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March 28, 2017

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

VIA ELECTRONIC FILING

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

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

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sheetz, Inc.'s Answer to Laurel Pipe Line Company, L.P.'s Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. on Sheetz, Inc., Set I in the above-referenced proceeding.

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

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By


Adeolu A. Bakare

Counsel to Sheetz, Inc.

Enclosure

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

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CERTIFICATE OF SERVICE

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

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Docket No. A-2016-2575829 and G-2017-2587567

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Adeolu A. Bakare

Counsel to Gulf Operating, LLC and Sheetz, Inc.

Dated this 28th day of March, 2017, in Harrisburg, Pennsylvania.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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

**SHEETZ, INC. ANSWER TO LAUREL PIPE LINE COMPANY, L.P.'S
MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY
LAUREL PIPE LINE COMPANY, L.P. ON SHEETZ, INC., SET I**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Sheetz, Inc. ("Sheetz") files, pursuant to section 5.342(g)(1) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Rules,¹ this Answer to the Motion to Compel Answers to its First Set of Interrogatories and Requests for Production of Documents ("Motion") filed by Laurel Pipe Line Company, L.P.'s ("Laurel" or "Applicant") on March 23, 2017.

I. BACKGROUND

On November 14, 2016, Laurel filed the above-captioned Application with the Pennsylvania Public Utility Commission ("Commission") at Docket No. A-2016-2575829, seeking all necessary, authority, approvals, and Certificates of Public Convenience to authorize Laurel to change the direction of its petroleum products transportation service over a portion of its system west of Eldorado, Pennsylvania.

¹ 52 Pa. Code §§ 5.342(g)(1).

On February 1, 2017, Sheetz filed a formal Protest containing specific factual allegations regarding the effects of Laurel's proposal on Sheetz and other entities throughout Pennsylvania.

On March 2, 2017, Laurel served Set I Discovery on Sheetz.

On March 2, 2017, presiding Administrative Law Judge ("ALJ") Eranda Vero issued Prehearing Order #2 in this proceeding. In that order, ALJ Vero further established the rules for discovery in this proceeding, including procedures requiring parties to attempt to informally resolve discovery disputes before filing a motion to compel.

Sheetz objected to certain elements of Laurel's Set I Discovery on March 13, 2017. Sheetz objected to Set I Instructions and Definitions Nos. 1, 3, 4, 5, 7, 12 and 16, and Request Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, and 18.

Laurel contacted counsel for Sheetz on the afternoon of March 22, 2017 by email to indicate Laurel's plans to file a Motion to Compel in response to the Objections filed by Sheetz. Laurel indicated that it believed that all of its questions were reasonable and relevant, but asked if any party had a proposed solution for resolving their objections. In a responsive email sent on March 23, 2017, Sheetz agreed with Laurel's proposal to use the Gulf Operating, LLC ("Gulf") Set 1 instructions and definitions for Laurel's Set 1 discovery questions.

On the day after it sent its email, Laurel filed Motions to Compel various discovery responses of Sheetz, Gulf, Philadelphia Energy Solutions Refining and Marketing, LLC ("PESRM"), and Monroe Energy, LLC ("Monroe") (collectively "Indicated Parties").

II. ANSWER AND ARGUMENT

A. Laurel's Motion to Compel Should be Rejected Because Laurel Failed to Exercise Due Diligence to Informally Resolve Discovery Disputes, Thereby Violating ALJ Vero's March 2, 2017 Prehearing Order #2

In the March 2, 2017 Prehearing Order #2, ALJ Vero clearly outlined the rules of discovery as follows:

The parties are directed to cooperate and exchange information on an informal basis. **The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, we shall contact the parties and direct them to pursue informal discovery. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

Prehearing Order # 2 at p. 8 (emphasis added). The Commission's regulations encourage parties to "exchange information on an informal basis." 52 Pa. Code § 5.322.

In this instant proceeding, Sheetz submitted written objections to Laurel's Set 1 of Discovery on March 13, 2017. The Commission's Regulations prescribe that Interrogatories are deemed to be withdrawn if a party files objections and the requesting party declines to file a Motion to Compel. 52 Pa. Code § 5.342(g). Accordingly, Laurel, as the requesting party, was in position to determine whether informal discussions were necessary, as the objecting party would otherwise assume the requesting party will not seek to exercise its right to file a Motion to Compel. However, Sheetz's counsel received no communication (either oral or written) from Laurel's counsel regarding Laurel's concerns with Sheetz's objections for nine days. Only on the afternoon of March 22 did Sheetz learn that Laurel intended to file a Motion to Compel responses to all of the disputed Interrogatories on the following day. Laurel's correspondence did not specify any particular concerns other than generally characterizing its own Interrogatories as reasonable and relevant. Laurel did not express a willingness to compromise or engage in meaningful discussion regarding its concerns. Laurel did not suggest a phone call to see if the parties could find compromise and agreement to at least resolve some of the objections. Rather, Laurel indicated that its Motion to Compel would be foregone conclusion, as Laurel expressed a belief that all of its requests were reasonable and relevant.

Laurel's perfunctory request for other parties to furnish any proposed solutions for resolving objections fails to demonstrate that a bonafide effort to resolve discovery requests was undertaken by Laurel. As the Indicated Parties had already reviewed the definitions and discovery instructions appended to Gulf's Set I Interrogatories, the Indicated Parties were able to quickly accept Laurel's proposal to resolve objections to Laurel's definitions and discovery instructions by replacing them with those attached to Gulf's Set I Interrogatories. However, with just 24 hours' notice, Sheetz and the Indicated Parties did not have time to formulate or discuss proposed solutions for the more complicated task of resolving any substantive objections to Interrogatories.

The Commission encourages informal resolutions because Motions to Compel can result in delays and the consumption of unnecessary resources by other parties as well as administrative resources by Commission personnel, such as the ALJ in reviewing and ruling on a Motion to Compel. In this case, Laurel has filed a Motion to Compel with respect to all of Sheetz's objections while failing to demonstrate any due diligence regarding its efforts to informally resolve its concerns. As a result, it is unknown whether Sheetz and Laurel could have resolved some or all of the disputed discovery responses through informal discussion. Accordingly, Laurel's Motion to Compel should be denied.

Although Sheetz strongly contends that Laurel's Motion to Compel should be rejected outright on the aforementioned grounds, Sheetz additionally sets forth specific responses to Laurel's Motion to Compel below.

B. Specific Responses

Laurel Set I, No. 1

Laurel to Sheetz, Set I, Request No. 1

Provide a log of all petroleum product shipments by Sheetz on both intrastate and interstate pipelines since January 1, 2012. Include:

- a) The name of the pipeline;
- b) The particular product that was shipped for each shipment;
- c) The date of each shipment;
- d) The origination and destination point for each shipment; and
- e) The volume of each shipment.

Sheetz Answer to Laurel Motion to Compel Request No. 1

Sheetz had objected 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. As a preliminary matter, information pertaining to interstate shipments entirely outside of the Commonwealth of Pennsylvania is clearly beyond the scope of the issues in this proceeding.

In its Motion to Compel, Laurel contends that specific information related to Sheetz's product shipments is relevant and within the scope of discovery. Laurel contends that "[i]nformation regarding the movements of petroleum products by Sheetz (*e.g.*, volumes, costs, distances, locations, and other related information) over Laurel's pipeline system, or any other mode of transport, are directly related to the hardship that Sheetz alleges it and/or other entities will suffer as a result of the proposal". Motion, p. 3. Laurel further explains that "granular shipment data" will assist Laurel in evaluating Sheetz's alleged harms. *See id.* at 4.

Laurel's attempt to show relevancy misconstrues the issues raised by parties in this proceeding and misconstrues the alleged harm raised by Sheetz in its Protest. Laurel conflates the general Pittsburgh-area fuels market impact referenced in Sheetz's Protest with Sheetz's individual share of the market, which is irrelevant to an assessment of impact of Laurel's proposed reversal. Specific information and granular data related to Sheetz's product shipments (whether by pipeline, truck or barge) or storage volumes falls outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. *See* 52 Pa. Code § 5.321(c). 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. In its Protest, Sheetz explained that if the flow on Laurel's pipeline is reversed, then Western Pennsylvania retailers would no longer be able to effectively purchase product from East Coast refineries. *See* Sheetz Protest, p. 8. This statement cannot be supported or discredited by pointing to shipping records specific to Sheetz. Even if Laurel obtained granular shipment data from Sheetz and every other intervenor in this proceeding, these individual shipping records would not show the impact of Laurel's proposed reversal upon the Pittsburgh market. Thus, Laurel fails to demonstrate **why** such information is relevant.

Contrary to Laurel's contentions, the alleged harm to Sheetz is not tied to or directly related to Sheetz's granular shipping data and information, but rather is occasioned by Sheetz's participation in the product markets impacted by Laurel's proposed reversal. Simply put, Laurel's proposed reversal will eliminate pipeline access to East Coast suppliers for the Pittsburgh market. The Commission must determine whether this proposal would benefit the public or harm the public. Analysis of a log containing all of Sheetz's detailed intrastate and interstate petroleum product shipments would not impact the Commission's or Laurel's

investigation into this critical matter. Only aggregate market data should be considered in assessing the market impact and related harms of Laurel's proposed reversal. Accordingly, Laurel's Interrogatory in Request No. 1 constitutes a fishing expedition for shipper-specific information unrelated to the claims made by either Laurel or Sheetz.

Sheetz had also objected to this request to the extent it would impose an unreasonable burden and require Sheetz to undertake an unreasonable investigation. *See* 52 Pa. Code §§ 5.361(a)(2), (4). Here, Laurel requests information for "each shipment" with no indication as to how Laurel defines a singular shipment. In the Motion to Compel, Laurel claims that the "degree of this information's relevance...substantially outweighs any burden associated with its production, and demonstrates the absolute necessity of this information to evaluate Sheetz's claims". Motion, p. 15. Thus, Laurel improperly responds to Sheetz's arguments on the grounds of relevancy. As explained above, the provision of this granular data and shipment information is not relevant, let alone of "absolute necessity", to adjudicate the issues in this proceeding and for the Commission to determine whether Laurel's application is in the public interest and should be granted.

Laurel Set I, No. 2

Laurel to Sheetz, Set I, Request No. 2

Has Sheetz shipped petroleum products by barge or tanker ("water carrier") since January 1, 2012? If so, provide a log of each shipment. Include:

- a) The name of the water carrier;
- b) The particular product that was shipped for each shipment;
- c) The date of each shipment;
- d) The origination and destination point for each shipment; and
- e) The volume of each shipment.

Sheetz Answer to Laurel Motion to Compel Request No. 2

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1. Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Laurel Set I, No. 3

Laurel to Sheetz, Set I, Request No. 3

Has Sheetz shipped petroleum products by railroad since January 1, 2012? If so, provide a log of each shipment. Include:

- a) The name of the railroad;
- b) The particular product that was shipped for each shipment;
- c) The date of each shipment;
- d) The origination and destination point for each shipment; and
- e) The volume of each shipment.

Sheetz Answer to Laurel Motion to Compel Request No. 3

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1. Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Laurel Set I, No. 5

Laurel to Sheetz, Set I, Request No. 5

Provide the total number of gallons of petroleum products transported by truck by or on behalf of Sheetz each during the period 2012 through 2016; for each month, identify each type of petroleum product and provide the total number of gallons for each product, showing the following information:

- a) All gallons transported to any destination;

- b) Gallons transported to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Gallons transported to service stations in Pennsylvania that are neither owned nor franchised by Sheetz;
- d) Gallons transported to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 5

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1. Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the broader impact of Laurel's proposed reversal.

Additionally, Laurel's statement misconstrues Sheetz's claims in this proceeding. Laurel claims the information is relevant because "Sheetz has challenged the viability of trucking as an alternative, and therefore Sheetz should be compelled to produce data of its current trucking operations." *See* Motion, p. 8. In its Protest, Sheetz argued that trucking should not be considered as an economically or practically viable alternative to Laurel's pipeline service, which transports products between markets along the intrastate pipeline. *Sheetz Protest*, p. 8. By way of contrast, Laurel requests information regarding trucking shipments to individual service stations, for which pipeline transportation is not an option. Such information is irrelevant to the question of whether trucking service should be considered as a viable replacement for currently available pipeline services.

Sheetz had also objected to part (e) of this request to the extent it would impose an unreasonable burden and require Sheetz to undertake an unreasonable investigation. *See* 52 Pa.

Code §§ 5.361(a)(2), (4). Laurel seeks to justify part (e) of the request by pointing to an Interrogatory from PESRM requesting the identities of individuals involved in making a statement included in Laurel's Application. *See* Motion, p. 9. Requesting the identity of individuals involved in "making a statement" in Laurel's Application is not analogous to requesting the identity of individuals involved "collecting and maintaining" the requested information. *See id.* The individuals involved in collecting and maintaining the requested data for Sheetz is different from the individuals responsible for responding to the discovery request. Sheetz should not be required to furnish exhaustive lists of every employee involved or responsible for any part of the collection and maintenance of the requested information.

Laurel Set I, No. 6

Laurel to Sheetz, Set I, Request No. 6

Please state average distance Sheetz transported petroleum products by truck each month from 2012 through 2016, either by its own contracted or owned trucks, or on its behalf by jobbers. Provide the information in the following ways:

- a) Average distance for all shipments;
- b) Average distance for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Average distance for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Average distance for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 6

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy).

Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 7

Laurel to Sheetz, Set I, Request No. 7

Please state the longest distance that Sheetz transported petroleum products by truck each month from 2012 through 2016, either by its own contracted or owned trucks, or on its behalf by jobbers. Provide the information in the following ways:

- a) Longest distance for all shipments;
- b) Longest distance for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Longest distance for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Longest distance for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 7

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy). Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 8

Laurel to Sheetz, Set I, Request No. 8

Please state the percentage of Sheetz' truck shipments of petroleum products were between 125 miles and 150 miles in length each month from 2012 through 2016. Provide the information in the following ways:

- a) Percentage for all shipments;
- b) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Percentage for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 8

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy). Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 9

Laurel to Sheetz, Set I, Request No. 9

Please state the percentage of Sheetz' truck shipments of petroleum products were between 100 miles and 125 miles in length each month from 2012 through 2016. Provide the information in the following ways:

- a) Percentage for all shipments;
- b) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Percentage for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 9

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy). Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 10

Laurel to Sheetz, Set I, Request No. 10

Please state the percentage of Sheetz' truck shipments of petroleum products were between 75 miles and 100 miles in length each month from 2012 through 2016. Provide the information in the following ways:

- a) Percentage for all shipments;

- b) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Percentage for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 10

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy). Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 11

Laurel to Sheetz, Set I, Request No. 11

Please state the percentage of Sheetz' truck shipments of petroleum products were between 50 miles and 75 miles in length each month from 2012 through 2016. Provide the information in the following ways:

- a) All gallons transported;
- b) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Percentage for shipments to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Percentage for shipments to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;

- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 11

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy). Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 12

Laurel to Sheetz, Set I, Request No. 12

Please state Sheetz' average costs per mile per gallon for trucking petroleum products by month from 2012 through 2016? Provide the information in the following ways:

- a) All gallons transported;
- b) Gallons transported to Sheetz-owned, controlled or franchised service stations in Pennsylvania;
- c) Gallons transported to service stations in Pennsylvania that are not owned, controlled or franchised by Sheetz;
- d) Gallons transported to Sheetz-owned, controlled or franchised service stations in Pennsylvania from terminals outside of Pennsylvania;
- e) If the information is not available in the formats requested above, identify how Sheetz maintains this information and identify the personnel responsible for collecting and maintaining it.

Sheetz Answer to Laurel Motion to Compel Request No. 12

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request Nos. 1 and 5 (regarding relevancy).

Sheetz's individual shipments and the manner in which it may have shipped particular product information is not relevant to the impact of Laurel's proposed reversal.

Sheetz also adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 5 (regarding unreasonable burden and unreasonable investigation).

Laurel Set I, No. 13

Laurel to Sheetz, Set I, Request No. 13

Identify each way in which Sheetz expects that it would adversely affected if Laurel's Application is approved, and quantify the expected adverse effect.

Sheetz Answer to Laurel Motion to Compel Request No. 13

In the Motion to Compel, Laurel contends that the information sought in this request is "directly relevant to the harms alleged by Sheetz in its Protest". Motion, pp. 21-22. Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1 regarding Laurel's mischaracterizations of the harm alleged by Sheetz in Sheetz's Protest. The harm alleged by Sheetz relates to the broader impact Pittsburgh-area fuels market as well as the impact on market participants who could lose pipeline access to East Coast product if Laurel's Application proposing to reverse the flow on the pipeline is granted.

In its Motion to Compel, Laurel insists that Sheetz must provide information that it has available at this time regarding the expected adverse effects. *See id.* Sheetz explained in its objections to this request that Sheetz's analysis is incomplete and that a fuller analysis depends on obtaining certain information in discovery. Sheetz will provide this information and this analysis, but Sheetz cannot provide information that is not currently within Sheetz's possession, custody, or control. Compelling that information at this juncture would be premature and would

impose an undue burden or unreasonable investigation in requiring Sheetz to identify and quantify all adverse effects in advance of the scheduled date for Direct Testimony. *See* 52 Pa. Code §§ 5.361(a)(2), (4).

Laurel Set I, No. 16

Laurel to Sheetz, Set I, Request No. 16

Please specify, by refined petroleum product type, by volume, by month and by price per barrel, every purchase by Sheetz of petroleum products (a) from Philadelphia Energy Solutions, or its affiliates, or (b) from Monroe Energy, or its affiliates, or (c) from a wholesale supplier who sourced its products from either the Philadelphia Energy Solutions refinery in Pennsylvania or the Monroe Energy refinery in Pennsylvania.

Sheetz Answer to Laurel Motion to Compel Request No. 16

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1. Sheetz's individual shipment data and information is not relevant to the impact of Laurel's proposed reversal.

Additionally, Laurel's attempt to show relevancy by relating the requested information to "Sheetz's claims regarding the alleged elimination of East Coast refinery supplies..." must fail. The above Interrogatory requests historical purchases of products from East Coast refineries, all of which would have occurred with Laurel's pipeline in operation. Such information is irrelevant in assessing whether Sheetz would be able to purchase supplies from these refineries after any approval of Laurel's proposed reversal.

Laurel Set I, No. 18

Laurel to Sheetz, Set I, Request No. 18

Provide copies of all contracts and/or agreements for Sheetz' lease of, use of or throughput rights for terminal capacity for all terminals in Pennsylvania.

Sheetz Answer to Laurel Motion to Compel Request No. 18

Sheetz adopts the reasons and objections stated above in Sheetz's Answer to Laurel's Motion to Compel Sheetz's response to Laurel's Request No. 1. Sheetz's individual shipment data and information is not relevant to the impact of Laurel's proposed reversal. In addition to the primary argument that Sheetz's individual shipments are irrelevant to the market issues presented in this case, the above Interrogatory is particularly irrelevant as it requests contracts and/or agreements concerning Sheetz's rights for terminal capacity for all terminals in Pennsylvania. Laurel's request for contracts for Sheetz's statewide terminal capacity is not reasonably calculated to lead to admissible evidence of available alternatives at issue in this case, which concerns alternatives for supplying markets currently served by Laurel's Pipeline, not alternatives for supplying every market in Pennsylvania.

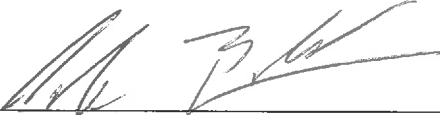
III. CONCLUSION

WHEREFORE, the Sheetz respectfully requests that Your Honor deny Laurel's Motion to Compel.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By


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