

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn, Rosemary Fuller, :
Michael Walsh, Nancy Harkins, :
Gerald McMullen, Caroline Hughes, :
and Melissa Haines :

v. :

Sunoco Pipeline, L.P. :

Docket No. P-2018-3006117

Docket No. C-2018-3006116

PETITION TO INTERVENE OF THE COUNTY OF CHESTER

The County of Chester (Chester County or Petitioner), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code Section 5.71 *et seq.*, hereby files this Petition to Intervene in the above-captioned consolidated proceedings. In support of its intervention, Chester County represents as follows.

I. Introduction

1. Petitioner is The County of Chester with its principal office located at 313 West Market Street, West Chester, PA 19380.

2. Petitioner is represented by the following attorney whose contact information is:

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Counsel for Chester County is authorized to accept service on its behalf. Chester County requests that the Commission and all parties of record serve copies of all documents (including but not limited to correspondence, discovery requests and answers, Commission orders, pleadings and testimony) electronically on its counsel of record as well as by hard copy.

3. On or about November 19, 2018, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines, (collectively, "Complainants") filed a Formal Complaint alleging, *inter alia*, Mariner East 1 (ME1), owned and operated by Sunoco Pipeline L.P., a/k/a Energy Transfers Partners (Sunoco), is being operated and the workarround pipeline is being operated without an adequate emergency notification system or legally adequate emergency management plan and that, as a result, the Complainants are at imminent risks of catastrophic and irreparable loss, including loss of life, serious injury to life and damage to their homes and property. The Complainants contend that Sunoco's actions constitute unreasonable, unsafe, inadequate and insufficient service which violates Section 1501 of the Pennsylvania Public Utility Code (Code).¹

4. The Complainants filed an Amended Complaint on November 19, 2018, alleging, *inter alia*, the highly volatile liquids (HVL) pipeline mishaps that have occurred, together with data collected by the Commission's Bureau of Investigation and Enforcement, strongly suggest that Sunoco's integrity management program is not functioning in compliance with applicable law and that the valve sites for HVL pipelines are particularly high-risk areas.

5. On January 7, 2019, Sunoco filed its Answer to the Amended Complaint denying the material allegations.

6. On January 10, 2019, Sunoco filed its Preliminary Objection to the Amended Complaint.

¹ 66 Pa.C.S. § 1501.

7. The Honorable Elizabeth H. Barnes, who is presiding over the consolidated proceedings, issued the Second Prehearing Order on March 12, 2019 wherein, *inter alia*, she granted the petitions to intervene filed by Delaware County and several townships where the Sunoco facilities traverse.

II. Chester County's Interest in Proceedings

8. The Petitioner is the County of Chester, Pennsylvania, a third Class County, which is approximately 759 square miles, with an approximate population of more than 500,000 citizens.

9. ME1, ME2 and ME2X cross Chester County and specifically lie beneath property owned by Chester County.

10. Chester County and its residents are directly affected by ME1, ME2 and ME2X pipelines, particularly as it relates to safety and public safety.

III. Grounds for Chester County's Intervention

11. The eligibility to intervene is governed by Section 5.72 of the Commission's regulations. 52 Pa. Code § 5.72.

12. Sunoco is required under the Code to maintain safe and reasonable facilities. 66 Pa.C.S. § 1501.

13. Sunoco's facilities traverse Chester County and are in close proximity to residential dwellings, and various public assembly areas, such as a school. Specifically, Sunoco's facilities lie directly under Chester County property where the Library is located. The allegation of lack of adequate emergency planning and public awareness directly affects the ability of Chester County to monitor and implement an Emergency Evacuation Plan.

14. Chester County will be irreparably harmed if Sunoco does not ensure the safety and reasonableness of its facilities located in Chester County.

15. Chester County has a direct and substantial interest in the instant proceeding which is not (and cannot) be adequately represented by any other party. Therefore, Chester County satisfies the Commission's standards for intervention. 52 Pa. Code § 5.72(a)(2).

16. Chester County takes the case as it currently stands and its participation will not broaden the scope of the proceedings.

17. A grant of Chester County's Petition is consistent with ruling on the various petitions to intervene other affected townships and Delaware County.

WHEREFORE, The County of Chester requests that the Commission grant its Petition to Intervene and authorize its intervention and participation in the consolidated proceedings as a full and active party.

Respectfully submitted,



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