

Via the PUC e-File System

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Comments on Docket No. L-2019-3010267

Dear Secretary Chiavetta,

Thank you for the opportunity to submit public comments on the Pennsylvania Public Utility Commission's (PUC) Advanced Notice of Proposed Rulemaking Order (Docket No. L-2019-3010267), regarding the amendment and enhancement of Chapter 59, the regulation of public utilities that transport petroleum and other hazardous liquids in intrastate commerce.

We are writing as residents of Chester County as well as candidates for the office of Chester County Commissioner dedicated to protecting the safety and private property for thousands of Chester County citizens. During our time meeting with Chester County residents, we have heard countless reports from those interested in reforming current regulatory processes associated with the permitting, construction, and operation of petroleum pipelines in Pennsylvania. Two issues, transparency and communication, have emerged as primary themes that, in our view, directly or indirectly impact many of issues that have occurred during pipeline construction in Chester County and deserve specific attention.

Those serving in the executive role as Chester County Commissioner have a responsibility to not only listen to those they represent, but to also provide sincere communication demonstrating that the public has been heard. We feel those regulating hazardous petroleum pipelines in Pennsylvania have the same responsibility. The process in which everyday citizens can raise concerns with the PUC is cumbersome and antiquated, relying heavily on legal procedures and expertise unavailable to most in the community. To mandate that those who do not have access to legal training or resources to hire personal attorneys to muddle through this process places an undue burden on everyday citizens and raises questions about the sincerity of the PUC formal complaint process. We feel that communication between those serving the public and citizens should be a two-way-street and that proper governance benefits when all members of the public have equal ability to provide reasonable input. We recommend that the PUC move to develop a process where everyday citizens can bring to light questions and concerns related to industries regulated by the PUC without the need to file lengthy legal briefs, prepare testimony, and fundraise to pay for expert witnesses. Our Commissioners meetings will encourage open communication and we respectfully request the PUC move to operate in the same spirit of fairness.

Similarly, we believe that the public process is greatly improved when officials embrace transparency as a cornerstone of good governance. We have heard from many in Chester County

who are greatly concerned about the overall lack of transparency associated with the PUC and the process in which these petroleum pipelines are approved and operate. While we understand that Act 156 of 2006 places a series of restrictions on the release of public information based on national security concerns and respect the intent associated with this legislation, we feel that this provision has, in many ways, been coopted by the industry to prevent any information from being released. This concern is compounded as much of this information is necessary to develop comprehensive and complete emergency response plans. Ensuring the safety and security of our community is one of the primary responsibilities of those serving public office and the PUC's narrow interpretation of Act 156 greatly injures the development of proper response planning. Many in Chester County have real and valid concerns regarding the impacts of a catastrophic pipeline failure and are directly requesting information from the PUC in order to best respond to such an event. With this in mind, and given the fact that this pipeline is currently located within immediate proximity of places of public assembly, we request the PUC develop a process to release information that will assist emergency response planning to best protect the public in the event of any incident. This should include requiring pipeline companies to routinely host public meetings with the community to respond to any issues that may jeopardize public safety.

Further, a key cornerstone of our campaign is ensuring the protection of environmental resources and preservation of open spaces. Over the past few years, pipeline construction projects in Chester County have resulted in substantial impacts to private water supplies, the formation of numerous sinkholes, and dozens of inadvertent returns that jeopardize water quality in exceptional value waterways. In many cases, these examples of environmental impact took place in direct proximity to private homes, schools, hospitals, places of worship, and emergency service buildings. The establishment of a formal siting authority with the direct responsibility of approving or denying pipeline routes may mitigate many of these environmental issues and reduced risk associated with construction and operation of pipelines near private property and places of public assembly. Further, we recommend that any siting authority place a high priority on avoiding geologic and environmental sensitive areas, such as karst geology and water resources, that greatly increase the risk of adverse environmental impacts.

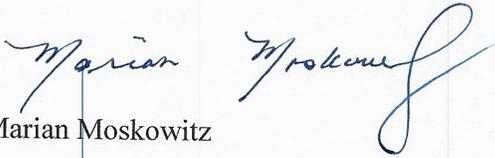
As candidates for Chester County Commissioner, we believe that the public deserves to be treated with fairness and respect. The current regulations associated with petroleum pipelines in Pennsylvania does little to consider the public as a true partner and, in our view, does not actively encourage public participation or input. We believe that this is a disservice and recommend that any potential rule change work to build opportunities for public involvement and bolster public trust.

Ultimately, we are thankful that the PUC has recognized that the current regulatory process is deficient and has taken steps to reform this process. However, we are concerned that any changes will not improve conditions associated with those projects already permitted or complete. Those living along the path of existing petroleum pipelines have real questions and concerns and we hope that the PUC provide undue consideration toward each and every recommendation, including those recommendation associated with existing petroleum pipelines.

Sincerely,

A handwritten signature in blue ink that reads "Josh Maxwell". The signature is written in a cursive style with a large, sweeping "J" and "M".

Josh Maxwell

A handwritten signature in blue ink that reads "Marian Moskowitz". The signature is written in a cursive style with a large, sweeping "M" and "W".

Marian Moskowitz