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File #: 162860

March 23, 2017

***VIA ELECTRONIC FILING***

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**

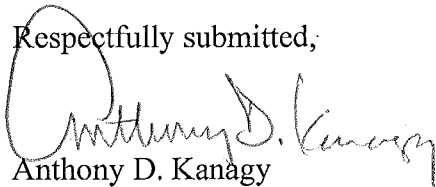
**Laurel Pipe Line Company, L.P. - Pipeline Capacity Agreement with Buckeye Pipe Line Company, L.P.  
Docket No. G-2017-2587567**

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Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. on Gulf Operating, LLC, Set I 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

## 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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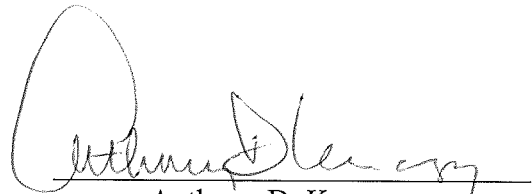
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Date: March 23, 2017



Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

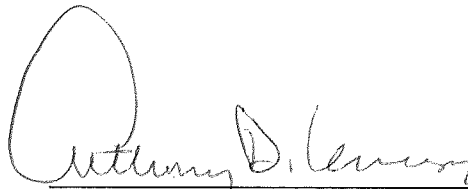
Application of Laurel Pipe Line Company,	:	
L.P. for All Necessary Authority, Approvals,	:	
and Certificates of Public Convenience To	:	Docket No. A-2016-2575829
Change the Direction of Petroleum Products	:	
Transportation Service to Delivery Points	:	
West of Eldorado, Pennsylvania	:	
	:	
Laurel Pipe Line Company, L.P. - Pipeline	:	
Capacity Agreement with Buckeye Pipe Line	:	Docket No. G-2017-2587567
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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Date: March 23, 2017

*Counsel for Laurel Pipe Line Company, L.P.*

**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	:	
	:	
Laurel Pipe Line Company, L.P. - Pipeline	:	
Capacity Agreement with Buckeye Pipe Line	:	Docket No. G-2017-2587567
Company, L.P.	:	

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY LAUREL PIPE LINE COMPANY, L.P.  
ON GULF OPERATING, LLC, SET I**

**TO ADMINISTRATIVE LAW JUDGE ERANDA VERO:**

As explained herein, Laurel Pipe Line Company, L.P. (“Laurel” or the “Company”) hereby files, pursuant to 52 Pa. Code § 5.342, this Motion to Compel Answers to its First Set of Interrogatories and Requests for Production of Documents (“Set I Discovery”) directed to Gulf Operating, LLC (“Gulf”). The Motion to Compel requests that Administrative Law Judge Eranda Vero (the “ALJ”) direct Gulf to provide full and complete responses to Request Nos. 1, 2, 3, 4(b)-(e), 9, 12(b), 13, 14, and 16(b)-(e) of the Set I Discovery as is required by 52 Pa. Code § 5.342(a)(4). In support of this Motion, Laurel states as follows:

**I. INTRODUCTION**

1. 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.

2. On February 1, 2017, Gulf filed a formal Protest containing specific factual allegations regarding the effects of Laurel's proposal on Gulf and other entities throughout Pennsylvania. In support of its Protest, Gulf attached the Affidavit of Daniel S. Arthur to its Protest.

3. On March 2, 2017, Laurel served Set I Discovery on Gulf. A copy of Laurel Set I Discovery to Gulf is provided as Appendix A hereto.

4. Gulf objected to Set I Discovery on March 13, 2017. Gulf objected to Set I Instructions and Definitions Nos. 1, 3, 4, 5, 7, 12 and 16, and Request Nos. 1, 2, 3, 4(b)-(c), 9, 12(b), 13, 14, and 16(b)-(e). A copy of Gulf's Objections is provided as Appendix B hereto.

5. Laurel contacted counsel for Gulf on March 22, 2017, by e-mail to consider whether the parties could resolve any of the objections and proposed to use a common set of instructions and definitions. Gulf agreed to use a common set of instructions and definitions. Laurel does not believe that the parties will be able to resolve their discovery disputes as to the specific questions given the numerous objections raised by Gulf to Laurel's requests for basic information.

6. Laurel hereby files its Motion to Compel Gulf to respond to Set I, Request Nos. 1, 2, 3, 4(b)-(e), 9, 12(b), 13, 14, and 16(b)-(e).

## **II. ARGUMENT**

### **A. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 1 OF THE SET I DISCOVERY.**

7. Laurel – Set I, Request No. 1 provides as follows:

1. With reference to Gulf's claim in paragraph 18 of its protest that there exist a "lack of service alternatives for Laurel's current shippers"

- a. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017.
- b. Please ensure that all information provided in response to subpart (a) identifies the pipeline, or barge on which such product originated.
- c. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Pittsburgh, PA from January 1, 2012 to the Present.
- d. Please ensure that all information provided in response to subpart (c) identifies the pipeline, or barge on which such product originated.
- e. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to the Present.
- f. Please ensure that all information provided in response to subpart (e) identifies the pipeline, or barge on which such product originated.
- g. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to the Present.
- h. Please ensure that all information provided in response to subpart (g) identifies the pipeline, or barge on which such product originated.
- i. Please identify the amount of refined product by month and by product type that Gulf has purchased from other parties who shipped this refined product on Laurel from January 1, 2012 to the Present.
- j. Please identify the amount of refined product by month and by product type that Gulf has transported to one of the terminals identified in subparts (a), (c),

(e), or (g) by either a non-Buckeye pipeline or by barge from January 1, 2012 to February 1, 2017.

8. Gulf objects to this request on the grounds that the information sought is irrelevant to the issues and subject matter of this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. Gulf states that information related to volumes lifted from its terminal, purchased by Gulf, or transported by Gulf are outside the scope of issues in this proceeding.

9. Alternatively, Gulf argues that it should only be required to provide data that is limited to the method of delivery of product transported to Gulf's terminals, and not information associated with the lifting of product from Gulf's terminals after delivery through Laurel's pipeline or a competing alternative (e.g., pipeline, barge or truck).

10. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

11. In its Protest, Gulf claims that Laurel's proposal will adversely affect the Pittsburgh petroleum products market and will create a lack of service alternatives for Laurel's current shippers. *See* Gulf Protest ¶ 18. Gulf also claims that: Pittsburgh consumers will have no pipeline access to East Coast supplies; the Philadelphia market will be negatively impacted; Pennsylvania infrastructure and environment will be harmed; safety will be threatened; and Pittsburgh will lack access to low-RVP gasoline, among other issues. *See id.*

12. Laurel Set I, Request No. 1 seeks basic information about the different products and quantities of products that are lifted from Gulf's terminals across Pennsylvania. Gulf cannot claim that it will be negatively impacted by Laurel's proposal and that certain alternatives are not adequate, but refuse to provide basic information that is necessary to evaluate claims. This basic



information is necessary for Laurel to evaluate Gulf's claims regarding market disruptions resulting from Laurel's proposal. For example, it is relevant to review the types and quantities lifted out of Gulf's terminals in Pittsburgh to assist in determining how the Pittsburgh market will be affected. It is also relevant to compare this information to information at Gulf terminals across Pennsylvania. In assessing any harm to Gulf, Laurel must be able to quantify the role Laurel pipeline plays to Gulf's overall operation in light of all other volumes of product being moved.

13. Laurel further notes that Gulf has requested information from Laurel regarding the type and amount of petroleum products delivered by Laurel across Pennsylvania. For example in Gulf Set I, Question No. 12, Gulf requests:

12. With respect to the current operation of the Laurel pipeline, provide the following for the prior three years:

- a. The number of shippers moving any product along the Laurel pipeline in each calendar month;
- b. A breakdown of the amount of product shipped along the Laurel pipeline by product type and receipt/delivery points for each month identified in a. above; and
- c. The amount of product of all types, broken down by type, being shipped monthly between Eldorado and Pittsburgh, PA along the Laurel pipeline.

Gulf clearly recognizes in its questions to Laurel that petroleum product shipment information is relevant in this proceeding. Information regarding the type and quantity of petroleum products lifted out of Gulf's terminals is likewise relevant to this proceeding.

14. Moreover, Gulf should be compelled to require this information with respect to both volumes transported to Gulf's terminals and volumes lifted from Gulf's terminals, because such information is relevant to the proper evaluation of the harms alleged by Gulf. For example,

information related to the volumes lifted by Gulf could be used to demonstrate that while volumes were transported to a terminal by Gulf, that those volumes were not lifted from the terminal and disseminated to the public. Such an occurrence would demonstrate that Pennsylvania consumers do not rely on access to products refined by Gulf to the extent that Gulf alleged in its Protest. The information sought by this request is thus directly relevant to what Laurel must prove—if and only if it is determined Laurel must receive Commission authorization for the proposed reversal—directly relevant to factual allegations forward by Gulf in its Protest, and reasonably calculated to lead to the discovery of admissible evidence. Therefore, Gulf’s objection should be denied.

15. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 1 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**B. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 2 OF THE SET I DISCOVERY.**

16. Laurel – Set I, Request No. 2 provides as follows:

2. With reference to Gulf’s claim in paragraph [23] that the relationship or connection between and among origin and delivery points is what defines the service at issue in this proceeding

- a. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf’s terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- b. Please identify by month and by product type the refinery that produced all refined petroleum

products lifted out of Gulf's terminal in Pittsburg, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.

- c. Please identify by month the refinery and by product type that produced all refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- d. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.

17. Gulf objects to this request for the same reasons set forth in its objections to Request No. 1 of the Set I discovery.

18. Laurel adopts and incorporates its arguments with respect to Request No. 1 of the Set I discovery, in paragraphs 7-15 *supra*, as if they were fully stated herein. Laurel notes that in paragraph 23 of Gulf's protest, Gulf states that the relationship between origin and delivery points defines service. Therefore, information regarding the refineries that produce the petroleum products lifted at Gulf's terminals is relevant to Gulf's claims in this proceeding and should be evaluated to determine the level of harm alleged by both Gulf and the refineries in this proceeding. By way of further explanation, to the extent that it is determined Laurel must receive Commission authorization for its proposed reversal, the information sought by Request No. 2 is directly relevant to Gulf's use of certain destination points that would be affected by the proposed reversal, and is necessary to quantify the harm that Gulf has alleged it will suffer as a result of the reversal. Therefore, Gulf's objection should be denied.

19. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 2 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**C. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 3 OF THE SET I DISCOVERY.**

20. Laurel – Set I, Request No. 3 provides as follows:

3. With reference to Gulf’s statement in paragraph 25 of its protest that “For approximately 60 years both shippers on Laurel’s line and other market participants have invested resources in developing complementary infrastructure to facilitate east-to-west transportation of gasoline and diesel”

- a. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Coraopolis, PA for the past 60 years that facilitate east-to-west transportation of gasoline and/or diesel.
- b. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Coraopolis, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- c. Please state whether it is Gulf’s belief that if Laurel’s application is approved it will be forced to abandon, idle or write-down any investment made at Coraopolis, PA, and provide a detailed narrative explanation of the basis of this belief.
- d. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.

- e. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- f. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Pittsburgh, PA, and provide a detailed narrative explanation of the basis of this belief.
- g. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.
- h. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- i. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Delmont, PA, and provide a detailed narrative explanation of the basis of this belief.
- j. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Altoona, PA for the past 60 years that have facilitate east-to-west transportation of gasoline.
- k. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Altoona, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- l. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Altoona, PA, and provide a detailed narrative explanation of the basis of this belief.

21. Gulf objects to the entirety of Request No. 3 on the grounds that it would impose an undue burden and require an unreasonable investigation to itemize all investments made by Gulf over the past 60 years. Gulf also specifically objects to subparts (c), (f), (i), and (l) on the grounds that the information sought in these subparts is irrelevant and beyond the scope of issues in this proceeding, as well as to the extent these requests impose an undue burden, or request speculation on a contingency or calling for a legal conclusion or analyses.

22. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

23. Contrary to Gulf's objection, the information sought by Request No. 1 is directly relevant to Gulf's own claims in this proceeding. Gulf's Protest specifically alleges that "[f]or approximately 60 years, both shippers on Laurel's line and other market participants have invested resources in developing complementary infrastructure to facilitate the east-to-west transportation of gasoline and diesel." Protest of Gulf Operating, LLC, Docket No. A-2016-2575829, at p. 9 (filed Feb. 1, 2017). Gulf, having alleged that this information for a self-selected period of 60 years is relevant to the consideration of Laurel's proposal, cannot now argue that such information is outside the scope of discovery. To the extent that Gulf possesses this information, Laurel is entitled to discovery in order to test and evaluate the allegations raised by Gulf in its Protest. Therefore, Gulf's objection should be denied.

24. Furthermore, Gulf's assertions that Request No. 3, subparts (c), (i), (f), and (l) specifically impose an undue burden, or request speculation on a contingency or calling for a legal conclusion or analyses are without merit. Gulf has claimed that it has invested in facilities that are complimentary to Laurel's current service, and that a reversal would deprive it of the

benefit of its investment. Subparts (c), (i), (f), and (l) specifically ask whether and to what extent it would lose the very investments it has claimed it would lose, *i.e.*, what specific and unavoidable harm it would experience. To the extent that it is determined that Commission authorization of Laurel's proposal is required, any alleged harm suffered by Gulf is relevant to this proceeding. Moreover, the degree of this information's relevance to Gulf's claims that Laurel's proposal will have negative impacts substantially outweighs any burden associated with its production, and demonstrates the absolute necessity of this information to evaluate Gulf's claims.<sup>1</sup> The information sought by Request No. 3, sub subparts (c), (i), (f), and (l) is related to the quantification of that harm.

25. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 3 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**D. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 4(B)-(E) OF THE SET I DISCOVERY.**

26. Laurel – Set I, Request No. 4 provides as follows:

4. With reference to Gulf's discussion of Laurel's alleged return on its current operations
  - a. Please identify the reports to which Gulf refers and provide all workpapers showing the calculation that causes Gulf to believe this return is reasonable.

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<sup>1</sup> Section 5.361 of Commission's regulations is substantially similar to Pennsylvania Rule of Civil Procedure Number 4011. *See* 52 Pa. Code § 5.361; *see also* Pa. R.C.P. 4011. Pennsylvania courts regulatory interpret Rule 4011 to require a court to balance the relevance and need for the request information with the burden to produce it, when evaluating an objection that production is unreasonably burdensome or would require an unreasonable investigation. *See, e.g., Braham v. Rohm & Haas Co.*, 19 A.3d 1094, 1110-11 (Pa. Super. Ct. 2011); *Shedlock v. UPMC Presbyterian*, 2004 Pa. Dist. & Cnty. Dec. LEXIS 121, at \*7-8 (Pa. C.C.P. Nov. 17, 2004).

- b. Please provide all documents showing the return Gulf believes it is earning on its terminal at Coraopolis, PA.
- c. Please provide all documents showing the return Gulf believes it is earning on its terminal at Pittsburgh, PA.
- d. Please provide all documents showing the return Gulf believes it is earning on its terminal at Delmont, PA.
- e. Please provide all documents showing the return Gulf believes it is earning on its terminal at Altoona, PA.

27. Gulf objects to Request No. 4(b)-(e) on the grounds that the information sought is not relevant to the subject matter and issues in this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

28. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

29. The information sought in Request No. 4 is related to Gulf's claims in this proceeding. While Gulf is not a PUC-regulated entity subject to public interest determinations on its allowed rate of return under Section 13 of the Public Utility Code, the return it earns on its terminals is relevant to the quantification of any harm Gulf alleges it will suffer if Laurel's Application is approved. Information regarding Gulf's returns on terminals that would be affected by the reversal is directly relevant to the evaluation of Gulf's allegations of harms that would result from the reversal. If Gulf is currently earning a large return on its operations, then that indicates that the consumers of Pennsylvania could be directly benefitted by Gulf earning a slimmer margin by facing competition from other sources of product. Further, it indicates that while other potential outlets for the product are not as profitable, Gulf could continue to operate



if the Laurel application is approved. Gulf's harm could be mitigated, and would be offset by direct benefits to Pennsylvania citizens. Therefore, Gulf's objection should be denied.

30. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 4 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**E. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 9 OF THE SET I DISCOVERY.**

31. Laurel – Set I, Request No. 9 provides as follows:

9. With reference to Gulf's statement in Paragraph 33 that Philadelphia area refineries are dependent on Laurel for access to the Pittsburgh market,

- a. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Philadelphia Energy Solutions (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
- b. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Monroe Energy (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity) .
- c. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated

by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Delaware City, DE (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity) .

- d. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Paulsboro, NJ (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).

32. Gulf objects to this request for the same reasons set forth in its objections to Request No. 1 of the Set I discovery.

33. Laurel adopts and incorporates its arguments with respect to Request No. 1 of the Set I discovery, in paragraphs 7-15 *supra*, as if they were fully stated herein. By way of further response, the information sought by Request No. 9 is directly relevant to claims by Gulf in its Protest that Philadelphia-area refineries are dependent on Laurel for pipeline access to the Pittsburgh market. *See* Protest of Gulf Operating, LLC, Docket No. A-2016-2575829, at pp. 13, 17 (filed Feb. 1, 2017). The requested information requested is necessary to evaluate Gulf's claims that such refineries are dependent on Laurel, and is reasonably calculated to lead to the discovery of admissible evidence related to this claim. In assessing any harm to Gulf, Laurel must be able to quantify its role in light of all other volumes of product being controlled by Gulf. If the volumes on Laurel are insignificant compared to the other product owned and controlled by Gulf, then the harm to Gulf will be minimal and offset by the benefit to Pennsylvanians. Gulf, having claimed that this information was pertinent to the evaluation of Laurel's

Application in its Protest, cannot now argue that this information is outside the scope of discovery. Therefore, Gulf's objection should be denied.

34. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 9 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**F. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 12(B) OF THE SET I DISCOVERY.**

35. Laurel – Set I, Request No. 12 provides as follows:

12. With reference to Gulf's claim in Paragraph 43 that the reversal could increase delivery costs to Pittsburgh consumers by \$68 million annually

- a. Please provide all internal studies, analyses or other materials in which Gulf estimated how the reversal would increase delivered costs to Pittsburgh consumers.
- b. Please provide all documents relied upon by management showing the margin or any other measure of profit Gulf has earned from refined products delivered to the Pittsburgh market from January 1, 2012 to the present.

36. Gulf objects to Request No. 12(b) on the grounds that the information sought is not relevant to the subject matter and issues in this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

37. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

38. The information sought in Request No. 12(b) is related to Gulf's claims in this proceeding. Gulf has specifically quantified an allegation of harm to Pittsburgh consumers in its pleading challenging Laurel's prima facie case. As the \$68 million claim appears to be a factual challenge to the prima facie case, Gulf must support its claim with documentation. At a minimum, Gulf should provide documentation regarding its own specific costs and margins associated with the same movement, if it cannot support its broader allegation. While Gulf is not a PUC-regulated entity subject to public interest determinations on its allowed rate of return under Section 13 of the Public Utility Code, its margin or measurement of profits relevant to earnings from refined products delivered to the Pittsburgh area is relevant to the quantification of any harm Gulf alleges it and/or the public will suffer if Laurel's Application is approved. Therefore, Gulf's objection should be denied.

39. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 12(b) of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**G. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 13 OF THE SET I DISCOVERY.**

40. Laurel – Set I, Request No. 13 provides as follows:

13. With reference to Gulf's discussion of alternative markets in New York City, Upstate New York and Central Pennsylvania in Paragraph 44

- a. Please provide by month and product type the amount of product that Gulf has delivered to New York City from January 1, 2012 to the present.

- b. With regard to material provided in response to subpart (a) please ensure that each supply source is listed separately (e.g. if a certain amount of gasoline was shipped to upstate New York City using Colonial and a different amount was shipped to New York City via Harbor pipeline please so state).
- c. Please provide by month and product type the amount of product that Gulf has delivered to Upstate New York from January 1, 2012 to the present.
- d. With regard to material provided in response to subpart (c) please ensure that each supply source is listed separately.
- e. Please provide by month and product type the amount of product that Gulf has delivered to Central Pennsylvania from January 1, 2012 to the present.
- f. With regard to material provided in response to subpart (e) please ensure that each supply source is listed separately.

41. Gulf objects to this request on the grounds that it is overly broad and seeks information that is not relevant to the issues in this proceeding. Gulf specifically argues that individual product shipments delivered by Gulf to the New York, Upstate New York, and Central Pennsylvania markets would have no probative value with respect to the question of whether such markets are saturated or not.

42. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

43. Contrary to Gulf's objection, the information sought by Request No. 13 is directly relevant to Gulf's claims in this proceeding. Gulf has specifically claimed that moving product to New York, rather than Pittsburgh, is not a viable alternative, and that therefore Gulf would be irreparably harmed if it could not move product to Pittsburgh. In order to assess the validity of

Gulf's claim Laurel must be able to determine whether Gulf is already moving product to New York. Gulf has also argued that movement to central Pennsylvania is insufficient when compared to Pittsburgh. Again, in order to assess whether such a movement is a viable alternative for Gulf, Laurel must be able to discover whether Gulf is already moving product to central Pennsylvania. Further, in assessing any harm to Gulf based on Laurel's proposal, Laurel must be able to quantify the role of movements to Pittsburgh in light of all other volumes of product being moved in various directions, as well as the various types of product being moved in comparison to what is moved currently on Laurel. The information sought by Request No. 13 is directly relevant to Gulf's current ability to access alternatives that Laurel contends are available and adequate. While Laurel recognizes that Gulf's theory is that these markets are saturated, information about Gulf's current deliveries to these markets is directly relevant to Gulf's claim that these markets are not adequate alternatives. This request is reasonably calculated to the discovery of Gulf's delivery trends into these markets, where certain trends could suggest that Gulf's claims about market saturation are incorrect. Therefore, Gulf's objection should be denied.

44. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 13 of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

**H. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 14 OF THE SET I DISCOVERY.**

45. Laurel – Set I, Request No. 14 provides as follows:

14. With reference to Gulf's discussion in Paragraph 42 regarding supply sources to Pittsburgh that will be eliminated after the reversal

- a. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia Energy Solutions Refinery for delivery in the Pittsburgh market.
- b. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Monroe Energy's Trainer Refinery for delivery in the Pittsburgh market.
- c. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Delaware City Refinery for delivery in the Pittsburgh market.
- d. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Paulsboro Refinery for delivery in the Pittsburgh market.
- e. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Gulf Coast supply via Colonial Pipeline for delivery in the Pittsburgh market.
- f. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from NY Harbor imports for delivery in the Pittsburgh market.
- g. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia imports for delivery in the Pittsburgh market.
- h. Please provide by origin (i.e., refinery, terminal complex, etc.), month, delivery terminal, and

product type from January 1, 2012 to the present the amount of refined product that Gulf purchased for delivery in the Pittsburgh market that was not from one of the sources listed in response to subparts (a)-(g).

46. Gulf objects to this request for the same reasons set forth in its objections to Request No. 1 of the Set I discovery.

47. Laurel adopts and incorporates its arguments with respect to Request No. 1 of the Set I discovery, in paragraphs 7-15 *supra*, as if they were fully stated herein. By way of further response, this information is directly relevant to Gulf's allegations that certain sources are "dependent on Laurel's pipeline for access to the Pittsburgh market." *See* Protest of Gulf Operating, LLC, Docket No. A-2016-2575829, at pp. 13, 17 (filed Feb. 1, 2017). The requested information requested is necessary to evaluate Gulf's claims that such refineries are dependent on Laurel, and is reasonably calculated to lead to the discovery of admissible evidence related to this claim. Gulf, having claimed that this information was pertinent to the evaluation of Laurel's Application in its Protest, cannot now argue that this information is outside the scope of discovery. Therefore, Gulf's objection should be denied.

48. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 14 of Set I discovery.

**I. GULF SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 16(B)-(E) OF THE SET I DISCOVERY.**

49. Laurel – Set I, Request No. 16 provides as follows:

16. With reference to Gulf's statement in Paragraph 50 that Laurel's application differs significantly from Sunoco Pipeline's ("SPLP") proposed tariff change in that no customers were impacted by the SPLP tariff:

a. Please provide the basis for this statement.



- b. Please state whether Gulf shipped product on the SPLP tariff, and if so please provide by origin and destination pair, by month and by product type the amount that Gulf shipped on the SPLP tariff.
- c. Please state whether Gulf ships product on Sunoco's new line, known as Allegheny Access, and if so provide by origin and destination pair, by month and by product type the amount Gulf ships on Allegheny Access.
- d. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to object to SPLP's tariff change.
- e. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to become committed shippers on the Allegheny Access pipeline.

50. Gulf objects to subparts (b) and (d) of this request on the grounds that they seek information that is not relevant to the issues in this proceeding and outside the scope of discovery. The information sought is reasonably calculated to lead to the discovery of admissible evidence regarding Gulf's allegations regarding any alleged harm that Laurel's proposal would have on Gulf or the market. This information could also reveal whether Gulf had the same interest in the SPLP proceeding that it claims to have in this particular proceeding, and to what extent Gulf was similarly or differently situated in the two application proceedings. If the responses to these questions shows that Gulf is not similarly situated, then Gulf's reasons for objecting to Laurel's Application and not Sunoco's application would be relevant to evaluating the credibility of Gulf's claims in this proceeding. Gulf should not be permitted to make unsupported statements in this proceeding and then object when Laurel attempts to discover information to is relevant to Gulf's statements. Therefore, Gulf's objection to subparts (b) and (d) should be denied.

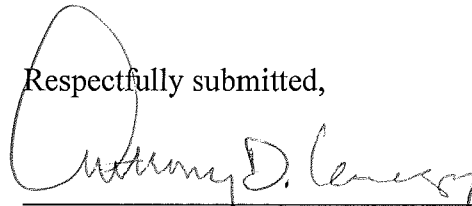
51. In addition, Gulf objects to subparts (c) and (e) for the same reasons set forth in its objections to Request No. 1 of the Set I discovery. By way of further response, this information is reasonably calculated to lead to the discovery of admissible evidence regarding Gulf's allegations regarding any alleged harm that Laurel's proposal would have on Gulf or the market. This information could also reveal whether Gulf used a different methodology to evaluate shipments of fungible petroleum products over Sunoco's pipeline than it did to evaluate shipments over Laurel's pipeline. Therefore, Gulf's objection to subparts (c) and (e) should be denied.

52. For the reasons more fully explained above, Gulf should be compelled to provide a full and complete response to Request No. 16(b)-(e) of Set I discovery. Alternatively, should Gulf continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, it should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

### III. CONCLUSION

WHEREFORE, for the foregoing reasons, Laurel Pipe Line Company, L.P. respectfully requests that Administrative Law Judge Eranda Vero grant this Motion to Compel and order Gulf Operating, LLC to fully answer Request Nos. 1, 2, 3, 4(b)-(e), 9, 12(b), 13, 14, and 16(b)-(e) of the Set I Discovery. Alternatively, should Gulf Operating, LLC continue to refuse to provide relevant information that is necessary to evaluate its claims in its Protest, Laurel Pipe Line Company, L.P. respectfully requests that Gulf Operating, LLC be barred from asserting or proving its claims as a part of this proceeding.

Respectfully submitted,



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Date: March 23, 2017

*Counsel for Laurel Pipe Line Company, L.P.*

# Appendix

## A

**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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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED  
BY LAUREL PIPE LINE COMPANY, L.P.  
ON GULF OPERATING, LLC – SET 1**

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Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Laurel Pipe Line Company, L.P. (“Laurel”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Gulf Operating, LLC (“Gulf”) – Set 1.

**INSTRUCTIONS AND DEFINITIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.
4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the

Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. “Communication” means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party’s attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party’s own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party’s inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party’s answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.



18. “Application” means the filing and all supporting data and testimony filed by Laurel on November 14, 2016, at Docket No. A-2016-2575829.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND REQUESTS FOR ADMISSION  
ON GULF – SET 1**

1. With reference to Gulf's claim in paragraph 18 of its protest that there exist a "lack of service alternatives for Laurel's current shippers"
  - a. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017.
  - b. Please ensure that all information provided in response to subpart (a) identifies the pipeline, or barge on which such product originated.
  - c. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Pittsburgh, PA from January 1, 2012 to the Present.
  - d. Please ensure that all information provided in response to subpart (c) identifies the pipeline, or barge on which such product originated.
  - e. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to the Present.
  - f. Please ensure that all information provided in response to subpart (e) identifies the pipeline, or barge on which such product originated.
  - g. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to the Present.
  - h. Please ensure that all information provided in response to subpart (g) identifies the pipeline, or barge on which such product originated.
  - i. Please identify the amount of refined product by month and by product type that Gulf has purchased from other parties who shipped this refined product on Laurel from January 1, 2012 to the Present.
  - j. Please identify the amount of refined product by month and by product type that Gulf has transported to one of the terminals identified in subparts (a), (c), (e), or (g) by either a non-Buckeye pipeline or by barge from January 1, 2012 to February 1, 2017.
  
2. With reference to Gulf's claim in paragraph that the relationship or connection between and among origin and delivery points is what defines the service at issue in this proceeding
  - a. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
  - b. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Pittsburg, PA from

- January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- c. Please identify by month the refinery and by product type that produced all refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
  - d. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
3. With reference to Gulf's statement in paragraph 25 of its protest that "For approximately 60 years both shippers on Laurel's line and other market participants have invested resources in developing complementary infrastructure to facilitate east-to-west transportation of gasoline and diesel"
- a. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Coraopolis, PA for the past 60 years that facilitate east-to-west transportation of gasoline and/or diesel.
  - b. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Coraopolis, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
  - c. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Coraopolis, PA, and provide a detailed narrative explanation of the basis of this belief.
  - d. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.
  - e. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
  - f. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Pittsburgh, PA, and provide a detailed narrative explanation of the basis of this belief.
  - g. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.
  - h. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
  - i. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Delmont, PA, and provide a detailed narrative explanation of the basis of this belief.

- j. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Altoona, PA for the past 60 years that have facilitate east-to-west transportation of gasoline.
  - k. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Altoona, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
  - l. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Altoona, PA, and provide a detailed narrative explanation of the basis of this belief.
4. With reference to Gulf's discussion of Laurel's alleged return on its current operations
    - a. Please identify the reports to which Gulf refers and provide all workpapers showing the calculation that causes Gulf to believe this return is reasonable.
    - b. Please provide all documents showing the return Gulf believes it is earning on its terminal at Coraopolis, PA.
    - c. Please provide all documents showing the return Gulf believes it is earning on its terminal at Pittsburgh, PA.
    - d. Please provide all documents showing the return Gulf believes it is earning on its terminal at Delmont, PA.
    - e. Please provide all documents showing the return Gulf believes it is earning on its terminal at Altoona, PA.
  5. With reference to the statement in paragraph 29 that "[t]he proposed pipeline reversal would eliminate pipeline supply from East Coast markets to Pittsburgh, thereby removing beneficial supply alternatives, price discipline, and reliability redundancies for the Pittsburgh market"
    - a. Please provide all studies or analyses conducted by Gulf since January 1, 2012 discussing or referencing the benefit of supply alternatives
    - b. Please provide all studies or analyses conducted by Gulf since January 1, 2012 discussing or referencing the price discipline in Pittsburgh caused by Laurel's east to west direction of flow.
    - c. Please provide all studies conducted by Gulf since January 1, 2012 discussing or referencing the benefit of reliability redundancies for the Pittsburgh market caused by Laurel's east to west direction of flow.
  6. Please provide all studies prepared by or on behalf of Gulf in the past five years discussing supply sources that provide it with access to low-Reid Vapor Pressure ("RVP") gasoline supplies for the Pittsburgh market discussed in Paragraph 30 of Gulf's protest.
  7. With reference to Gulf's discussion of the "price impact of eliminating dual east/west supply opportunities in the Pittsburgh area," in paragraph 30 of its protest:

- a. Please define identify the counties contained in the Pittsburgh area as described in this statement.
  - b. Please state whether the “price impact” in the referenced statement relates to the price paid by consumers, wholesalers, some other class of entities, or some combination of consumers, wholesalers or other entities; please provide a detailed narrative description of the basis for this response.
  - c. Please provide all studies conducted by Gulf since January 1, 2012 analyzing the price impact of eliminating dual east/west supply opportunities.
  - d. Please provide all studies conducted by Gulf analyzing future supply and demand options in Pittsburgh for the supply and/or transportation of refined petroleum products.
8. With reference to Gulf’s statement in paragraph 32 of Gulf’s protest that consumers in Pittsburgh will lose reliability benefits,
- a. Please provide all studies that quantify the reliability benefits consumers in Pittsburgh currently realize through access to both eastern and western supply sources.
  - b. Please identify any instances from January 1, 2012 to the present of which Gulf is aware in which access to both eastern and western supply sources insulated Pittsburgh consumers from a supply disruption and provide all documents or other materials that support this response.
9. With reference to Gulf’s statement in Paragraph 33 that Philadelphia area refineries are dependent on Laurel for access to the Pittsburgh market,
- a. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Philadelphia Energy Solutions (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
  - b. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Monroe Energy (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity) .
  - c. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Delaware City, DE (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity) .

- d. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Paulsboro, NJ (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
10. With reference to Gulf's statement in Paragraph 33 that "East Coast market participants are already in the midst of an oversupply of products",
  - a. Please provide all internal studies, documents, analyses or other materials in the possession of Gulf discussing or referencing this situation.
  - b. Please provide the approximate date in which the East Coast market participants entered into a situation where there was an oversupply of products.
  - c. Please provide the approximate time periods, defined by date ranges, during the period since January 1, 2012, in which in Gulf's estimation an oversupply situation existed for East Coast market participants.
  - d. For each of the responses to subparts (a) through (c), please specify whether such oversupply situations affected Pennsylvania, or any portion of Pennsylvania.
11. With reference to Gulf's discussion of RVP regulations in Paragraph 38, please provide by month, since January 1, 2012, the amount of gasoline with an RVP of 7.8 psi or lower that Gulf has purchased from any refinery located in the Midwest delivered to any destination (either in Pittsburgh or in another destination).
12. With reference to Gulf's claim in Paragraph 43 that the reversal could increase delivery costs to Pittsburgh consumers by \$68 million annually
  - a. Please provide all internal studies, analyses or other materials in which Gulf estimated how the reversal would increase delivered costs to Pittsburgh consumers.
  - b. Please provide all documents relied upon by management showing the margin or any other measure of profit Gulf has earned from refined products delivered to the Pittsburgh market from January 1, 2012 to the present.
13. With reference to Gulf's discussion of alternative markets in New York City, Upstate New York and Central Pennsylvania in Paragraph 44
  - a. Please provide by month and product type the amount of product that Gulf has delivered to New York City from January 1, 2012 to the present.
  - b. With regard to material provided in response to subpart (a) please ensure that each supply source is listed separately (e.g. if a certain amount of gasoline was shipped to upstate New York City using Colonial and a different amount was shipped to New York City via Harbor pipeline please so state).
  - c. Please provide by month and product type the amount of product that Gulf has delivered to Upstate New York from January 1, 2012 to the present.

- d. With regard to material provided in response to subpart (c) please ensure that each supply source is listed separately.
  - e. Please provide by month and product type the amount of product that Gulf has delivered to Central Pennsylvania from January 1, 2012 to the present.
  - f. With regard to material provided in response to subpart (e) please ensure that each supply source is listed separately.
14. With reference to Gulf's discussion in Paragraph 42 regarding supply sources to Pittsburgh that will be eliminated after the reversal
- a. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia Energy Solutions Refinery for delivery in the Pittsburgh market.
  - b. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Monroe Energy's Trainer Refinery for delivery in the Pittsburgh market.
  - c. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Delaware City Refinery for delivery in the Pittsburgh market.
  - d. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Paulsboro Refinery for delivery in the Pittsburgh market.
  - e. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Gulf Coast supply via Colonial Pipeline for delivery in the Pittsburgh market.
  - f. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from NY Harbor imports for delivery in the Pittsburgh market.
  - g. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia imports for delivery in the Pittsburgh market.
  - h. Please provide by origin (i.e., refinery, terminal complex, etc.), month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased for delivery in the Pittsburgh market that was not from one of the sources listed in response to subparts (a)-(g).
15. With reference to Gulf's claim in Paragraph 45 that the underlying analyses all assumed the continued availability of Laurel's east-to-west pipeline service,
- a. Please identify the underlying analyses referenced in this statement.
  - b. Please provide all analyses conducted by Gulf that show a lack of competition after the Laurel reversal.

16. With reference to Gulf's statement in Paragraph 50 that Laurel's application differs significantly from Sunoco Pipeline's ("SPLP") proposed tariff change in that no customers were impacted by the SPLP tariff:
- a. Please provide the basis for this statement.
  - b. Please state whether Gulf shipped product on the SPLP tariff, and if so please provide by origin and destination pair, by month and by product type the amount that Gulf shipped on the SPLP tariff.
  - c. Please state whether Gulf ships product on Sunoco's new line, known as Allegheny Access, and if so provide by origin and destination pair, by month and by product type the amount Gulf ships on Allegheny Access.
  - d. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to object to SPLP's tariff change.
  - e. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to become committed shippers on the Allegheny Access pipeline.



# Appendix

## B

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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**GULF OPERATING, LLC OBJECTIONS TO  
LAUREL PIPE LINE COMPANY, L.P. INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET 1**

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Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Gulf Operating, LLC ("Gulf") hereby objects to the Interrogatories served by Laurel Pipe Line Company, L.P.'s ("Laurel" or "Applicant") on March 2, 2017 ("Set I"). As explained below, Gulf objects to Laurel's Discovery Requests, including the Definitions and Instructions, to the extent that they seek production of documents or information covered by the attorney-client privilege, work-product doctrine, or any other applicable privilege or limitation on discovery recognized under law. Gulf objects to the Discovery Requests to the extent that they are overly broad, unduly burdensome, vague, and/or ambiguous. Gulf objects to the Discovery Requests that seek information that is not relevant to any claim or defense in this matter and/or is beyond the scope of this proceeding.

## I. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

### Laurel to Gulf, Set I, Instructions and Definitions No. 1

The "Responding Party," "you," or "your" means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.

### Objection to Instructions and Definitions No. 1

Per Section 5.361(a)(3) of the Commission's regulations, 52 Pa. Code § 5.361(a)(3), discovery is not permitted into matters that are privileged. Gulf objects to this instruction to the extent it seeks information, communications, or documents protected by the attorney-client privilege and the attorney-client work product doctrines.

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the proceeding and reasonably calculated to lead to the discovery of admissible evidence. By defining "Responding Party" to include "all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party," Definition No. 1 would allow for discovery upon entities with no direct relation to this proceeding and therefore seeks irrelevant information well beyond the scope of this proceeding. Accordingly, Gulf objects to this definition to the extent it seeks information that is not relevant to the issues and subject matter in this proceeding and not likely to lead to the discovery of admissible evidence in this proceeding.

**Laurel to Gulf, Set I, Instructions and Definitions Nos. 3 and 4**

3. To "identify" a natural person means to state that person's full name, title or position, employer, last known address, and last known telephone number.
4. To "identify" a business entity means to state the full name of such business, the form of the business, and its location or address.

**Objection to Instructions and Definitions Nos. 3 and 4**

Per Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), discovery is not permitted into matters that would impose an unreasonable burden on a party. Per Section 5.361(a)(4) of the Commission's regulations, 52 Pa. Code § 5.361(a)(4), discovery is not permitted into matters that would require the making of an unreasonable investigation by a party. Therefore, Gulf objects to Definition 3 as unduly burdensome to the extent it requests the identification of information pertaining to an individual that is not currently employed by, or under a service agreement with, Gulf. Gulf also objects to Definition 4 as unduly burdensome to the extent it imposes an obligation on Gulf to exert time and resources to research information that Laurel could research on its own. Accordingly, both Definitions 3 and 4 are objectionable to the extent they impose an undue burden and would require an unreasonable investigation.

Gulf further objects to Definitions 3 and 4 to the extent they would require Gulf to provide identifying information that is not within Gulf's possession, custody, or control.

**Laurel to Gulf, Set I, Instructions and Definitions No. 5**

To "identify" a "document" means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (e.g., letter, business record, memorandum, computer print-out, etc.).

In lieu of "identifying" any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

**Objection to Instructions and Definitions No. 5**

Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery is into matters that would impose an unreasonable burden on a party. Further, per an agreement reached via email on February 21, 2017, Laurel consented to reciprocal treatment of the reasonable discovery instructions agreed-upon in resolving Laurel's Objections to Gulf's Set I Interrogatories.

Providing "[t]he author, preparer, or signer of each such document" and "a description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document," would exceed the scope of information previously agreed to be furnished as part of a privilege log and would unduly burden Gulf. This information would far exceed the purpose of a privilege log, which is to provide assurance that the privilege classification is not being applied to withhold production of unprivileged documents. Per the previously agreed-upon standards set forth in Gulf Set I Instruction No. 13, Gulf will provide the date, type, and nature of

the applicable document, along with the legal rationale for withholding production. To the extent Laurel's Definition No. 5 requests additional information to be furnished as part of a privilege log, Gulf objects to this instruction as unduly burdensome and requiring an unreasonable investigation.

**Laurel to Gulf, Set I, Instructions and Definitions No. 7**

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

**Objection to Instructions and Definitions No. 7**

Per Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), discovery is not permitted into matters that would impose an unreasonable burden on a party. Per Section 5.361(a)(4) of the Commission's regulations, 52 Pa. Code § 5.361(a)(4), discovery is not permitted into matters that would require the making of an unreasonable investigation by a party. The definition of "Communication" in Laurel's Definition No. 7 lacks clarity as to what is meant by "any manner or form of information or message transmission" or "data storage or processing units." For example, the current definition appears to include information "made, distributed, or circulated" among "data storage or processing units," without any information being sent or received by a person. Therefore, Gulf objects to this definition as unduly burdensome and requiring an unreasonable investigation.

**Laurel to Gulf, Set I, Instructions and Definitions No. 12**

In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

**Objection to Instructions and Definitions No. 12**

Per Section 5.361(a)(3) of the Commission's regulations, 52 Pa. Code § 5.361(a)(3), discovery is not permitted into matters that are privileged. This instruction seeks "information in the possession of the Responding party's attorneys, agents, consultant, or investigators". Therefore, Gulf objects to this instruction to the extent it seeks information, communications, or documents protected by the attorney-client privilege and the attorney-client work product doctrines.



**Laurel to Gulf, Set I, Instructions and Definitions No. 16**

If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

**Objection to Instructions and Definitions No. 16**

Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden on a party. Per an agreement reached via email on February 21, 2017, Laurel consented to reciprocal treatment of the reasonable discovery instructions agreed-upon in resolving Laurel's Objections to Gulf's Set I Interrogatories.

Providing "every person to whom such information has been communicated and from whom such information was learned" and the "subject matter of the information," would exceed the scope of information previously agreed to be furnished as part of a privilege log and would unduly burden Gulf. This information would far exceed the purpose of a privilege log, which is to provide assurance that the privilege classification is not being applied to withhold production of unprivileged documents. Per the previously agreed-upon standards set forth in Gulf Set I Instruction No. 13, Gulf will provide the date, type, and nature of the applicable document, along with the legal rationale for withholding production. To the extent Laurel's Definition No. 16 requests additional information to be furnished as part of a privilege log, Gulf objects to this instruction as unduly burdensome and requiring an unreasonable investigation.

## II. OBJECTIONS TO DISCOVERY REQUESTS

### Laurel to Gulf, Set I, Request No. 1

With reference to Gulf's claim in paragraph 18 of its protest that there exist a "lack of service alternatives for Laurel's current shippers"

- a. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017.
- b. Please ensure that all information provided in response to subpart (a) identifies the pipeline, or barge on which such product originated.
- c. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Pittsburgh, PA from January 1, 2012 to the Present.
- d. Please ensure that all information provided in response to subpart (c) identifies the pipeline, or barge on which such product originated.
- e. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to the Present.
- f. Please ensure that all information provided in response to subpart (e) identifies the pipeline, or barge on which such product originated.
- g. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to the Present.
- h. Please ensure that all information provided in response to subpart (g) identifies the pipeline, or barge on which such product originated.
- i. Please identify the amount of refined product by month and by product type that Gulf has purchased from other parties who shipped this refined product on Laurel from January 1, 2012 to the Present.
- j. Please identify the amount of refined product by month and by product type that Gulf has transported to one of the terminals identified in subparts (a), (c), (e), or (g) by either a non-Buckeye pipeline or by barge from January 1, 2012 to February 1, 2017.

### Objection to Request No. 1

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the

proceeding, and thus reasonably calculated to lead to the discovery of admissible evidence. Regarding Laurel's Set I, Request No. 1, Gulf objects to this request to the extent it seeks information that is not relevant to the subject matter and issues in the proceeding and reasonably calculated to lead to the discovery of admissible evidence. Specifically, information related to volumes lifted from Gulf's terminal, purchased by Gulf, or transported by Gulf falls outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline for points west of Eldorado would serve the public interest. As set forth in Laurel's Application, the evidentiary issues relevant to Laurel's proposal include assessments of the impact of Laurel's proposal in markets across Pennsylvania. Granular storage or shipping data associated with specific shippers or terminals on Laurel's pipeline bears no relation to the market impacts of the proposed reversal. Only aggregated market data should be considered in assessing the market impact of Laurel's proposed reversal.

Alternatively, Gulf separately objects to the requests to identify volumes lifted from Gulf's terminals as irrelevant, outside the scope of issues in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. To the extent Gulf is required to furnish any granular data in response to Laurel's Set I, Request No. 1, such data should be limited to the method of delivery (i.e. pipeline, barge or truck) of product transported to Gulf's terminals, these volumes are transported either through Laurel's pipeline or a competing alternative means of shipment. Any information associated with the further lifting of product from Gulf's terminals after delivery through Laurel's pipeline or a competing alternative is irrelevant to Laurel's pipeline service and therefore irrelevant to this proceeding. Gulf also

objects to these requests to the extent they seek information that is not in the custody, possession, or control of Gulf.

**Laurel to Gulf, Set I, Request No. 2**

With reference to Gulf's claim in paragraph that the relationship or connection between and among origin and delivery points is what defines the service at issue in this proceeding

- a. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Coraopolis, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- b. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Pittsburg, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- c. Please identify by month the refinery and by product type that produced all refined petroleum products lifted out of Gulf's terminal in Delmont, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.
- d. Please identify by month and by product type the refinery that produced all refined petroleum products lifted out of Gulf's terminal in Altoona, PA from January 1, 2012 to February 1, 2017; to the extent Gulf does not capture such information please so state.

**Objection to Request No. 2**

Gulf objects to Laurel's Set I, Request No. 2 for the reasons set forth in the Objection to Laurel's Set I, Request No. 1.

**Laurel to Gulf, Set I, Request No. 3**

With reference to Gulf's statement in paragraph 25 of its protest that "For approximately 60 years both shippers on Laurel's line and other market participants have invested resources in developing complementary infrastructure to facilitate east-to-west transportation of gasoline and diesel"

- a. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Coraopolis, PA for the past 60 years that facilitate east-to-west transportation of gasoline and/or diesel.
- b. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Coraopolis, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- c. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Coraopolis, PA, and provide a detailed narrative explanation of the basis of this belief.
- d. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.
- e. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Pittsburgh, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- f. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Pittsburgh, PA, and provide a detailed narrative explanation of the basis of this belief.
- g. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA for the past 60 years that have facilitate east-to-west transportation of gasoline and/or diesel.
- h. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Delmont, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- i. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Delmont, PA, and provide a detailed narrative explanation of the basis of this belief.
- j. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf, made at Altoona, PA for the past 60 years that have facilitate east-to-west transportation of gasoline.

- k. Please identify all investments that either (i) Gulf, or (ii) other companies whose investments are known to Gulf made at Altoona, PA that facilitate the west-to-east transportation of gasoline and/or diesel.
- l. Please state whether it is Gulf's belief that if Laurel's application is approved it will be forced to abandon, idle or write-down any investment made at Altoona, PA, and provide a detailed narrative explanation of the basis of this belief.

**Objection to Request No. 3**

Per Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), discovery is not permitted into matters that would impose an unreasonable burden on a party. Per Section 5.361(a)(4) of the Commission's regulations, 52 Pa. Code § 5.361(a)(4), discovery is not permitted into matters that would require the making of an unreasonable investigation by a party. Accordingly, Gulf further objects to these requests to the extent they impose an undue burden and require an unreasonable investigation by requiring Gulf to identify and itemize all investments made over the past 60 years.

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the proceeding and thus reasonably calculated to lead to the discovery of admissible evidence. Gulf objects to parts (c), (f), (i), and (l) as irrelevant to and beyond the scope of the issues in this proceeding. Whether Gulf abandons, idles, or writes-down any investment has no impact on the question of whether Laurel's proposed reversal will result in adverse impacts upon the petroleum products markets in the Pittsburgh and Philadelphia areas. Gulf also objects to parts (c), (f), (i), and (l) to the extent they impose an undue burden or request irrelevant information by calling for speculation on a contingency or calling for a legal conclusion or analyses.

**Laurel to Gulf, Set I, Request No. 4**

With reference to Gulf's discussion of Laurel's alleged return on its current operations

- a. Please identify the reports to which Gulf refers and provide all workpapers showing the calculation that causes Gulf to believe this return is reasonable.
- b. Please provide all documents showing the return Gulf believes it is earning on its terminal at Coraopolis, PA.
- c. Please provide all documents showing the return Gulf believes it is earning on its terminal at Pittsburgh, PA.
- d. Please provide all documents showing the return Gulf believes it is earning on its terminal at Delmont, PA.
- e. Please provide all documents showing the return Gulf believes it is earning on its terminal at Altoona, PA.

**Objection to Request No. 4(b) – (e)**

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the proceeding and thus reasonably calculated to lead to the discovery of admissible evidence. Gulf's current returns on its terminal investments have no bearing on the issues raised in this proceeding. Gulf is not a PUC-regulated entity subject to public interest determinations on its allowed rate of return under Section 13 of the Public Utility Code. Accordingly, Gulf objects to this request because it seeks information that is not relevant to the subject matter and issues in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence.



**Laurel to Gulf, Set I, Request No. 9**

With reference to Gulf's statement in Paragraph 33 that Philadelphia area refineries are dependent on Laurel for access to the Pittsburgh market,

- a. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Philadelphia Energy Solutions (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
- b. Please provide by month from January 1, 2012 to the present the total of all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by Monroe Energy (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
- c. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Delaware City, DE (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).
- d. Please provide by month from January 1, 2012 to the present all barrels of refined product (separated by terminal, product type and grade) that Gulf has purchased from the refinery now owned by PBF Energy at Paulsboro, NJ (and its predecessors) and used to supply the Pittsburgh market (this question applies to all barrels sourced from the refinery, regardless of whether they were purchased from the refinery owner or another entity).

**Objection to Request No. 9**

Gulf objects to Laurel's Set I, Request No. 2 for the reasons set forth in the Objection to Laurel's Set I, Request No. 1.

**Laurel to Gulf, Set I, Request No. 12**

With reference to Gulf's claim in Paragraph 43 that the reversal could increase delivery costs to Pittsburgh consumers by \$68 million annually

- a. Please provide all internal studies, analyses or other materials in which Gulf estimated how the reversal would increase delivered costs to Pittsburgh consumers.
- b. Please provide all documents relied upon by management showing the margin or any other measure of profit Gulf has earned from refined products delivered to the Pittsburgh market from January 1, 2012 to the present.

**Objection to Request No. 12(b)**

Gulf objects to part (b) of this request because it seeks information pertaining to Gulf's margins or measures of profit that is not relevant to the issues in this proceeding and is thus beyond the scope of discovery under the Commission's regulations in 52 Pa. Code § 5.321(c). Gulf is not a PUC-regulated entity and its rate of return is not relevant to the public interest issues before the PUC in this proceeding or the market costs of delivered product to Pittsburgh consumers.

**Laurel to Gulf, Set I, Request No. 13**

With reference to Gulf's discussion of alternative markets in New York City, Upstate New York and Central Pennsylvania in Paragraph 44

- a. Please provide by month and product type the amount of product that Gulf has delivered to New York City from January 1, 2012 to the present.
- b. With regard to material provided in response to subpart (a) please ensure that each supply source is listed separately (e.g. if a certain amount of gasoline was shipped to upstate New York City using Colonial and a different amount was shipped to New York City via Harbor pipeline please so state).
- c. Please provide by month and product type the amount of product that Gulf has delivered to Upstate New York from January 1, 2012 to the present.
- d. With regard to material provided in response to subpart (c) please ensure that each supply source is listed separately.
- e. Please provide by month and product type the amount of product that Gulf has delivered to Central Pennsylvania from January 1, 2012 to the present.
- f. With regard to material provided in response to subpart (e) please ensure that each supply source is listed separately.

**Objection to Request No. 13**

Laurel's Set I, Request No. 13 is overly broad and seeks information that is not relevant to the issues in this proceeding and is thus beyond the scope of discovery under the Commission's regulations in 52 Pa. Code § 5.321(c). This request seeks information irrelevant to the issues that Gulf raised in its Protest in this proceeding, where Gulf alleged that the New York, Upstate New York, and Central Pennsylvania markets are currently saturated. Any individual product shipments delivered by Gulf to such markets would have no probative value with respect to the question of whether such markets are saturated or not. Accordingly, Gulf objects to Laurel's Set I, Request No. 13.

**Laurel to Gulf, Set I, Request No. 14**

With reference to Gulf's discussion in Paragraph 42 regarding supply sources to Pittsburgh that will be eliminated after the reversal

- a. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia Energy Solutions Refinery for delivery in the Pittsburgh market.
- b. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Monroe Energy's Trainer Refinery for delivery in the Pittsburgh market.
- c. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Delaware City Refinery for delivery in the Pittsburgh market.
- d. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from PBF Paulsboro Refinery for delivery in the Pittsburgh market.
- e. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Gulf Coast supply via Colonial Pipeline for delivery in the Pittsburgh market.
- f. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from NY Harbor imports for delivery in the Pittsburgh market.
- g. Please provide by month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased from Philadelphia imports for delivery in the Pittsburgh market.
- h. Please provide by origin (i.e., refinery, terminal complex, etc.), month, delivery terminal, and product type from January 1, 2012 to the present the amount of refined product that Gulf purchased for delivery in the Pittsburgh market that was not from one of the sources listed in response to subparts (a)-(g).

**Objection to Request No. 14**

Gulf objects to Laurel's Set I, Request No. 14 for the reasons set forth in the Objection to Laurel's Set I, Request No. 1.

**Laurel to Gulf, Set I, Request No. 16**

With reference to Gulf's statement in Paragraph 50 that Laurel's application differs significantly from Sunoco Pipeline's ("SPLP") proposed tariff change in that no customers were impacted by the SPLP tariff:

- a. Please provide the basis for this statement.
- b. Please state whether Gulf shipped product on the SPLP tariff, and if so please provide by origin and destination pair, by month and by product type the amount that Gulf shipped on the SPLP tariff.
- c. Please state whether Gulf ships product on Sunoco's new line, known as Allegheny Access, and if so provide by origin and destination pair, by month and by product type the amount Gulf ships on Allegheny Access.
- d. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to object to SPLP's tariff change.
- e. Please provide all studies, analyses or other materials that Gulf or its predecessors conducted when assessing whether to become committed shippers on the Allegheny Access pipeline.

**Objection to Request No. 16(b)-(e)**

Gulf objects to parts (b) and (d) of this request to the extent they seek information that is not relevant to the issues in this proceeding and is thus beyond the scope of discovery under the Commission's regulations in 52 Pa. Code § 5.321(c). Any analysis related to the prior pipeline reversal implemented by SPLP would concern the facts and circumstances at issue in that proceeding, and would therefore be irrelevant to the facts and circumstances associated with Laurel's Application.

With regard to parts (c) and (e), Gulf objects for the reasons set forth in the Objection to Laurel's Set I, Request No. 1. Any shipments or internal analysis regarding shipments on SPLP's Allegheny Access line would offer only granular information about Gulf's business decision, which bear no relevance to the market impact issues presented by Laurel's Application.

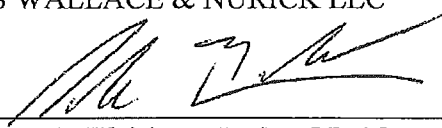
### III. CONCLUSION

**WHEREFORE**, Gulf Operating LLC, hereby objects to Laurel Set I Definition Nos. 1, 3-4, 5, 7, 12 and 16 and Request Nos. 1-3, 4(b) – (e), 9, 12(b), 13, 14, and 16(b) – (e).

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Dated: March 13, 2017