



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

P-2017-2613461
C-2017-2589346

July 11, 2017

David J. Brooman, Esquire
High Swartz LLP
40 East Airy Street
Norristown, PA 17404

Re: Petition of West Goshen Township for an
Ex Parte Emergency Order
Docket No. P-2017-2613461

Dear Mr. Brooman:

On July 7, 2017 West Goshen Township (the “Township” or “Petitioner”) filed with the Commission at Docket Number C-2017-2589346 a document entitled “Petition of West Goshen Township for an Ex Parte Emergency Order and an Interim Emergency Order” (the “Petition”).¹ The Petition seeks emergency relief under two sections of the Commission’s regulations, *ex parte* emergency relief under Section 3.2, 52 Pa. Code § 3.2, and interim emergency relief under Section 3.6, 52 Pa.Code § 3.6.

This Secretarial Letter addresses Township’s request for *ex parte* emergency relief, which request is now separately docketed at Docket Number P-2017-2613461. Pursuant to the Commission’s regulations governing emergency relief, the Commission has the authority to issue an *ex parte* emergency order when there exists a clear and present danger to life or property or when the relief requested is uncontested and action is required prior to the next scheduled public meeting. See 52 Pa.Code § 3.1 (definition of emergency).

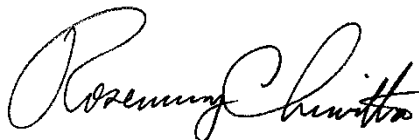
The Petitioner sets forth various facts which it contends establish the existence of an emergency as well as facts and legal arguments regarding the elements in Section 3.2(b). On July 10, 2017 Sunoco Pipeline LP (“Respondent”) filed a document entitled Sunoco Pipeline L.P.’s Answer in Opposition to West Goshen Township’s Request for Ex Parte Relief at Docket Number C-2017-2589346 (“Letter in Opposition”). The Letter in Opposition disputes various facts raised in the Petition, disputes the existence of an emergency and contends that the Township has not established the elements in Section 3.2(b). Further, On July 10, 2017 Commission staff served a data request on the parties. Respondent and Petitioner each timely responded to the data request. The Petition and Letter in Opposition establish that the facts are vigorously disputed by the parties.

¹ The Township filed its Petition electronically in the evening of July 7, 2017. The Secretary’s Bureau accepted the filing on July 10, 2017 and assigned it to the Commission’s Law Bureau.

In addition, on July 6, 2017, Administrative Law Judge Elizabeth H. Barnes (“ALJ Barnes”) conducted a pre-hearing conference in the Township’s formal complaint at Docket Number C-2017-2589346. On July 10, 2017 ALJ Barnes issued a hearing notice, scheduling an in-person evidentiary hearing on the Petition for July 18, 2017 which will address the Township’s request for interim emergency relief. The Township’s request for an interim emergency order in its currently pending formal complaint proceeding will proceed before the Administrative Law Judge at Docket No. C-2017-2589346 in accordance with Section 3.6, *et seq* of the Commission’s regulations.

Accordingly, under these circumstances the Commission declines to issue an *ex parte* emergency order under Section 3.2. Therefore, the petition for *ex parte* emergency relief pursuant to Section 3.2 is denied. The Commission directs that the Petition proceed solely at Docket Number C-2017-2589346 as a petition for interim emergency relief pursuant to Sections 3.6 to 3.12 of the Commission’s regulations, 52 Pa.Code §§ 3.6-3.12.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

cc: Christopher A. Lewis, Esquire (Counsel for Sunoco Pipeline LP)
Gladys M. Brown, Chair
Andrew G. Place, Vice Chair
John F. Coleman, Commissioner
Robert F. Powelson, Commissioner
David V. Sweet, Commissioner
Jan H. Freeman, Executive Director
Mary Beth Osborne, Director of Regulatory Affairs
Bohdan R. Pankiw, Chief Counsel
Robert F. Young, Deputy Chief Counsel
Chief Administrative Law Judge Charles E. Rainey, Jr.
Administrative Law Judge Elizabeth H. Barnes