

Melissa DiBernardino
1602 Old Orchard Lane.
West Chester Pa 19380

December 11, 2019

VIA ELECTRONIC FILING

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

**Re: Melissa DiBernardino v. Sunoco Pipeline L.P.; Docket No.
C-2018-3005025**

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

Melissa DiBernardino's Motion to Preserve Potential Evidence

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is my Motion to
Preserve Potential Evidence.

If you have any questions regarding this filing please do not hesitate to contact me.

Sincerely,

Melissa DiBernardino
Pro se
December 11, 2019

December 11, 2019

Rosemary Chiavetta, Secretary

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

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Melissa DiBernardino
1602 Old Orchard Lane
West Chester Pa 19380

:

Docket No. C-2019-3005025

Complainant

Consolidated
MEGAN FLYNN *et al*

Docket Nos.C-2018-3006116

v.

:

SUNOCO PIPELINE L.P.,
Respondent.

:

Motion to Preserve Potential Evidence

I, Melissa DiBernardino, was permitted by Your Honor to have evidence entered on the record at our lay testimony continuance on November 20, 2019 (please see Exhibit 1).

On Wednesday, December 4, 2019, I was on my way to work and passed New Kent Apartments, the site where I took the photo that was entered into evidence. There I noticed an enormous pipe, far larger than any of the 16 and 20 inch pipes, so I took photos to ask around and hopefully find out why it was at this location. (Please see Exhibit 2) Looking at the photos, I noticed the sections of smaller pipes laying on the ground and on top of each other, in front of the larger pipe/casing. These smaller pipes looked to have been pulled through a borehole at some point, with scratches down them, cuts and dirt/mud/grout or something all over. I had never noticed these pipes there before. (Please see Exhibit 3)

On Thursday, December 5th, I learned from East Goshen Township manager, Rick Smith, that Sunoco informed the township that they were ramming a 50 inch casing into the ground to help get around/passed the numerous utilities in the Right of Way. This change of plans seemed to

come about approximately two weeks after yet another Aqua water main break while SPLP was drilling from this location. Knowing enough about the process at this point, I understood this to also mean that they would be doing another dual pullback if they needed a casing that size.

A friend with a drone helped me to get overhead photos of the site. (Please see Exhibit 4-6) While reviewing these photos, I realized that the pipe that I photographed and entered as evidence was no longer sticking up from the ground. This pipe was coming from the opposite way and had nothing to tie into yet. Therefore, I see no reason for it to have been cut down shorter and buried until the other pipes (or at least one) are installed and able to be tied into or welded to the one I photographed. It concerns me that these removed pipes 1. could be the damaged pipes I highlight in my complaint and if so 2. were removed from a drill site location still under

Therefore, I respectfully ask that if these are the pieces of the pipe I photographed and entered into evidence, that Your Honor order SPLP to mark and preserve the pipes that were removed so that my expert witness is able to examine them for the Expert Witness Hearing in July.

Additionally, Pursuant to **52 Pa Code § 5.349**, I request to be granted access to the construction site to photograph the pipes closer and be accompanied by an intervenor or complainant to witness.

§ 5.349. Requests for documents, entry for inspection and other purposes.

(a) A party may serve on another party a request for either of the following:

(1) To produce and permit the party making the request, or someone acting on the party's behalf, to inspect and copy designated documents—including writings, drawings, graphs, charts, photographs, computer records and other compilations of data from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonable usable form—or to inspect a copy, test or sample tangible things which constitute or contain matters within the scope of § § 5.321(b), 5.323 and 5.324 (relating to scope; hearing preparation material; and discovery of expert testimony) and which are in the possession, custody or control of the party upon whom the request is served.

(2) To permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting and measuring, surveying, photographing, testing or sampling the property or a designated object or operation thereon, within the scope of § § 5.321(b), 5.323 and 5.324.

Lastly, I respectfully request for an expedited response as to avoid potential evidence from being removed from the site.

Respectfully,
Melissa DiBernardino

Exhibit 1



Exhibit 2



Exhibit 3



Exhibit 4



Exhibit 5



Exhibit 6



Thomas J. Sniscak, Esq
tjsniscak@hmslegal.com

Kevin J. McKeon
kjmckeon@hmslegal.com

Whitney E. Snyder
@hmslegal.com

Robert D. Fox, Esq.
Neil S. Witkes, Esp.
Diana A. Silva, Esq.
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Michael Bomstein
mbomstein@gmail.com

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
akanazy@postschell.com
glent@postschell.com

Rich Raiders, Esq.
rich@raiderslaw.com

Vince M. Pompo, Esq.
Guy. A. Donatelli, Esq
Alex J. Baumler, Esq.
vpompo@lambmcerlane.com
Gdonatelli@lambmcerlane.com
abaumler@lambmcerlane.com

Margaret A. Morris, Esq.
mmorris@regerlaw.com

Leah Rotenberg, Esq.
rotenberg@mcr-attorneys.com

Mark L. Freed
mlf@curtinheefner.com

James R. Flandreau
jflandreau@pfblaw.com

David J. Brooman
Richard Sokorai
Mark R. Fischer
dbrooman@highswartz.com
rsokorai@highswartz.com
mfischer@highswartz.com

Thomas Casey
tcaseylegal@gmail.com

Josh Maxwell
jmaxwell@downingtown.org

Laura Obenski
ljobenski@gmail.com

Stephanie M. Wimer
stwimer@pa.gov

Michael Maddren, Esq.
Patricia Sons Biswanger, Esq.
maddrenM@co.delaware.pa.us
patbiswanger@gmail.com

James C. Dalton, Esq.
jdalton@utbf.com

Melissa DiBernardino
lissdibernardino@gmail.com

Virginia Marcille-Kerslake

vkerslake@gmail.com

James J. Byrne, Esq.

Kelly S. Sullivan, Esq.

jbyrne@mbmlawoffice.com

ksullivan@mbmlawoffice.com

Honorable Elizabeth Barnes

ebarnes@pa.gov