Complainant – not SPLP and the Presiding Officer. As such and given the number of requests, SPLP raises individual objections below, but reserves its rights to lodge further objections in the future.

II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

- SPLP objects to the instructions and definitions contained in Complainant RFPS, Set 1 to the extent any such instructions or definitions are inconsistent with the Commission's regulations. Lack of specific written objection to any instruction or definition shall not construed as SPLP's agreement with such instruction or objection.
- To the extent any of SPLP's responses contain confidential, proprietary, highly confidential, or confidential security information, SPLP will only provide such materials pursuant to the terms of the Amended Protective Order² once it is entered in this proceeding.
- SPLP objects to Definition 4, which states:

The term "document" is used in its customary broad sense, whether recorded, filmed or reproduced by any mechanical

² SPLP will be submitting a motion to amend the Protective Order in this proceeding if it is not consolidated with the *Flynn* Complaint proceeding.

process, or written or produced by hand, and whether an original, master, or copy, and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise. "Document" includes, without limitation, the following items: agreements; books; records; letters; accounts; notes; summaries; forecasts; appraisals; surveys; Investigation Materials and correspondence as defined below; estimates; diaries; desk calendars; reports; communications; cablegrams; radiograms; telegrams; telexes; facsimiles; memoranda; intra-office memoranda; testimony; summaries; notes and records of telephone conversations, meetings and conferences; notes and records of personal conversations or interviews; ledgers; invoices; receipts; order forms; purchase orders; change orders; order confirmations; reservations; orders; shipping logs; packing slips; contracts; notices; drafts of any documents; marginal or other comments or notes appearing on any documents; business records; charts; maps; plans; diagrams; specifications; schedules; press releases; computer printouts; e-mails; text messages; Internet postings; webpages; instant messages or similar online real-time discussions (including transcripts from such discussions), including without limitation Gmail Chat, Google Hangout, Messenger, Facebook messages, and Skype; transcripts of voicemails; screenshots; word processing documents; computer files; any documents stored on a hard drive, online, or in the cloud; computer tapes, discs, and diskettes; flash drives; microfilm; microfiches; active, archival, and/or residual electronic information; photographs; slides, negatives; motion pictures; video, graphic or oral recordings or representations of any kind, including without limitation, tapes, cassettes, cartridges, discs, YouTube or other Internet videos, chips, records and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other information containing paper, writing or physical thing in the actual or constructive possession, custody or control of you, or any of your agents, representatives or attorneys.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). Section 5.323(a) of the Commission's regulations also exempts preliminary or draft versions of testimony and exhibits from discovery, whether or not the final versions of the testimony or exhibits are offered into evidence. 52 Pa. Code §

5.323(a). In addition, the Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4).

Complainant Definition E defines "Document" in a manner which is unreasonably burdensome, unreasonably broad as opposed to focused as required in *City of York*, and seeks information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence.

Complainant Definition 4 specifically seeks to include all prior drafts of any document, and handwritten notes, notations, records or recordings of any conversation in the definition of "Document." Any prior drafts of a document are irrelevant and immaterial to the issues in this proceeding and are not likely to lead to the discovery of admissible evidence. To the extent that a document is relevant to the issues in this proceeding, the content of that document speaks for itself and does not require inquiry into any prior draft(s). Moreover, such drafts are exempt from discovery under the Commission's regulations. In addition, production of prior drafts, and any handwritten notes, notations, records or recordings of any conversation is unreasonably burdensome. Production of such materials would require an unreasonably extraordinary and burdensome effort by SPLP, and only serve to inefficiently delay this proceeding.

Moreover, Definition 4 seeks to include materials and documents that were created in preparation of litigation in its definition of Document. To the extent that any document or other material was prepared in anticipation or preparation of litigation, such materials are privileged and exempt from discovery.

Based on the foregoing, SPLP objects to Complainant Set 1 Definition 4 as unreasonably burdensome, and as seeking information that is privileged, irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. SPLP reserves the right to further object to any

question that similarly seeks discovery of an overly broad classification or category of materials or documents.

- SPLP objects to Definition 6, which provides:

The term "agent" shall mean past or present agents or representatives, including any attorneys, accountants, consultants, and independent contractors or subcontractors.

SPLP object to Definition 6 to the extent it seeks disclosures of an attorney's mental impressions, advice or work product and to the extent it seeks production of information exempt from discovery under 52 Pa. Code § 323(a) (litigation preparation materials).

- SPLP objects to Definition 21, which provides:

"You" or "Your" refers to Sunoco Pipeline L.P. and/or Energy Transfer Partners, L.P.

SPLP objects to Definition 21 to the extent it seeks information regarding any subsidiary or company other than Sunoco Pipeline L.P. or any pipeline other than the Mariner East pipelines.

- SPLP objects to Instruction 1. The Commission's regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 1 seeks to unreasonably burden SPLP efforts to respond to requests for productions of documents by seeking all copies of any document requested. That is unreasonably burdensome and not reasonably tailored to lead to the discovery of relevant evidence. Instead it is a fishing expedition which wishes impermissibly to sift through

- SPLP objects to Instruction 2. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged). However, the Commission's regulations do not require a party to maintain a privilege log for any material or materials for which privilege is asserted. In addition, the Commission's

regulations prohibit discovery which would cause unreasonable burden to a party. 52 Pa. Code § 5.361(a)(4). Complainant Set 1 Instruction 2 seeks to unreasonably burden SPLP efforts to respond to discovery requests, which specifically inquire into matters which are exempt from discovery under the Commission's regulations, by imposing a requirement on SPLP that is not contemplated by the Commissions regulations.

- SPLP objects to Instruction 8, which seeks not only production of documents, but extensive identification of documents. That is unreasonably burdensome, particularly given the scope of these requests for production of documents. It is also not reasonably tailored to lead to the discovery of relevant evidence. Complainant should be able to locate identifying information from the documents themselves and to the extent any particular information about a document is needed, can use the discovery process to more particularly obtain allowable information.

- SPLP also objects to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover's work.

III. OBJECTIONS TO INDIVIDUAL RFPS

A. Litigation Materials RFPS (1-2, 127-128)

These RFPS state:

produce any and all documents that refer to, relate to, or constitute in any way to:

1. For each witness for whom you to intend to present testimony, all documents or communications relied on in preparing his/her testimony;
2. For each witness for whom you to intend to present testimony, all texts, article, reports, theses, other publications, and any other witness testimony or statement offered in any state or federal judicial or administrative proceeding related to pipelines;

127. Any and all documents you intend to present at any hearing in this matter; and

128. Any and all reports and witness statements of any experts or witnesses you intend to have testify at any hearing in this matter.

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence.

SPLP further objects to these requests as seeking information beyond what is allowable under the privilege for litigation preparation. The Commission's regulations broadly exempt privileged materials and documents from discovery. 52 Pa. Code §§ 5.321(c) and 5.323(a); *see also* 52 Pa. Code § 5.361(a)(3) (prohibiting discovery which relates to a matter which is privileged).

B. Integrity Related RFPs (3-9, 21-26, 29-37, 45, 58, 69-74, 84-86, 90, 94-96)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

3. Any and all actions taken by you or on your behalf to assess the condition, adequacy, efficiency, safety, and reasonableness of ME1, ME2, ME2X and Point Breeze-Montello pipeline in and around Delaware and Chester Counties, Pennsylvania;

4. The integrity of the ME1 pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

5. The integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

6. Any and all actions taken by you or on your behalf to assess the integrity of the ME1 pipe, including without limitation

the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

7. Any and all actions taken by you or on your behalf to assess the integrity of the Point Breeze-Montello pipe, including without limitation the welds thereon, in and around Delaware and Chester Counties, Pennsylvania;

8. The materials that ME1, ME2, ME2X and Point Breeze-Montello are made of in and around Delaware and Chester Counties, Pennsylvania;

9. The pipe wall thickness of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

21. The types of welded seams on ME1 (e.g., oxygen-acetylene welding, electric resistance welded seams) in and around Delaware and Chester Counties, Pennsylvania;

22. Any and all inspections or testing of the welded seams on ME1 in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

23. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in ME1;

24. Your Second Post Grouting Report, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

25. Any and all inspections or testing of the welded seams on Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation, hydrostatic testing, pig pipeline testing, strain gauges, and radiographic inspections;

26. Any and all investigations, tests, repairs, replacements, and changes made by your or on your behalf related to the flow reversal or product change in Point Breeze-Montello;

29. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in ME1;

30. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used in ME1 are compatible with the materials of ME1 is made;

31. Any and all investigations made by you or on your behalf into the leak detection and monitoring systems related to the flow reversal and product change in Point Breeze-Montello;

32. Any and all investigations made by your or on your behalf to determine if hazardous liquids proposed or presently being used

in Point Breeze-Montello are compatible with the materials of Point Breeze-Montello is made;

33. Any and all in-line inspections of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

34. Any and all welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

35. Any and all training and tests administered to welders who worked on ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;

36. Any and all records of all PHMSA operator qualification ("OQ") qualifications for each person so required to hold OQ qualifications constructing ME2 or ME2X.

37. Any and all records of all involved in ME2 or ME2X who performed construction duties on ME2 or ME2X construction while failing to hold the appropriate OQ qualifications, the length of time such persons performed work on ME2 or ME2X absent proper OQ qualifications, and all responsive actions you took to remedy any unqualified workers from performing further work on ME2 or ME2X.

45. The Maximum Allowable Operating Pressures for ME1, ME2, ME2X and Point Breeze-Montello;

58. Your integrity management program, including all pertinent portions of your 49 CFR 195 Manual;

69. The failure that occurred on the Point Breeze-Montello Pipeline in Delaware County and/or Philadelphia County on or about June 19, 2018;

70. The removal and replacement of portions of ME2 and/or ME2X in or around Delaware County in or around August of 2018;

71. How you became aware of the need to replace the portions of pipe on ME2 and/or ME2X referenced in the proceeding paragraphs;

72. Any and all other areas along ME2 and ME2X that you replaced portions of the pipeline, and the reasons, dates and locations for such replacement;

73. Falsified inspection reports related to welds along ME2 and/or ME2X;

74. Any and all investigations made by you in response to any and all claims regarding falsified inspection reports related to welds along ME2 and/or ME2X;

84. Specifications for any and all hydrocarbon detection systems in use in your NGL facilities, including locations, specifications and design parameters;

85. Any and all specifications for critical components of valve sites, including but not limited to metallurgy, gaskets, valves,

meters, pig-related equipment and other features of valve sites installed or proposed within Delaware and Chester Counties, Pennsylvania;

86. Any and all plans, designs, permits or relevant documents showing how you would deinventory a pipeline segment in need of repair or maintenance, including documentation concerning how NGL product would be removed from an isolated pipeline segment. Include all provisions for protecting the public during a release of the volume of an entire pipeline segment and any agency oversight that would or should be expected during such a release.

90. Any and all studies identifying a potential impact radius of a NGL pipeline incident on ME1, ME2, ME2X or Point Breeze-Montello, specifically for incidents within Delaware or Chester Counties, Pennsylvania. Include critical population and critical infrastructure information for locations within one (1) mile of any Mariner East pipeline in Delaware or Chester Counties, Pennsylvania.

94. Any and all actions taken by you or on your behalf to evaluate the integrity of ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

95. Any and all risks or threats identified by you or on your behalf related to ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

96. Any and all remedial, preventative and mitigative measures taken by you or on your behalf to address the risks or threats related to ME1, ME2, ME2X and Point Breeze-Montello;

122. Any documentation concerning the steel used in construction of ME2, ME2X or any interchange between ME2 or ME2X and Point Breeze-Montello or ME1; including but not limited to steel thickness for each type or order of pipe used for all pipelines, technical specifications of all coatings provided or field applied to each grade and type of pipe and precautions required to avoid or minimize damage to pipe, coating and other features of pipe;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. ("But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. *See e.g., BI&E v. SPLP* (Morgantown Complaint Order on Interventions).

C. Locational RFPs (10-20, 121)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

10. The depth of cover over ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester County, Pennsylvania;
11. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over ME1 is less than 48 inches;
12. The locations in or around Delaware and Chester Counties, Pennsylvania where the depth of cover over Point Breeze-Montello is less than 48 inches;
13. The distance (or proposed distance) of ME1 from ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania in places where these lines are co-located or substantially co-located;
14. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from private dwellings in and around Delaware and Chester Counties, Pennsylvania for all private dwellings within 2,000 feet of any listed pipeline;
15. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each and every school located in and around Delaware and Chester Counties, Pennsylvania, including all schools within one (1) mile of any listed pipeline;
16. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each hospital, nursing home, day care center, or rehabilitative care facility in and around Delaware

and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

17. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from each mall or shopping center located in and around Delaware and Chester Counties, Pennsylvania for all such facilities within one (1) mile of any listed pipeline;

18. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from places of public assembly, including without limitation playgrounds, recreation areas, theaters, and houses of worship in and around Delaware and Chester Counties for all such facilities within one (1) mile of any listed pipeline;

19. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supply wells in Delaware and Chester Counties within one (1) mile of any listed pipeline;

20. The distance (or proposed distance) of ME1, ME2, ME2X and Point Breeze-Montello from all public water supplies in Delaware and Chester Counties, Pennsylvania within one (1) mile of each listed pipeline;

121. Areas in which ME2 and ME2X will not be collocated with the existing right of way for ME1 in Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. (*City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”)).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

D. Lisa Drive Related RFPs (27-28, 63, 65, 124)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

27. The Pipeline Elevation Monitoring Data, including but not limited to, those documents provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

28. The Strain Gauge Data, including but not limited to, those document provided to the Commission in accordance with the May 3, 2018 Order in Docket No. P-2018-3000281.

63. Any and all investigations made by you or on your behalf related to the all sinkholes and depressions that occurred in and around Lisa Drive in 2017 and 2018;

65. The status of any and all activities undertaken or to be undertaken by you or on your behalf to remediate address sinkholes and depressions in and around Lisa Drive, West Whiteland Township, Chester County.

124. Any and all communications with Amtrak regarding construction of ME2 and M2X in and around Lisa Drive, including the identification of any sinkholes and depressions in the location;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. Complainants here cannot pursue issues on behalf of residents of the Lisa Drive Area.

E. Emergency Response and Public Awareness Related RFPs (38-39, 46-50, 83, 87-89, 97-101, 113-114)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

38. Your emergency response plans, practices and procedures in and around Delaware and Chester Counties, Pennsylvania, including but not limited to all pertinent portions of your 49 CFR 195 Manual;

39. Coordination with fire, police, the Pennsylvania Emergency Management Agency, PHMSA, and other federal and state agencies in responding to a release or ignition of highly volatile liquids from ME1, ME2 or ME2X within and around Delaware and Chester Counties, Pennsylvania;

46. Your public awareness program for ME1, ME2, ME2X and Point Breeze-Montello, including all relevant portions of your 49 CFR 195 Manual;

47. Any and all actions taken by you to warn and protect the public from danger associated with ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania;

48. Any and all actions taken by you to reduce the hazards to employees, customers, residents and others related to ME1, ME2 or ME2X in and around Delaware and Chester Counties, Pennsylvania;

49. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in ME1;

50. Any and all changes made to your public awareness program to accommodate the flow reversal and product change in Point Breeze-Montello;

83. Any and all information, studies or other documents you may have produced, had produced on your behalf or otherwise obtained describing variations in emergency response and public awareness standards for NGL transportation;
87. Any and all documentation, information and studies you used to create a public awareness program for NGL transportation services. Include information which may change based on the composition of NGL being transported and for situations where one line may transport a heavier than air NGL and an adjacent line may transport a lighter than air NGL, and other situations which anticipate an incident impacting more than one Mariner East pipeline at a specific location.
88. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate or shelter in place in the event of a NGL incident in your transportation system, including impacts on ground features, elevation, grade, and other hazards potentially faced by the public.
89. Any and all documents, information, plans or studies you rely upon to guide the public to evacuate without creating a electrical spark or energy source that could potentially ignite a vapor cloud or a boiling liquid vapor cloud explosion ("BLEVE").
97. Any and all actions taken by your or on your behalf to advise the public of the risks or threats associated with ME1, ME2, ME2X and Point Breeze-Montello;
98. Any and all information provided to the public by you or on your behalf on how to respond in the event of a release or other emergency associated with ME1, ME2 or ME2X;
99. Any and all proposed or anticipated changes to information provided by your or on our behalf on how to respond in the event of a release or other emergency associated with ME1, ME2 or ME2X;
100. Any and all communications between you and any school district or higher education institution based in Delaware or Chester Counties, Pennsylvania;
101. Any and all communications between you and any operator of any private educational institution in Delaware or Chester Counties, Pennsylvania;
113. Any and all communications between you and Delaware and Chester Counties, Pennsylvania local emergency management officials;
114. Any and all communications between you and Chester County or Delaware County emergency management officials;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others. This is particularly true here regarding requests for communications with schools, county and local officials, etc.

F. Construction and Geology Related RFPs (40-44, 56-57, 59-62, 66-67, 80-81, 94-93, 111-112, 115-119, 102, 123, 126)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

40. Any and all geophysical studies conducted by you or on your behalf (including without limitation electrical resistivity, gravity, microgravity surveys, multi-channel analysis of surface waves and other seismic methods) at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;

41. Any and all geotechnical studies conducted by you or on your behalf at and around at and around ME1, ME2, ME2X and Point Breeze-Montello in and around Delaware and Chester Counties, Pennsylvania, including without limitation the dates, locations and methods for all such studies;
42. Any and all geological bores undertaken by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
43. Any and all fracture trace analyses conducted in or around Delaware and Chester Counties, Pennsylvania;
44. Each and every instance where you or someone on your behalf identified an anomaly, or "soft zone" from geophysical or geotechnical testing, or geologic borings in Delaware and Chester Counties, Pennsylvania;
56. Any and all sink holes and depressions, including their location, observed by you or your consultants while constructing ME2 and ME2X in and around Delaware and Chester Counties, Pennsylvania;
57. Any and all sink holes and depressions, including their location, caused or contributed by activities conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;
59. The status of construction of ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
60. The proposed method of installing ME2 and ME2X in and around all areas where construction has not been completed as of the date of service of this document in Delaware and Chester Counties, Pennsylvania;
61. The status of applications to DEP for permit(s) to construct ME2 and ME2X in and around the area of Delaware and Chester Counties, Pennsylvania;
62. Any and all sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018 related to the construction of ME2 and ME2X;
66. The impacts to private water supplies in Delaware and Chester Counties, Pennsylvania after January 1, 2017 related to the construction of ME2 and ME2X;
67. Any and all actions taken by you or on our behalf to remedy the water seeps and/or flooding in Delaware or Chester Counties, Pennsylvania;
80. Any and all studies performed by you, your consultants, contractors and other agents on your behalf concerning Karst, igneous or metamorphic rock formations where you installed or proposed to install ME2 or ME2X;
81. Any and all information concerning engineering evaluations performed by you or under your direction concerning

challenges in installing NGL pipelines in Karst, igneous or metamorphic rock, including but not limited to using direct boring or Horizontal Directional Drilling ("HDD");

91. Any and all complaints made to you by the public (including but not limited to complaints related to noise, dust, smoke or particulates, water supply, water pressure, flooding, sinkholes or depressions) related to the construction or operation of ME1, ME2 or ME2X;

92. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

93. Any and all requests made by you to the Delaware River Basin Commission to change the method of pipe construction from Horizontal Directional Drilling to some other method of construction;

111. Groundwater in the right-of-way for the Mariner East Project in Delaware and Chester Counties, Pennsylvania, including but not limited to flow and infiltration paths and patterns, the water table, the aquifer system(s), and soil and/or geologic characteristics;

112. Any and all karst, igneous or metamorphic geology identification, testing or sampling collected for, or related to, the Mariner East Project;

115. The selection of drilling methods, including the switching from Horizontal Directional Drilling to open cut and/or shorter HDD;

116. The preparation, drafting, submission or completion of the Void Mitigation Plan for Karst Terrain and Underground Mining prepared by Tetra Tech, Inc. on November 18, 2016, including any document communications about the Void Mitigation Plan;

117. Any and all communications about your Prevention, Preparedness, and Contingency Plan;

118. Any and all communications about the preparation, drafting, submission, completion of the Inadvertent Return Plan;

119. Landscape design plan prepared by or on behalf of you to address water at 103 Schoen Road;

102. Any and all communications related to the Aqua public water source in or around Drill 381, including but not limited to the establishment of the monitoring well in that location;

123. Any and all grout plugs used in any drilling in and around Delaware and Chester Counties, Pennsylvania;

126. Sunoco Logistics Engineering Design Basis Memorandum dated February 22, 2018, version D, or any other later version, an

earlier version of which is marked as SPLP 29 at the hearing on the Amended Petition for Emergency Relief;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

G. Revolution Pipeline (68)

RFP 68 states:

produce any and all documents that refer to, relate to, or constitute in any way to:

68. The failure that occurred on the Revolution Pipeline in or around Center Township, Beaver County on or about September 10, 2018;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests

could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to these requests because they seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

Moreover, this request seeks information regarding a pipeline not at issue here, which is not a public utility and is located half way across the state. The only jurisdiction the Commission has over that pipeline is pursuant to Act 12 of 2011. Neither that Act nor the Public Utility Code Section 701 allow for the public to make Complaints against non-public utility pipeline operators. Only the Commission’s Bureau of Investigation and Enforcement has the ability to make such Complaint before the Commission. Moreover, Complainants’ fail to show how allegations concerning that pipeline have any bearing on the pipelines at issue here. These requests do not seek information relevant to this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence as required under the Commission’s regulations. 52 Pa. Code § 5.321(c).

H. Private/Public Water Communication Related RFPs (51-55)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

51. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities prior to 2018;

52. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities prior to 2018;

53. Any and all methods used by you to locate and inform the owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you advised of pipeline construction activities in 2018 and thereafter;

54. Any and all owners or occupiers of properties with private drinking water wells in and around Delaware and Chester Counties, Pennsylvania that you informed of pipeline construction activities in 2018 and thereafter;

55. Any and all testing of public or private water supplies conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple

times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

I. Siting and Planning Related RFPs (82, 103-104, 120)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

82. Any and all studies you performed or had performed on your behalf concerning appropriate siting of NGL valve sites in residential or commercial areas, including but not limited to setback distances to highways, residences, commercial properties, restaurants, and other facilities where the public may congregate;

103. Any and all efforts made by you to avoid areas containing private dwellings, industrial buildings, and places of public assembly;

104. Any and all investigations of alternative routes for the construction of ME2 and ME2X;

120. The surveying and routing conducted by you or on your behalf in and around Delaware and Chester Counties, Pennsylvania, including the identification of any and all collocated utilities in the existing Mariner East Project Right of Way;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

J. Agency Investigation/Order Related RFPs (64, 75-77, 125)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

64. Any and all investigations made by the PUC, PHMSA, DEP or any other government organization related to the sinkholes and depressions that occurred in and around Delaware and Chester Counties, Pennsylvania in 2017 and 2018;

75. Any and all Notices of Probable violations issued to you by PHMSA or the PUC in the last 5 years;

76. Any and all Orders, Consent Orders, or Consent Agreements issued to you by PHMSA or the PUC in the last 5 years;

77. Any and all civil penalty assessments or consent assessments of civil penalties issued to you by PHMSA or the PUC in the last 5 years;

125. Any and all facts, investigation, review, inquiries, communications regarding any investigation by the Commission's Bureau of Investigation and Enforcement ("BIE");

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. ("But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work. SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

K. Municipal Permit Related RFPs (78-79

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

78. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME2 or ME2X work in Delaware or Chester Counties, Pennsylvania;

79. All required municipal permits obtained by or applied for by you or your agents, contractors, consultants or others on your behalf for ME1 or Point Breeze-Montello work in Delaware or Chester Counties, Pennsylvania since January 1, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not

entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

L. Tariff/Production Related RFPs (105-110)

These RFPs state:

produce any and all documents that refer to, relate to, or constitute in any way to:

- 105. Any and all PUC tariffs related to ME1, ME2, ME2X or Point Breeze-Montello;
- 106. Any and all products approved for conveyance through ME1, ME2, ME2X and Point Breeze-Montello.
- 107. Any and all products conveyed through ME1, ME2, ME2X and Point Breeze- Montello since 2014;
- 108. Any and all products approved for intrastate conveyance through ME1, ME2, ME2X and Point Breeze-Montello;
- 109. Any and all products conveyed intrastate through ME1, ME2, ME2X and Point Breeze-Montello since 2014.
- 110. The Application to the Commission to expand service, and which was granted on August 21, 2014;

Given the request to produce any and all documents that refer to or relate to the requested materials, SPLP objects to these requests are not reasonably tailored to lead to the discovery of

relevant evidence and are unduly burdensome and overbroad. Taken literally these requests could pertain to hundreds of thousands of documents. This request is a fishing expedition and is not reasonably tailored to discover admissible evidence. *City of York, supra*. (“But this does not entitle him [the requesting party] to have brought in a mass of books and papers in order that he may search them through to gather evidence.”).

SPLP also object to the extent is asking for information which may be available from public records. If relevant (which they are not) Andover should first attempt to obtain the information itself for any public and non-privileged documents instead of seeking to have SPLP do Andover’s work.

SPLP further objects to the extent these requests seek information outside Thornberry, Township, Delaware County where the Andover HOA is located because Complainant does not have standing to pursue issues beyond this geographic scope. Your Honor has held multiple times that complaint proceedings such as this are not class action lawsuits and that complainants cannot pursue the interest of others.

SPLP further objects to these requests because they do not seek information relevant to this proceeding, instead seeking information in an attempt to argue SPLP is not a public utility. . The Commission and appellate courts have repeatedly and conclusively decided SPLP is a PUC-certificated utility and that its Mariner pipelines provide public utility service. Moreover, evidence regarding specific destinations, rates, and the inter or intra-state nature of transportation on the pipeline would not even be dispositive to whether SPLP is providing service to or for the

public. The test is whether SPLP is willing and able to provide service to or for the public. It is. Complainant's legally incognizable theory regarding bearing risk for non-Pennsylvania services is nothing more than attempting to rehash SPLP's public utility status. Such claims are not relevant here.

IV. CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. objects to Complainant Set 1 Request for Production of Documents in full as well as the individual objections discussed herein.

Respectfully submitted,

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Dated: September 30, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

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).

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Dated: October 16, 2019 .

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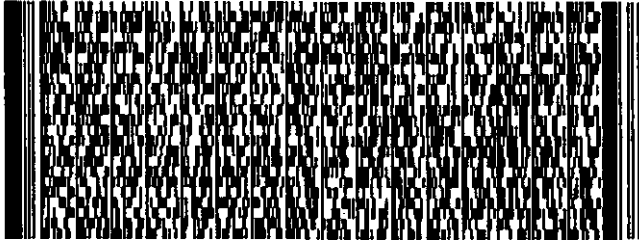
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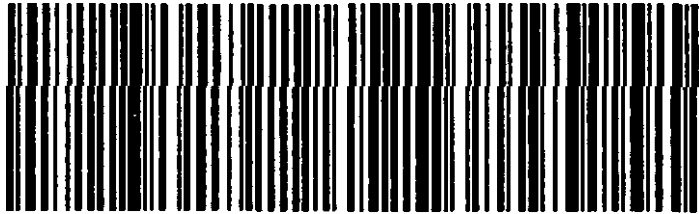


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