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March 23, 2017

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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**

**Affiliated Interest Agreement between Laurel Pipe Line Company, L.P. and Buckeye Pipe Line Company, L.P., Docket No. G-2017-2587567**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Motion to Compel of Giant Eagle, Inc. with regard to the above-captioned proceedings.

Copies will be served in accordance with the attached Certificate of Service.

Respectfully submitted,



Daniel J. Stuart  
*Counsel for Giant Eagle, Inc.*

DJS/glo  
Enclosure

cc: Certificate of Service

## **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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Daniel J. Stuart  
*Counsel for Giant Eagle, Inc.*

Dated this 23rd day of March, 2017, in Pittsburgh, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Laurel Pipe Line Company,	:	
L.P. for All Necessary Authority, Approvals,	:	
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	:	
Affiliated Interest Agreement between	:	
Laurel Pipe Line Company, L.P. and	:	Docket No. G-2017-2587567
Buckeye Pipe Line Company, L.P.	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



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*Counsel for Giant Eagle, Inc.*

Dated: March 23, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Laurel Pipe Line Company, :  
L.P. for All Necessary Authority, Approvals, :  
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 :

Affiliated Interest Agreement between :  
Laurel Pipe Line Company, L.P. and : Docket No. G-2017-2587567  
Buckeye Pipe Line Company, L.P. :

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**MOTION TO COMPEL OF GIANT EAGLE, INC.**

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**TO THE HONORABLE ERANDA VERO:**

Pursuant to Section 5.342(g) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code § 5.342(g), Giant Eagle, Inc. ("Giant Eagle") hereby files this Motion to Compel ("Motion") in the above-captioned proceeding. In support of this Motion, Giant Eagle respectfully asserts as follows:

**BACKGROUND**

1. On March 13, 2017, Laurel Pipe Line Company, L.P. ("Laurel" or "Applicant") submitted Objections ("Objections") to Giant Eagle's Interrogatories and Requests for Production of Documents - Set I ("Giant Eagle Set I"). Laurel objected to Giant Eagle Set I, Numbers 15 and 26.<sup>1</sup>

2. Giant Eagle Set I, Number 15 requested the following:

**GE-LAU-I-15.** Refer to ¶ 18 of the Application. Identify all entities and/or individuals who have expressed "interest in additional eastbound movements of Midwestern-

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<sup>1</sup> The Objections are attached hereto as Exhibit 1.

sourced petroleum products to points east of Pittsburgh.”

- a. Describe the nature of any such expressions of interest, including the identities of the person(s) or entity involved, the timing of any expressions of interest, and the nature of any discussions regarding any such expressions of interest.
- b. Provide all Documents relating to any such expressions of interest.

3. Giant Eagle Set I, Number 26 requested the following:

**GE-LAU-I-26.** Refer to the Arnold Testimony at the question and answer beginning on page 18, line 8.

- a. Identify and describe the work intended to be performed in the first element of the Broadway II project as described on page 18, lines 9-14, including, without limitation, (i) a detailed description of all equipment and facilities to be constructed, installed or modified; (ii) the cost of all such equipment and facilities; (iii) the anticipated start and completion dates for all work that has not yet been started or completed; (iv) the completion date for all work that has been completed; (v) the date when the first element of the Broadway II project is anticipated to be fully completed.
- b. Please provide all studies completed or commissioned which calculate the costs of “(1) returning out-of-service tanks to service in Toledo, Ohio and Midland, Pennsylvania.”
- c. Please provide all studies completed or commissioned which calculate the costs of “(2) constructing new tanks in Mantua, Ohio.”
- d. Please provide all studies completed or commissioned which calculate the costs of “(3) replacing mainline pumps and upgrading electrical systems at facilities in Toledo, Lima, Cygnet, Wakeman, Mantua, and Columbiana, Ohio, as well as various related appurtenances.”

4. Laurel objected to both requests on the grounds that “they seek information that is not relevant to the issues raised in the above-captioned matter, and [are] not likely to lead to the discovery of relevant or admissible evidence in the above-captioned matter.” Objections at 1.

5. Specifically with respect to Giant Eagle Set I, Number 15, Laurel objected “to the extent that it seeks information related to any interest in eastbound movements of Midwestern-sourced petroleum products to points east of Eldorado, Pennsylvania” because “Laurel has not proposed nor is it seeking to change the direction of flow to any points further east of Eldorado, Pennsylvania.” Objections at 3. Laurel indicated that it would withdraw the objection to Giant Eagle Set I, Number 15 to the extent that it “is limited to pertain to shipper interest in eastbound movements of Midwestern-sourced petroleum products to points east of Pittsburgh to Eldorado, Pennsylvania, and the time period January 1, 2012 through the present.”<sup>2</sup>

6. Specifically with respect to Giant Eagle Set I, Number 26, Laurel objected that “the information sought...is only related to an aspect of the Broadway II project that involves Buckeye’s interstate assets and facilities, which are not the subject of the pending Application or Capacity Agreement.” Objections at 5.

### **MOTION TO COMPEL**

7. As outlined in the Commission’s regulations and repeatedly affirmed by the Commission, a party seeking to withhold discovery on grounds of relevancy must meet a high burden showing the requested information to be wholly irrelevant to the applicable subject matter. Under the Commission’s regulations, “a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense

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<sup>2</sup> Regarding the applicable time period of Giant Eagle Set I, Number 15, Giant Eagle will limit its request to the time period of January 1, 2012 through the present.

of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.” 52 Pa. Code 5.321(c). Further, “[i]t is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The Commonwealth Court has further reinforced the broad scope of discoverable information, stating that “relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy.” *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Commw. Ct. 2006). As additionally emphasized by the Commonwealth Court, the party contending discovery is not relevant has the burden of proving irrelevancy. *Id.*

#### **Giant Eagle Set I, Number 15**

8. The information sought in Giant Eagle Set I, Number 15 is directly relevant to the issues in this proceeding and, in fact, seeks to confirm the veracity of direct statements made by Laurel in its Application and its direct testimony.

9. Throughout its Application, Laurel repeatedly stated that part of the rationale for seeking to reverse the pipeline was that additional refining capacity in the Midwest has led many shippers in that region to express their interest in shipping petroleum eastbound into Pennsylvania. For example, Laurel stated:

- a. “Expanding refining capacity in the Midwest, driven by increasing access to lower cost crude oil in that region, has led a number of shippers to indicate their interest in increased transportation options to reach additional destination points in Western and Central Pennsylvania.” Application at 2.
- b. “Increased availability of generally lower-priced Midwestern product has generated interest in additional eastbound movements



of Midwestern-sourced petroleum products to points east of Pittsburgh.” Application at 9, ¶ 18.

- c. “[T]he preferences of the Shippers committed to taking eastward post-project service from Buckeye should be afforded significant weight, particularly given the substantial public benefits that will result from the eastward transportation of gasoline and other petroleum products, and the variety of alternatives available to Philadelphia-based Customers.” Application at 11, ¶ 23.
- d. “Several Shippers have approached Laurel to explore the feasibility of transporting lower-priced Midwestern petroleum products into and across Pennsylvania. Given the substantial changes in the petroleum products market, significant weight should be given to these Shippers’ preferences.” Application at 14, ¶ 34.

10. The direct testimony submitted by Laurel contains similar claims. For example, the testimony states:

- a. “Expanding supplies of petroleum products in the Midwest, driven largely by increasing access to lower cost crude oil in that region, has led a number of shippers to indicate their interest in increased transportation options to reach additional destination points in Western and Central Pennsylvania.” Hollis Testimony at pg. 3, lines 9-13.
- b. “...increased availability of generally lower-priced Midwestern petroleum products has generated increased interest in additional eastbound movements of Midwestern-sourced petroleum products to points east of Pittsburgh.” Hollis Testimony at pg. 8, lines 20-22.
- c. “A number of shippers approached Laurel over the past two years to explore the feasibility of transporting lower-priced Midwestern petroleum products into and across Pennsylvania.” Hollis Testimony at pg. 9, lines 5-7.
- d. “When Buckeye was planning Broadway II, shippers indicated that they believed demand for gasoline would decrease in the relatively near future (*e.g.*, by 2025). In anticipation for this decrease, Midwestern refiners have determined that increasing supply into Pennsylvania is in their interest.” Webb Testimony at pg. 18, lines 16-19.

11. As the above examples illustrate, Laurel has expressly—and repeatedly—made Midwestern Shippers’ preferences to penetrate the Pennsylvania market a focal point of these proceedings. Indeed, Laurel argues throughout its Application and direct testimony that one of the main rationales in favor of reversing the pipeline is to accommodate these Shippers’ preferences. Laurel even argues that these Midwestern Shippers’ preferences should be afforded “significant weight” as compared to the preferences of Pennsylvania refiners, retailers, and consumers.

12. The discovery sought by Giant Eagle Set I, Number 15 is relevant to these proceedings for a number of reasons and should not—and, indeed, cannot—be limited solely to expressions of interest in shipping to Eldorado, Pennsylvania (but not to any points farther east).

13. First, the discovery sought by Giant Eagle Set I, Number 15 is relevant to test the veracity of Laurel’s numerous allegations pertaining to Shipper preferences. *See infra*, ¶¶ 9, 10. Notably, neither the Application nor direct testimony states that Midwestern Shippers limited their interest in shipping petroleum *only* to Eldorado, Pennsylvania. To the contrary, Laurel’s Shippers have allegedly expressed an interest in shipping petroleum “into and across Pennsylvania” and “to points east of Pittsburgh.” Accordingly, all expressions of interest in shipping petroleum to Pennsylvania—including to points east of Eldorado—are relevant and discoverable.

14. Further, Laurel argues that Midwest Shippers’ preferences should be given “significant weight.” In order for the ALJ and Commission to properly determine what weight, if any, should be given to Midwest Shippers’ preferences, it is imperative that the Commission and all parties understand the full nature of these Shippers’ alleged preferences. Giant Eagle Set I, Number 15 seeks to obtain this information so that your honor and the Commission can make a

determination as to how much weight, if any, should be given to such evidence.

15. Laurel apparently concedes the relevance of Midwest Shipper expressions of interest but argues that discovery on such expressions of interest should be limited to “shipper interest in eastbound movements of Midwestern-sourced petroleum products to points east of Pittsburgh to Eldorado, Pennsylvania.” Objections at 4. But again, the Application and direct testimony does *not* state that Midwestern shippers limited their interest in shipping petroleum *only* as far east as Eldorado, Pennsylvania and, therefore, it would be improper to limit discovery only to expressions of interest in shipping to Eldorado, Pennsylvania (but not to any points farther east).

16. Moreover, Laurel’s proposed limitation on Giant Eagle Set I, Number 15 defies common sense and would be unworkable in practice. By definition, any expression of interest in shipping product to a destination point east of Eldorado (which Laurel says is irrelevant) *necessarily encompasses* an expression of interest to ship that product at least *to Eldorado* (which Laurel admits is relevant). For example, if a Midwest Shipper has indicated an interest in shipping Midwestern-sourced petroleum product into the Philadelphia market on the Laurel Pipeline, that—by definition—is *an indication of that shipper’s interest in shipping petroleum products to Eldorado*. Laurel admits that expressions of interest in shipping to Eldorado are relevant. Whether the Shipper is also interested in shipping the product to a point beyond Eldorado does not suddenly render that expression of interest irrelevant.

17. Finally, it is hard to imagine how information or documents pertaining to a Midwest Shipper’s expression of interest in shipping to a point east of Eldorado could be meaningfully limited to illustrate only a preference to ship to Eldorado. To use as straightforward of an example as possible, suppose a Midwest Shipper said to Laurel in an email,

“We are interested in shipping Midwestern-sourced petroleum products into Pennsylvania all the way to Philadelphia.” There is simply no workable way by which Laurel could portray this Shipper as indicating an interest in shipping *only* to Eldorado, because the Shipper is indicating an interest in shipping to Eldorado *and beyond*. The only way to “scrub” information pertaining to points east of Eldorado would be to change the substance of the statement (rendering it misleading) or withhold the statement outright. Neither option is proper.

18. Laurel, of course, is free to argue during the evidentiary hearing that the Commission should not consider evidence pertaining to Midwest Shipper interest in shipping to points east of Eldorado or to argue about the weight that should be afforded such evidence. However, when it comes to discovery—which requires a broader standard for relevance than any actual hearing—Laurel cannot withhold information about allegations that it directly inserted into the proceedings and/or seek to impose unworkable discovery restrictions.

**Giant Eagle Set I, Number 26**

19. The information sought in Giant Eagle Set I, Number 26 merely seeks a greater understanding of the “first element” of the Broadway II project, which Laurel itself describes as “significant” to the public interest analysis, such as the nature and costs of certain equipment and the timing of the projects. As with Giant Eagle Set I, Number 15, Laurel’s objection to Giant Eagle Set I, Number 26 seeks to withhold information that is directly relevant to the allegations made by Laurel and its witnesses.

20. The testimony of David W. Arnold, Laurel’s Vice President of Domestic Pipelines, describes the proposed reversal of the pipeline from Pittsburgh to Eldorado as the second element of a two-step project called “Broadway II.” *See* Arnold Testimony at pg. 18. Mr. Arnold then continues to describe the “first element” of the Broadway II project, which includes actions to increase the capacity of Buckeye’s pipeline system from “Western Ohio to

**Pittsburgh.”** *Id.* at lines 9-14 (emphasis added). Laurel argues that this added capacity will increase the amount of Midwest-sourced petroleum it can ship into Pennsylvania and that this increased supply will benefit the public. *See id.* at pg. 19, lines 12-16.

21. The testimony of Michael Webb devotes an entire section to describing “The Broader Project,” of which the reversal of the pipeline in Pennsylvania is just a part. Indeed, the first question posed in this section is: “**Why is it significant that Laurel’s request is part of a broader project?**”, *see* Webb Testimony at pg. 14, line 13, and Mr. Webb expressly cites the “broader project” as delivering benefits to citizens of the Commonwealth. As Mr. Webb’s testimony states:

Q. Will Laurel’s request create benefit for citizens of the Commonwealth?

A. Yes. ... Laurel’s request will create benefit in several ways. First, **it is part of a broader project to expand capacity** from the more efficient and less expensive Midwestern refineries. Access to these refineries will put downward pressure on petroleum prices in Western and Central Pennsylvania.

*See* Webb Testimony at pg. 14, lines 2-8 (emphasis added).

22. Thus, the ALJ does not have to take Giant Eagle’s word that the first element of Laurel’s “broader project” is significant to assessing the alleged benefits to the public—Laurel itself argues that the broader project is significant and makes it a focal point of its case.

23. Giant Eagle Set I, Number 26 merely seeks to gather more information about the “broader project” so that the Commission can properly evaluate the veracity of Laurel’s testimony and the promised benefits to the public, if any, that will result from the proposed reversal.

24. In order to assess the likelihood of these benefits coming to fruition, it is critical to understand the steps involved and progress made on the first phase. For example, Laurel

expects the reversal to be completed in 2018, but whether the alleged benefits would be delivered to the public at that time depends, at least in part, on whether the first stage of the Broadway II project is operating as alleged in the Application and delivering the promised benefits. Laurel should not be permitted to tout the benefits of its “broader project” as a basis for approving the Application but limit discovery to only one piece of that project.

25. Finally, Laurel objects that Giant Eagle Set I, Number 26 seeks information related to Buckeye’s “interstate” assets and therefore, is irrelevant. This objection ignores the fact that Laurel’s own testimony states that the first element consists of expanding capacity to Pittsburgh. The PUC should be able to consider and understand assets located in Pennsylvania which the Applicant itself describes—and touts—as critical for delivering the promised public benefit from the entire project.

### CONCLUSION

WHEREFORE, Giant Eagle, Inc. respectfully requests that the Pennsylvania Public Utility Commission reject Laurel Pipe Line Company, L.P.’s Objections to Giant Eagle Interrogatory Set I, Numbers 15 and 26 and grant this Motion to Compel.

Respectfully submitted,



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Daniel J. Stuart (PA ID #321011)

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*Counsel for Giant Eagle, Inc.*

Dated: March 23, 2017

**CERTIFICATION OF COUNSEL**

Counsel for the moving party conferred with counsel for Laurel on March 22nd and 23rd, 2017 via email in an attempt to resolve the discovery issues raised herein without intervention by the ALJ. The parties were unable to reach a satisfactory resolution of the issues presented.



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Daniel J. Stuart  
*Counsel for Giant Eagle, Inc.*

# **EXHIBIT 1**



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Laurel Pipe Line Company, :  
L.P. for All Necessary Authority, Approvals, :  
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 :

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**OBJECTIONS OF LAUREL PIPE LINE COMPANY, L.P.  
TO CERTAIN INTERROGATORIES PROPOUNDED BY  
GIANT EAGLE, INC. SET I**

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Laurel Pipe Line Company, L.P. (“Laurel” or the “Company”) hereby submits these Objections to certain Interrogatories of Giant Eagle, Inc. (“Giant Eagle”) Set I, pursuant to 52 Pa. Code § 5.342. As explained below, Laurel objects to certain discovery requests set forth in Giant Eagle Set I because they seek information that is not relevant to the issues raised in the above-captioned matter, and not likely to lead to the discovery of relevant or admissible evidence in the above-captioned matter. In support thereof, Laurel states as follows:

**I. INTRODUCTION**

On November 14, 2016, Laurel filed the above-captioned Application with the Pennsylvania Public Utility Commission (“Commission”) at Docket No. A-2016-2575829. The Application sought all necessary, authority, approvals and Certificates of Public Convenience, to the extent required, authorizing Laurel to change the direction of its petroleum products transportation service over a portion of its system west of Eldorado, Pennsylvania, and confirming that Laurel may, in its discretion, reinstate the current direction of service in the future without further Commission approval.

In support of its Application, Laurel also filed the direct testimony of six witnesses and associated exhibits on February 7, 2017. Therein, Laurel more fully explained the details of the proposed change in direction of flow over the western portion of its system, and why the Company believes that the proposed change in direction of flow either does not require Commission approval; or if it does not require Commission approval, why the Company believes that the proposed change in direction of flow is in the public interest and should be approved consistent with Sections 1102(a)(2) and 1103(a) of the Public Utility Code.

Giant Eagle filed a Petition to Intervene and Protest on February 1, 2017. On February 6, 2017, the Commission issued a Notice setting the date for the Prehearing Conference on February 14, 2017. On March 3, 2017, Giant Eagle served Set I interrogatories.

Under 52 Pa. Code § 5.341(c), a party may propound interrogatories that relate to matters that can be inquired into under Section 5.321. Section 5.321(c), in turn, provides that a party is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding and reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). In addition, under Section 5.323, discovery may not include disclosure of legal research or legal theories. 52 Pa. Code § 5.323(a).

For the reasons explained below, the interrogatories set forth in Giant Eagle Set I, Numbers 15 and 26 seek information that is not relevant to the issues raised in the above-captioned matter, and not likely to lead to the discovery of relevant or admissible evidence in the above-captioned matter. Therefore, in accordance with the Commission's regulations, Laurel hereby objects to Giant Eagle Set I, Numbers 15 and 26 as set forth below.

## **II. OBJECTIONS**

### **A. Objection to Giant Eagle Set I, Number 15**

Giant Eagle Set I, Number 15 provides as follows:

15. Refer to ¶ 18 of the Application. Identify all entities and/or individuals who have expressed “interest in additional eastbound movements of Midwestern-sourced petroleum products to points east of Pittsburgh.”

- a. Describe the nature of any such expressions of interest, including the identities of the person(s) or entity involved, the timing of any expressions of interest, and the nature of any discussions regarding any such expressions of interest.
- b. Provide all Documents relating to any such expressions of interest.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). However, discovery which “would require the making of an unreasonable investigation by...a party” is not permitted. 52 Pa. Code § 3.61. The information sought in Giant Eagle Set I, Number 15 is overbroad and not relevant to the issues to be addressed in this proceeding.

Laurel objects to Giant Eagle Set I, Number 15 to the extent that it seeks information related to any interest in eastbound movements of Midwestern-sourced petroleum products to points east of Eldorado, Pennsylvania. Laurel has not proposed nor is it seeking to change the direction of flow to any points further east of Eldorado, Pennsylvania. Therefore, to the extent that Giant Eagle Set I, Number 15 seeks information related to any interest in eastbound movements of Midwestern-sourced petroleum products to points east of Eldorado, Pennsylvania,

the information is irrelevant to Laurel's proposed change in direction of flow for points west of Eldorado that is pending before the Commission.

Laurel further objects to Giant Eagle Set I, Number 15 because it is vague and overbroad. Giant Eagle Set I, Number 15 does not specify an applicable time period for a response. However, similar discovery requests to and from Laurel have limited the applicable time period to January 1, 2012 through the present.

To the extent that the information sought by Giant Eagle Set I, Number 15 is limited to pertain to shipper interest in eastbound movements of Midwestern-sourced petroleum products to points east of Pittsburgh to Eldorado, Pennsylvania, and the time period January 1, 2012 through the present, Laurel will withdraw this objection.

**B. Objection to Giant Eagle Set I, Number 26**

Giant Eagle Set I, Number 26 provides as follows:

26. Refer to the Arnold Testimony at the question and answer beginning on page 18, line 8.

- a. Identify and describe the work intended to be performed in the first element of the Broadway II project as described on page 18, lines 9-14, including, without limitation, (i) a detailed description of all equipment and facilities to be constructed, installed or modified; (ii) the cost of all such equipment and facilities; (iii) the anticipated start and completion dates for all work that has not yet been started or completed; (iv) the completion date for all work that has been completed; (v) the date when the first element of the Broadway II project is anticipated to be fully completed.
- b. Please provide all studies completed or commissioned which calculate the costs of "(1)

returning out-of-service tanks to service in Toledo, Ohio and Midland, Pennsylvania.”

- c. Please provide all studies completed or commissioned which calculate the costs of “(2) constructing new tanks in Mantua, Ohio.”
- d. Please provide all studies completed or commissioned which calculate the costs of “(3) replacing mainline pumps and upgrading electrical systems at facilities in Toledo, Lima, Cygnet, Wakeman, Mantua, and Columbiana, Ohio, as well as various related appurtenances.”

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Giant Eagle Set I, Number 26 is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence.

The information sought in Giant Eagle Set I, Number 26 pertains to the “first element of the Broadway II project” that is discussed in the Direct Testimony of David W. Arnold. Laurel St. No. 1, p. 18, ln. 8-14. As stated in Mr. Arnold’s testimony, the first element of the Broadway II project involves actions that Buckeye Pipe Line Company, L.P. (“Buckeye”) will take to increase the capacity of its interstate petroleum products pipeline system from Western Ohio to Pittsburgh. Laurel’s proposal, as described in its Application, involves a change in direction of flow over Laurel’s facilities, and Buckeye’s use of those facilities pursuant to the Capacity Agreement that was consolidated for consideration with Laurel’s Application. However, the information sought by Giant Eagle Set I, Number 26 is only related to an aspect of the Broadway II project that involves Buckeye’s interstate assets and facilities, which are not the subject of the pending Application or Capacity Agreement. Moreover, Buckeye is an interstate

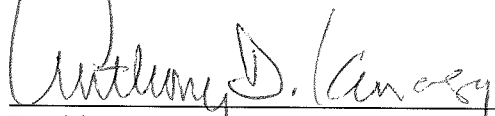
petroleum products pipeline, whose rates, services, and facilities are not subject to the jurisdiction of the Commission. Thus, any information related to Buckeye's interstate assets or facilities is not related to a relevant issue in Laurel's Application proceeding that is pending before the Commission.

Based on the foregoing, Laurel objects to Giant Eagle Set I, Number 26, which seeks information that is irrelevant, and not likely to lead to admissible evidence in this proceeding.

**III. CONCLUSION**

WHEREFORE, Laurel Pipe Line Company, L.P. objects to Giant Eagle Set I, Numbers 15 and 26, which seek information that is irrelevant, and not likely to lead to the discovery of admissible evidence. Laurel Pipe Line Company, L.P. reserves the right to object to future interrogatories, requests for admissions, and requests for production of documents including any instructions and definitions contained therein.

Respectfully submitted,



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Date: March 13, 2017

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