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February 21, 2017

VIA HAND DELIVERY

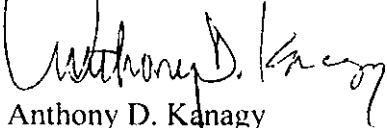
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania
Docket No. A-2016-2575829

Dear Secretary Chiavetta:

Attached please find the Answer of Laurel Pipe Line Company, L.P. to the Protest of Philadelphia Energy Refining Solutions and Marketing LLC in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/skr
Enclosure

cc: Certificate of Service
Honorable Eranda Vero

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 21 2017

Application of Laurel Pipe Line Company, : PA PUBLIC UTILITY COMMISSION
L.P. for All Necessary Authority, Approvals, : SECRETARY'S BUREAU
and Certificates of Public Convenience To : Docket No. A-2016-2575829
Change the Direction of Petroleum Products :
Transportation Service to Delivery Points :
West of Eldorado, Pennsylvania :

ANSWER OF LAUREL PIPE LINE COMPANY, L.P.
TO THE PROTEST OF
PHILADELPHIA ENERGY SOLUTIONS REFINING AND MARKETING LLC

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Laurel Pipe Line Company, L.P. ("Laurel") hereby files this Answer to the Protest filed by Philadelphia Energy Refining Solutions and Marketing LLC ("PESRM") for the purposes of addressing and clarifying the allegations and assertions contained in PESRM's Protest. Laurel files this Answer pursuant to Section 5.61 of the Pennsylvania Public Utility Commission's ("Commission") regulations, 52 Pa. Code § 5.61. In support thereof, Laurel respectfully represents the following:

I. **BACKGROUND**

On November 14, 2016, Laurel filed the Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience to Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado Pennsylvania at Docket No. A-2016-2575829 ("Application"). Therein, Laurel requested any

and all approvals that the Commission deemed necessary to change the direction of flow on the western portion of Laurel's petroleum products pipeline system. Application, at p. 1.¹

On November 16, 2016, the Commission issued a Secretarial Letter requiring Laurel to publish the enclosed notice of the Application in a newspaper of general circulation in the area involved and to file proof of publication with the Commission on or before December 19, 2016. The November 16, 2016 Secretarial Letter also scheduled publication of the notice in the *Pennsylvania Bulletin* in the December 3, 2016 issue, and set the deadline to file formal protests and petitions to intervene on December 19, 2016.

On December 5, 2016, PESRM filed a Petition to Intervene.

On December 6, 2016, the Commission issued a Secretarial Letter supplementing its prior November 16, 2016 Secretarial Letter and the Notice published in the December 3, 2016 edition of the *Pennsylvania Bulletin*. Therein, the Commission granted Gulf's Petition to Intervene, and granted, in part, Gulf's Motion to Extend the Deadline for Protests and set the new deadline for formal protests and petitions to intervene in the proceeding at 4:30 p.m. on February 1, 2017. The Commission also directed Laurel to serve a copy of its Application by December 19, 2016, on the following entities: (1) current customers using the subject pipeline; (2) former customers who used the subject pipeline during the period from January 1, 2015, through the date of filing; and (3) prospective and committed customers Laurel expects to use the subject pipeline if the flow direction of the line is changed.

On December 15, 2016, Laurel filed Affidavits for Proof of Publication indicating that the Public Notice for the Application had been published in five newspapers.²

¹ Laurel requested, in the alternative, that if no approvals are required, a ruling to that effect be issued by the Commission.

² The Public Notice was published in all five newspapers on December 6, 2016. As such, it reflected the version of the Public Notice that was included in the Commission's November 16, 2016 Secretarial Letter.

On December 17, 2016, the Commission published a supplemental Notice of Laurel's Application, in accordance with its December 6, 2016 Secretarial Letter, noticing that the deadline for all Protests and Petitions to Intervene was extended until February 1, 2016.

On December 19, 2016, Laurel served a copy of its Application on the three groups of entities described in the Commission's December 6, 2016 Secretarial Letter, and filed a copy of its letter indicating such service with the Commission.

Thereafter, on February 1, 2017, PESRM file a formal Protest in the above-captioned docket.

II. ANSWER

"[T]he purpose of a protest is to alert the agency and other parties of its existence and the nature of the objection." *Re Philadelphia Electric Company*, 57 Pa. PUC 161, 165 (Opinion and Order entered April 15, 1983) (noting that under the former Section 35.23 of the Commission's regulations, protests serve to provide notice of the existence and nature of an objection to a filing before the Commission). The Commission's regulations further only require a protest to: "(1) Set out clearly and concisely the facts from which the alleged interest or right of the protestant can be determined; (2) State the grounds of the protest; (3) Set forth the facts establishing the protestant's standing to protest." 52 Pa. Code § 5.52(a) (emphasis added). Clearly, a protest does not necessitate a detailed inventory of every assertion or argument a party might raise as a result of an application, and subsequent discovery and/or testimony. It only serves to notify the Commission and the parties an objection to the filing exists and describe the nature of the objection.

PESRM's Protest advances facts and legal arguments that extend beyond the expected content to be included in a protest submitted to the Commission. Therefore, in order to address and clarify the factual allegations and assertions contained in PESRM's Protest, as well as

preserve the record with respect to facts surrounding Laurel's Application, Laurel represents the following:

A. The Protestant and Its Interest

1-2. No responses to paragraphs 1 through 2 are required.

3. Upon reasonable investigation, Laurel lacks adequate knowledge as to whether PESRM is a Delaware limited liability company that owns and operates a merchant refinery in Philadelphia, Pennsylvania, and therefore denies the same. Laurel also lacks adequate knowledge as to whether the PESRM Philadelphia refining complex is a large-scale facility with a combined distillation capacity of 335,000 bpd and as to whether this capacity makes it the largest refining complex in Petroleum Administration for Defense District I ("PADD I") and the tenth largest complex in the United States, and therefore denies the same. Laurel further lacks adequate knowledge as to the range of petroleum products produced by PESRM and whether those products are primarily marketed in Pennsylvania and in the northeastern United States, and therefore denies the same.

4. PESRM is connected to the Laurel pipeline system via a connection located at the Philadelphia refining complex, and PESRM is a shipper on the Laurel pipeline under shipper code "PES." To the extent that PESRM relies upon Laurel's transportation services to deliver petroleum products from the Philadelphia west to the Pittsburgh area, Laurel notes that a number of alternatives are available for PESRM to access the Pittsburgh area, including exchanges.

5. Upon reasonable investigation, Laurel lacks adequate knowledge as to whether 20% of PESRM's total product was delivered into the Laurel pipeline, or whether a large portion of which was sold to and shipped by marketers, wholesalers and retail owners. Until Laurel can confirm, through discovery, the proportion of PESRM production that was delivered onto Laurel,

and whether “a large portion of which was sold to and shipped by marketers, wholesalers and retail owners,” Laurel denies the same.

B. Procedural History

6–10. As paragraphs 6 through 10 merely state the procedural history of the proceeding, no response is required.

C. The Laurel Pipeline System

11. No response to paragraph 11 is required.

12. PESRM’s assertion that the Laurel pipeline system was engineered to support petroleum product deliveries from the east to west, ignores the plain language of Laurel’s Certificate of Public Convenience. Regardless of whether Laurel’s pipeline was originally constructed to support east to west flow, Laurel’s Certificate of Public Convenience contains no limitation on the direction in which Laurel is authorized to provide petroleum products transportation service across the Commonwealth of Pennsylvania. It is unquestionable that a Certificate of Public Convenience may contain an authorization to provide service that is broader than the service the utility actually provides. Consistent with such an authorization, the utility does not lose the authority to provide service consistent with its Certificate of Public Convenience merely because the service it actually provides is narrower than the authorization itself.

13. No response to paragraph 13 is required.

14. Although pipeline diameters are a physical constraint on the amount of product that can flow along each segment of a pipeline, PESRM’s concerns regarding the 12-inch Eldorado line are misplaced.

15. PESRM’s attempt to inject the evaluation of possible future reversals of the Laurel pipeline, to points east of Altoona, into this proceeding should be disregarded. In its

Application, Laurel did not propose to reverse any section of its pipeline system except delivery points west of Eldorado, Pennsylvania. Therefore, the scope of considerations that are relevant to this proceeding are properly limited to the proposal contemplated by and contained in the Application.

16. While it is true that the current configuration of the western portion of Laurel's pipeline is relevant to the proposed reversal, PESRM's arguments that the physical characteristics of Laurel's system either constrain the nature and character of service that Laurel was authorized to provide under its Certificate of Public Convenience or implicate the need to consider future reversals that are not pending before the Commission should be disregarded. *See* paragraph 12 *supra*; *see also* paragraph 21 *infra*.

D. The Application

17. No response to paragraph 17 is required.

18. As stated in the Application, and clarified throughout the pleadings, Buckeye Partners, L.P. is an indirect general partner of Laurel, as well as an indirect general partner of Buckeye. Buckeye Partners, L.P. is the parent of the general partner of both Laurel and Buckeye. Laurel further denies the suggestion that the Application does not provide adequate clarity as to the ownership structure between Laurel and the stated affiliates.

19. Laurel intends to define and explain the "sustained market conditions" which would allow Laurel to reinstate the current direction of service during the course of this proceeding.

20. No response to paragraph 20 is required.

21. PESRM excerpts a limited portion of the 1957 application filed by Laurel's predecessor to suggest that Laurel may only provide east to west transportation service. *In Re*

Application of Laurel Pipe Line Company, Docket No. A-84032, Folder No. 2 (filed Jan. 31, 1957) (“1957 Application”). The full paragraph of the 1957 Application reads as follows:

3. The nature and character of the service to be rendered is the transportation, storage and distribution of petroleum and petroleum products by means of pipe lines, pumps, tanks and other equipment and appurtenances for the public in and across the Commonwealth of Pennsylvania and other states of the United States. The approximate route to be followed by the proposed pipe line in this Commonwealth from the vicinity of Philadelphia to the vicinity of Pittsburgh and thence northwesterly to the western boundary of the Commonwealth is indicated on the attached map designated “Exhibit A” and made part of this application. Input and take-off points will be constructed at locations along the route of the line in Pennsylvania.

1957 Application, at ¶ 3 (emphasis added). Importantly, the phrase “route to be followed” is immediately followed by the phrase “by the proposed pipe line.” *Id.* The “route to be followed” does not refer to the direction of service Laurel sought to provide; it merely identifies the route of Laurel’s pipeline facilities. Indeed, just as the phrase “extending generally westwardly from a point near the City of Philadelphia to a point in the vicinity of the City of Pittsburgh” modifies the phrase “such facilities” in Laurel’s Certificate of Public Convenience, the phrase “from the vicinity of Philadelphia to the vicinity of Pittsburgh” modifies the term “the proposed pipe line” in the 1957 Application. *See* 1957 Certificate, at p. 1; *see also* 1957 Application, at ¶ 3.

Moreover, the 1957 Application unequivocally described the “nature and character” of service it sought authority to render:

3. The nature and character of the service to be rendered is the transportation, storage and distribution of petroleum and petroleum products by means of pipe lines, pumps, tanks and other equipment and appurtenances for the public in and across the Commonwealth of Pennsylvania and other states of the United States.

Id. No directional modifier is contained in this description. PESRM’s attempt to misconstrue Laurel’s 1957 Application as having sought anything less than the broad authority to provide

petroleum and petroleum products transportation service in and across Pennsylvania ignores the unequivocal language in the Application and should be disregarded.

In addition, PESRM's attempts to rely on Laurel's averment in the 1957 Application that there were no competitive conditions created by Laurel's pipeline are similarly misplaced. The cited phrase from paragraph 6 merely describes other pipeline companies, and the service that they provided. *See id.*, at ¶ 6. Further, the broad authority to transport petroleum products in and across Pennsylvania that was sought by Laurel would create a competitive condition with companies that solely provided westbound service; the unequivocal language of Laurel's request would allow it to provide either westbound service, creating the indicated competitive condition, or eastbound service. PESRM's argument ignores this logic.

22. For the reasons more fully explained above, neither the authority sought by the 1957 Application nor the authority granted by the 1957 Certificate of Public Convenience was limited to east to west service. PESRM attempts to misconstrue references to the location of facilities or the service of other companies as descriptions of the nature and character of the service Laurel sought the authority to provide should be disregarded.

23. As explained in the Application, alternatives are available for Philadelphia-area market participants to access the Pittsburgh market upon completion of the proposed reversal, including trucking and exchanges. Laurel witness Michael J. Webb more fully explains the options available to these market participants in his Direct Testimony. *See* Laurel St. No. 5, at pp. 26-31.

24. No response to paragraph 24 is required.

25. Laurel witness Michael J. Kelly more fully explains the underlying engineering work that is necessary to complete the Application. *See* Laurel St. No. 3, at pp. 5-6.

26. No response to paragraph 26 is required.

27. Laurel's Application explains the jurisdiction that the Commission and the Federal Energy Regulatory Commission ("FERC") would have upon completion of Laurel's proposal. To the extent that Laurel's interstate affiliate, Buckeye Pipe Line Company, L.P. provides transportation service over the affected portion of Laurel's pipeline system, pursuant to a Commission approved capacity agreement, FERC will have jurisdiction over the rates, terms and condition of that service.

E. PESRM's Grounds for Protest

28. For the reasons more fully explained in Laurel's Application and supporting Direct Testimony, Laurel's proposal will provide substantial benefits to Western and Central Pennsylvania and is in the public interest.

29. Despite PESRM's assertion that Laurel will not suffer any material harm from continuing to provide east to west transportation service, Laurel has, in fact, experienced substantial declines in the use of its pipeline system to transport products from the Philadelphia-area to the Pittsburgh-area in recent years. *See* Laurel St. No. 1, at p. 15. Laurel must respond to these market trends, and by doing so will provide Western and Central Pennsylvania consumers with increased access to generally lower-priced petroleum products and provide other public benefits that outweigh any negative impacts that may be associated with the proposed reversal.

30. To the extent that the bullet points in paragraph 30 of PESRM's Protest assert factual allegations, Laurel responds as follows:

General Commonwealth-Wide Impacts

- Laurel submits that, for the reasons more fully explained in its Application, the proposed change in direction of flow for points west of Altoona, PA does not constitute an abandonment of pipeline transportation service;

- As explained above, PESRM misconstrues Laurel's 1957 Certificate of Public Convenience and 1957 Application (*see* paragraphs 12 and 21 *supra*);
- As explained above, Laurel sought and received the authority to transport petroleum and petroleum products in and across Pennsylvania, and this authority did not restrict Laurel or otherwise mandate Laurel to provide only east to west service. *See* paragraphs 12 and 21 *supra*. PESRM's assertions on this point should be denied;
- Although the proposal in Laurel's application differs from the actual operation of the Laurel pipeline for about a half century, it does not conflict with and is not inconsistent with the engineering of the pipeline or the character and nature of service that Laurel is authorized to provide;

Eastern Pennsylvania Impacts

- Despite PESRM's suggestion that Altoona does not represent an adequate alternative market, Altoona is a substantial off-loading point for volumes of petroleum products to reach other Central Pennsylvania locations, which could include Centre County, Clearfield County, Blair County, Cambria County and Indiana County, as well as State College and Harrisburg.
- To the extent that eastern refiners of summer gasoline, like PESRM, can no longer physically transport products to the Pittsburgh area upon completion of the reversal, Laurel has explained that adequate alternatives, PESRM has access to alternative markets in the Northeast via pipeline and truck, and to other markets via barge, as well as access to markets via product exchanges that would allow such participants to continue to compete in the Pittsburgh area;
- As explained above, PESRM's attempt to inject the evaluation of possible future reversals of the Laurel pipeline into this proceeding should be disregarded. *See* paragraph 15 *supra*.
- PESRM's assertion that Laurel's proposal would somehow induce the closure of Northeast refinery capacity is without merit and unsupported;
- As explained by Laurel's Application and Direct Testimony, the alternatives that are available to access the Pittsburgh market are realistic and economically viable. Importantly, these alternatives include product exchanges—which are commonly used by wholesale suppliers and marketers to access markets to which they have no physical access;

Western Pennsylvania Impacts

- Following the proposed reversal, Laurel, either directly or through the capacity agreement with Buckeye, will continue to have adequate capacity to provide pipeline transportation service to the destinations that have received service under the east-to-west configuration. PESRM's concerns regarding the differing pipeline diameters

fails to reflect the operational capabilities of the Laurel system; as Mr. Collier explains in his Direct Testimony, Laurel St. No. 3, at p. 5, the engineering group responsible for the Laurel reversal is familiar with pipeline reversals, and with the issues involved with this pipeline reversal.

- PESRM's assertion that Laurel's proposal will also, in effect, result in an abandonment from Carlisle to Eldorado is based on faulty assumptions, and misconstrues the facts. As explained above, Laurel personnel are familiar with pipeline reversals, and with the issues raised by this pipeline reversal. In addition, under the proposal contemplated by the Application, Laurel will continue to provide westbound service from points in the Philadelphia area to Eldorado—Laurel has not abandoned service at any of these points;
- Despite PESRM's characterization of Altoona as a "very small" gasoline and diesel market, Laurel has experienced significant shipments over its system that are delivered to the Altoona terminal. Altoona is in close proximity to other populated areas, which could include Centre County, Clearfield County, Blair County, Cambria County and Indiana County, as well as State College and Harrisburg. The majority of these areas are not directly supplied by substantial petroleum products pipeline capacity;
- In his Direct Testimony, Laurel witness David W. Arnold explains why PESRM's asserted concern that Midwest supplies of gasoline would not be "environmentally acceptable" to the Pittsburgh area in the summer lacks merit. *See* Laurel St. No. 1, at p. 17;
- Contrary to PESRM's unsubstantiated assertion that the proposed flow reversal is likely to increase the cost of gasoline and diesel in the Pittsburgh, Altoona, and other Pennsylvania market, Laurel witness Michael J. Webb explains in his Direct Testimony why increasing these areas' access to Midwestern petroleum products would likely result in lower prices. *See* Laurel St. No. 5, at pp. 15-21;
- Mr. Webb further explains why Laurel's proposal will not decrease the reliability of petroleum products supplies to the Pittsburgh market. *See* Laurel St. No. 5, at pp. 21-22;
- PESRM's assertion that the reversal will result in cost increases and supply decreases of jet fuel is speculative and unsupported.
- PESRM's assertion that substantial increases in truck traffic will result from Laurel's proposal is unsupported and speculative. Although shippers would be free to truck products west from Altoona, it is Laurel's expectation that demand at destinations west of Altoona will be principally met by product being delivered from the west. Moreover, PESRM's assertion ignores the availability of exchanges, which would allow eastern refiners to access the Pittsburgh area without any increase in truck traffic;

- PESRM's assertion that Laurel's proposal would reduce supply diversity in the Pittsburgh market is unfounded, disregards the fungible nature of petroleum products, and presupposes that the Pittsburgh market is not currently supplied by a diverse array of products, including three different pipelines, barges, and local refineries, *inter alia*. Additionally, as explained above, Mr. Webb explains in his Direct Testimony why Laurel's proposal will not decrease the reliability of petroleum products supplies to the Pittsburgh market. See Laurel St. No. 5, at pp. 21-22; and

Interstate Impacts

- As explained above, Laurel's Application adequately addresses the jurisdiction that the Commission and FERC will have over the affected portion of Laurel's pipeline system and the service provided over that portion of its system. See paragraph 27 *supra*.

31. As explained above, PESRM's attempt to inject the evaluation of possible future reversals of the Laurel pipeline, to points east of Altoona, into this proceeding should be disregarded. See paragraph 15 *supra*.

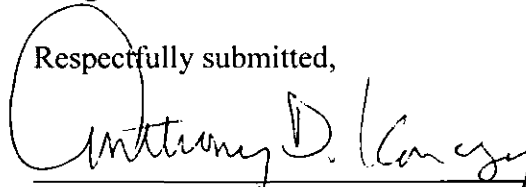
32. While PESRM has sufficiently stated an interest that may be impacted by Laurel's proposal, Laurel has identified certain legal, factual and logical flaws contained in PESRM's Protest. Therefore, consistent with its responses herein, Laurel denies the assertions and arguments raised in PESRM's Protest because they are not a complete or accurate reflection of Laurel's certificated authority, the proposal as contemplated by the pending Application, or any of the proposal's associated benefits or impacts.

33. No response to paragraph 33 is required.

III. CONCLUSION

WHEREFORE, Laurel Pipe Line Company, L.P. requests that the Protest of Philadelphia Energy Refining Solutions and Marketing LLC be denied.

Respectfully submitted,



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Date: February 21, 2017

Counsel for Laurel Pipe Line Company, L.P.

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VERIFICATION

I, David Arnold, being Vice President, Domestic Pipelines for Buckeye Partners, L.P., hereby state that the information set forth above is true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth therein. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 21 February 2017



David Arnold
Vice President, Domestic Pipelines
Buckeye Partners, L.P.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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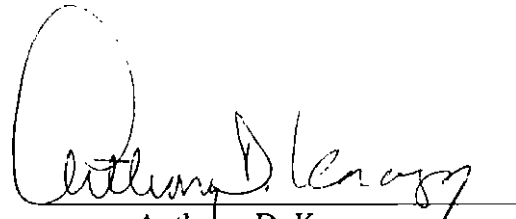
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