



# UPPER UWCHLAN TOWNSHIP

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## ADMINISTRATION

Date: June 18, 2019

FOR IMMEDIATE RELEASE

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### PETITION TO INTERVENE FILED WITH PENNSYLVANIA PUC

CHESTER SPRINGS, PA – At their meeting on June 17, 2019, the Upper Uwchlan Township Board of Supervisors ratified a Petition to Intervene which was filed with the Pennsylvania Public Utility Commission (PUC). This Petition is specific to the case filed by the Bureau of Investigation and Enforcement (“BI&E”) of the PUC against Energy Transfer Partners and docketed as C-2018-3006534. Information about the case is publicly available at the [PUC website](http://www.puc.pa.gov).

Upper Uwchlan Township is a Township of the Second class, population 11,500, located in central Chester County, PA. Visit us on the web at [www.upperuwchlan-pa.gov](http://www.upperuwchlan-pa.gov). Like us on Facebook and Twitter @upperuwchlan.

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# HIGH SWARTZ

ATTORNEYS AT LAW

EST. 1914

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June 14, 2019

**VIA: Electronic Filing**

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

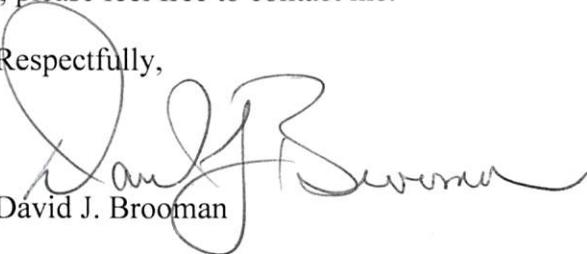
**Re: Pennsylvania Public Utility Commission, et al. v. Sunoco Pipeline, L.P. et al.**  
**Docket No. C-2018-3006534**

Dear Secretary Chiavetta:

This office represents Upper Uwchlan Township. Enclosed for filing is Upper Uwchlan Township's Petition to Intervene in the above referenced matter, copies of which were served upon the individuals listed below and in the enclosed Certificate of Service in accordance with 52 Pa. Code § 1.54.

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

Respectfully,

  
David J. Brooman

DJB:pro

Enclosure

cc: Stephanie M. Wimer, Senior Prosecutor (via email & U.S. Mail)  
Michael L. Swindler, Deputy Chief Prosecutor (via email & U.S. Mail)  
Thomas J. Sniscak, Esquire (via email & U.S. Mail)  
Kevin McKeon, Esquire (via email & U.S. Mail)  
Whitney E. Snyder, Esquire (via email & U.S. Mail)  
Michael S. Bomstein, Esquire (via email & U.S. Mail)  
Michael P. Pierce, Esquire (via email & U.S. Mail)  
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Alex J. Baumler, Esquire (via email & U.S. Mail)  
Thomas Casey (via email & U.S. Mail)  
Jos Maxwell (via email & U.S. Mail)  
Mark R. Fischer, Jr., Esquire (via email)  
Richard C. Sokorai, Esquire (via email)

High Swartz LLP

Rosemary Chiavetta, Secretary

June 14, 2019

Page 2

Bcc: Cary Vargas, Township Manager (via email)

**BEFORE THE PENNSYLVANIA PUBLIC UTILITIY COMMISSION**

HIGH SWARTZ LLP

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*Attorneys for Petitioner  
Upper Uwchlan Township*

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

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**UPPER UWCHLAN TOWNSHIP'S PETITION TO INTERVENE**

Upper Uwchlan Township, through its Board of Supervisors and by its attorneys, High Swartz LLP, respectfully submits the following Petition to Intervene in the above captioned proceedings pursuant to 52 Pa. Code § 5.72, and in support thereof avers as follows:

**I. Introduction**

1. Upper Uwchlan Township (“UUT”) is a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business located at 140 Pottstown Pike, Chester Springs, PA 19425.

2. UUT is represented in this action by David J. Brooman, Richard Sokorai, and Mark R. Fischer, Jr., High Swartz, LLP, 40 East Airy Street, Norristown, Pennsylvania 19404 ((610) 275-0700) [dbrooman@highswartz.com](mailto:dbrooman@highswartz.com), [rsokorai@highswartz.com](mailto:rsokorai@highswartz.com) and

mfischer@highswartz.com), and all documents should be served upon said counsel. Counsel for UUT consents to the service of documents by electronic mail at the addresses listed in this paragraph, as provided in 52 Pa. Code § 1.54(b)(3).

3. On December 13, 2018, Complainant, the Bureau of Investigation and Enforcement (“BI&E”) of the Pennsylvania Public Utility Commission, filed a formal complaint against Respondent, Sunoco Pipeline, a/k/a Energy Transfer Partners (“Sunoco”), alleging violations of the laws and regulations of the United States and the Commonwealth of Pennsylvania.

4. Said Complaint alleges, *inter alia*, that an April 1, 2017 leak of the Mariner East 1 (“ME1”) pipeline resulted in a preliminary investigation conducted by BI&E, which concluded that Sunoco’s inspection, testing, and cathodic protection methods were deficient and constituted multiple violations of the applicable Department of Transportation’s pipeline safety standards.

5. The Complaint further contends that Sunoco’s deficient procedures and practices are relevant to the entirety of the ME1 pipeline, and thus there is a statewide concern regarding Sunoco’s corrosion control program and engineering practices with respect to cathodic protection.

## **II. Upper Uwchlan Township’s Interest in the Proceedings**

6. UUT is a township in Chester County, Pennsylvania approximately 11.72 square miles in area and with an approximate population of 11,500.

7. Sunoco’s ME1 pipeline, which is the subject of the above-captioned action, passes through the center part of Upper Uwchlan Township.

8. Construction of Sunoco’s 16” and 20” pipelines (“ME2/2X”) has been halted in UUT since March of 2018, but is expected to resume shortly.

9. UUT and its residents are directly affected by Sunoco's pipelines, particularly with regard to public safety.

10. Marsh Creek State Park is a Pennsylvania State Park and protected area which is located primarily in UUT.

11. Marsh Creek State Park and Marsh Creek Lake located therein are environmental and recreational assets, drawing approximately 1.2 million visitors annually.

12. Sunoco's pipelines pass through portions of Marsh Creek State Park, including portions which pass through or beneath Marsh Creek Lake or tributaries thereof.

### **III. Grounds for Upper Uwchlan Township's Intervention**

13. UUT's eligibility to intervene is governed by Section 5.72 of the Public Utility Commission's regulations, 52 Pa. Code § 5.72, which provides:

A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

- (1) A right conferred by statute of the United States or of the Commonwealth.
- (2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.
- (3) Another interest of such nature that participation of the petitioner may be in the public interest.

14. "Decisions regarding which parties may intervene in a proceeding are within the discretion of the Commission." *Pa.P.U.C. v. West Penn Power Company*, 2013 WL 4761265,

\*6 (Pa.P.U.C. Aug. 29, 2013).

15. UUT has a direct, substantial and immediate interest in this matter as a municipal entity obligated under the Pennsylvania Second Class Township Code, 53 P.S. § 65101 *et seq.*, to protect the health, safety and welfare of its residents and the members of the public that work and traverse through the Township.

16. This action by BI&E now alleges that Sunoco's inspection and leak detection data for the ME1 pipeline was flawed in various respects and seeks, *inter alia*, an Order requiring Sunoco to revise its protocols and perform additional testing.

17. UUT's interest is directly affected by the action of the Commission in this proceeding, in that the ME1 pipeline runs through UUT and any revisions to Sunoco's protocols and/or additional testing data ordered by the Commission will directly impact UUT.

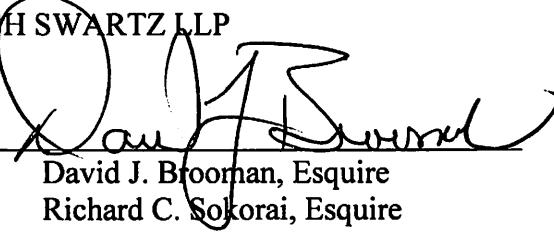
18. UUT's interest is unique and not adequately represented by the existing participants because, without UUT's participation, the Commission's Order in this proceeding will not require Sunoco to provide supplemental information and data to UUT for it to review in connection with its on-going review of Sunoco's Mariner East 1 pipeline.

19. UUT's participation in this proceedings is in the public interest because the safety of the public in UUT, and preservation of the protected environmental assets in UUT, are directly impacted by the safety of the ME1 pipeline running through UUT.

20. With respect to UUT's position regarding the issues in this proceeding, UUT is interested in its Township staff and consultants reviewing accurate information and data regarding the Mariner East 1 pipeline so that UUT can properly assess the safety of the pipeline for its residents.

WHEREFORE, Petitioner, Upper Uwchlan Township, respectfully requests that the Commission grant its Petition to Intervene in this proceeding and provide it with full party status in the proceedings.

HIGH SWARTZ LLP

By: 

David J. Broome, Esquire  
Richard C. Sokorai, Esquire  
Mark R. Fischer, Jr., Esquire  
Attorneys for Complainant  
Upper Uwchlan Township

Date: 6/14/2019

### VERIFICATION

I, Cary B. Vargo, Township Manager of Upper Uwchlan Township, Petitioner in the foregoing action, hereby verify that the facts contained in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Cary B. Vargo  
Township Manager

Date: June 13, 2019

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HIGH SWARTZ LLP  
David J. Brooman, Esquire (I.D. No. 36571)  
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*Attorneys for Petitioner*  
Upper Uwchlan Township

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

**CERTIFICATE OF SERVICE**

I, David J. Brooman, Esquire, hereby certify that on June 14, 2019, I served a true and correct copy of Upper Uwchlan Township's Petition to Intervene upon the individuals listed below by email and U.S. Mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 5.75(a) and 52 Pa. Code §1.54 (relating to service by a party).

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*Attorneys for Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement*

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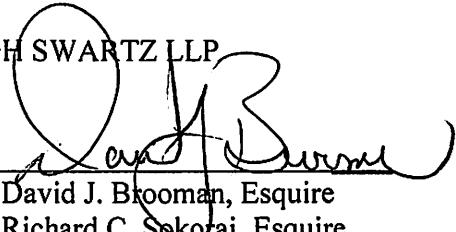
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Date: 6/14/2019