

March 13, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

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:

On February 21, 2017, Laurel Pipe Line Company, L.P. ("Laurel") filed separate Answers to the Protests of Gulf Operating, LLC ("Gulf"); Philadelphia Energy Solutions Refining and Marketing LLC ("PESRM"); Monroe Energy, LLC ("Monroe"); Giant Eagle, Inc. ("Giant Eagle") and Sheetz, Inc. ("Sheetz") (collectively, the "Indicated Parties") with the Pennsylvania Public Utility Commission ("Commission" or "PUC") in the aforesaid proceeding.¹

In responding to the Protests, Laurel generally contended that the Indicated Parties in their Protests advanced facts and legal arguments beyond the expected content of a PUC Protest.² Laurel expressed the need to file Answers to address/clarify factual allegations in those Protests in order to "preserve the record."³ Laurel filed detailed and extensive answers in order to rebut factual and legal contentions raised in the Protests of the Indicated Parties.

Laurel's filings of Answers to those Protests are procedurally improper. The Commission regulation governing the filing of answers does not clearly or expressly allow for the filing of answers to protests.⁴ Further, in a prior proceeding, the Commission concluded that "an answer to a protest is not contemplated by the Commission regulations."⁵ On this matter, the Commission adopted the Administrative Law Judge's ("ALJ") analysis of the applicable law, including the conclusion that "[the ALJ's] research has not disclosed anything in the Commission regulations at 52 Pa. Code §§ 5.51-.54 (protests) or in any other Commission regulation to indicate that an answer may be filed to a protest."⁶

¹ Giant Eagle filed a joint Petition to Intervene and Protest and accordingly joins in this letter to the extent Laurel's Answer to its joint pleading responds to its Protest.

² See Laurel Answer to Sheetz Protest at 3-4, Laurel Answer to Gulf Protest at 3-4, Laurel Answer to Monroe Protest at 3, Laurel Answer to PESRM Protest at 3-4.

³ See *id.*

⁴ See 52 Pa. Code § 5.61.

⁵ *Application of Consumers Pa. Water Co.*, Docket No. A-212750F0007, at p. 7 (Order entered Jan. 11, 2001).

⁶ See *id.* at 7-8.

Rosemary Chiavetta, Secretary
March 13, 2017
Page 2

In light of the aforementioned Commission case law and guidance, Laurel's Answers to the Protests of the Indicated Parties were improperly filed and should not be considered by the Commission. However, for reasons of judicial economy, the Indicated Parties seek to avoid burdening the Commission and the ALJ with multiple motions to strike Laurel's procedurally improper Answers and/or motions for leave to respond and responses to the disputed factual claims contained in the answers.

Instead, the Indicated Parties submit this joint letter to state for the record that their declining to seek leave to respond to Laurel's procedurally improper answers should not be deemed admissions of the statements made by Laurel in their improper answers which the Indicated Parties dispute. The Indicated Parties hereby reserve all rights to address any substantive issues raised in Laurel's Answers to the Protests through the submission of testimony and briefs, consistent with the litigation schedule established previously by the presiding ALJ in this proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



Adeolu A. Bakare

Counsel to Gulf Operating, LLC, and Sheetz, Inc.

c: Administrative Law Judge Eranda Vero (via E-Mail and First-Class Mail)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Anthony D. Kanagy, Esq.
Garrett P. Lent, Esq.
Christopher J. Barr, Esq.
Jessica R. Rogers, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
akanagy@postschell.com
glent@postschell.com
cbarr@postschell.com
jrogers@postschell.com
Laurel Pipe Line Company LP

David B. MacGregor, Esq.
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
dmacgregor@postschell.com
Laurel Pipe Line Company LP

Adam D. Young, Esq.
Michael Swindler, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265
adyoung@pa.gov
mwindler@pa.gov
rkanaskie@pa.gov

Christopher A. Ruggiero, Esq.
Vice President, General Counsel & Secretary
Monroe Energy, LLC
4101 Post Road
Trainer, PA 19061
christopher.ruggiero@monroe-energy.com

Richard E. Powers, Jr., Esq.
Joseph R. Hicks, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004
repowers@Venable.com
jrhicks@Venable.com
Monroe Energy, LLC

Whitney E. Snyder, Esq.
Todd S. Stewart, Esq.
Kevin J. McKeon Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
wesnyder@hmslegal.com
tsstewart@hmslegal.com
kjmckeon@hmslegal.com
Monroe Energy, LLC

Carl Shultz, Esq.
Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott LLC
213 Market Street 8th Floor
Harrisburg, PA 17101
cshultz@eckertseamans.com
kmoury@eckertseamans.com
Husky Marketing and Supply Company

John F. Povilaitis, Esq.
Alan Michael Seltzer, Esq.
Buchanan Ingersoll & Rooney
409 North Second Street Suite 500
Harrisburg, PA 17101-1357 Yes
John.Povilaitis@BIPC.com
Alan.Seltzer@BIPC.com
Philadelphia Energy Solutions

Certificate of Service
Docket No. A-2016-2575829 and G-2017-2587567
Page 2

Joseph Otis Minott, Esq.
Ernest Logan Welde, Esq.
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
lwelde@cleanair.org
via e-mail only

Andrew Levine, Esq.
Stradley Ronon
2600 One Commerce Square
Philadelphia, PA 19103
alevine@stradley.com
Sunoco LLC

Jonathan Marcus, Esq.
Daniel J. Stuart, Esq.
Marcus & Shapira
One Oxford Centre 35th Floor
301 Grant Street
Pittsburgh, PA 15219
jmarcus@marcus-shapira.com
stuart@marcus-shapira.com
Giant Eagle Inc.



Adeolu A. Bakare

Counsel to Gulf Operating, LLC and Sheetz, Inc.

Dated this 13th day of March, 2017, in Harrisburg, Pennsylvania.