



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
717-731-1985 Direct Fax
File #: 162860

March 30, 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

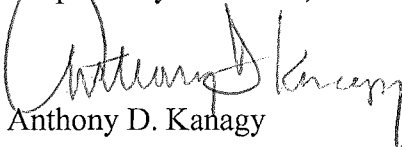
**Re: Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania
Docket No. A-2016-2575829**

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

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 Giant Eagle, Inc., 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).

VIA E-MAIL AND FIRST CLASS MAIL

Adam D. Young, Esquire
Michael L. Swindler, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Robert A. Weishaar, Jr., Esquire
McNees Wallace & Nurick LLC
1200 G Street, NW
Suite 800
Washington, DC 20005
*Counsel for Gulf Operating, LLC
and Sheetz, Inc.*

Susan E. Bruce, Esquire
Adeolu A. Bakare, Esquire
Kenneth R. Stark, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
*Counsel for Gulf Operating, LLC
and Sheetz, Inc.*

Alan M. Seltzer, Esquire
John F. Povilaitis, Esquire
Buchanan Ingersoll & Rooney, PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357
Counsel for PESRM

Karen O. Moury, Esquire
Carl R. Shultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
*Counsel for Husky Marketing and
Supply Company*

Jonathan D. Marcus, Esquire
Daniel J. Stuart, Esquire
Marcus & Shapira LLP
One Oxford Centre, 35th Floor
301 Grant Street
Pittsburgh, PA 15219-6401
Counsel for Giant Eagle, Inc.

Andrew S. Levine, Esquire
Stradley, Ronon, Stevens & Young, LP
2600 One Commerce Square
Philadelphia, PA 19103
Counsel for Sunoco, LLC

Kevin J. McKeon, Esquire
Todd S. Stewart, Esquire
Whitney E. Snyder, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
Counsel for Monroe Energy, LLC

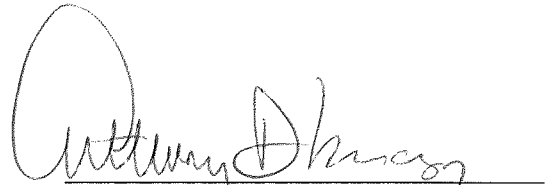
Christopher A. Ruggiero, Esquire
Vice President, General Counsel &
Secretary
Monroe Energy, LLC
4101 Post Road
Trainer, PA 19061
Counsel for Monroe Energy, LLC

Richard E. Powers, Jr., Esquire
Joseph R. Hicks, Esquire
Venable LLP
575 7th Street, NW
Washington, DC 20004
Counsel for Monroe Energy, LLC

VIA E-MAIL ONLY:

Joseph Otis Minott, Esquire
Ernest Logan Welde, Esquire
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, PA 19103
Counsel for Clean Air Council

Date: March 30, 2017



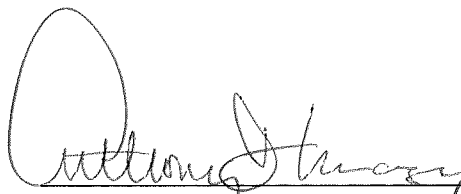
Anthony D. Kanagy

**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. :

NOTICE TO PLEAD

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.



Christopher J. Barr, Esquire (DC ID #375372)
Jessica R. Rogers, Esquire (PA ID #309842)
Post & Schell, P.C.
607 14th Street, N.W., Suite 600
Washington, DC 20005-2000
Phone: (202) 347-1000
Fax: (202) 661-6970
E-mail: cbarr@postschell.com
E-mail: jrogers@postschell.com

David B. MacGregor, Esquire (PA ID #28804)
Anthony D. Kanagy, Esquire (PA ID #85522)
Garrett P. Lent, Esquire (PA ID #321566)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: (717) 731-1970
Fax: (717) 731-1985
E-mail: dmacgregor@postschell.com
E-mail: akanagy@postschell.com
E-mail: glent@postschell.com

Date: March 30, 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 GIANT EAGLE, INC., SET I**

TO ADMINISTRATIVE LAW JUDGE ERANDA VERO:

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 Giant Eagle, Inc. (“Giant Eagle”). The Motion to Compel requests that Administrative Law Judge Eranda Vero (the “ALJ”) direct Giant Eagle to provide full and complete responses to Request Nos. 2(c), 3, 10(c)-(d), and 12 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, Giant Eagle filed a Petition to Intervene and Protest that contained specific factual allegations about the effects of Laurel's proposal on Giant Eagle and other entities in Pennsylvania.

3. On March 10, 2017, Laurel served Set I Discovery on Giant Eagle. A copy of Laurel Set I Discovery to Giant Eagle is provided as Appendix A hereto.

4. Giant Eagle objected to Set I Discovery on March 20, 2017. Giant Eagle objected to Set I Instructions and Definitions Nos. 1, 3, 4, 5, 7, 12 and 16, and Request Nos. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16. A copy of Giant Eagle's Objections is provided as Appendix B hereto.

5. Laurel notes that while Giant Eagle has objected to Request Nos. 2(a), 2(b), 5-9, 10(a), 10(b), 11 and 13-16, Giant Eagle has agreed to answer these questions. Laurel disagrees with Giant Eagle's objections to these questions, but is not filing a Motion to Compel as to these questions because Giant Eagle has agreed to answer them.

6. Laurel contacted counsel for Giant Eagle 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. Giant Eagle agreed to use a common set of instructions and definitions. Therefore, Laurel is not filing a Motion to Compel as to Giant Eagle's objections to the Instructions and Definitions. Laurel's counsel also discussed the objections with Giant Eagle's counsel on March 29, 2017. However, the parties were not able to resolve their issues.

7. Laurel hereby files its Motion to Compel Giant Eagle to respond to Set I, Request Nos. 2(c), 3, 10(c)-(d), and 12.

II. ARGUMENT

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

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

2. With reference to Giant Eagle’s fuel and convenience stores that are operated under the trade name “GetGo” in paragraph 7 of the protest, please provide the following information in an electronic executable (Excel) format:

- a) Identify all GetGo stores in Western Pennsylvania, as the term is defined in response to question 1, above.
- b) Provide the location of each GetGo store identified in 2(a), above.
- c) The number of barrels of petroleum products, by product type, delivered to each store identified in 2(a) above, by month from January 1, 2012 to present.

9. Giant Eagle 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. Giant Eagle argues that this information is irrelevant to the determination of whether Laurel has met its burden of proving that its proposal is in the public interest, and that specific information related to receipt of all types of petroleum products to all Western Pennsylvania GetGo locations over a five-year period falls outside the scope of issues in this proceeding.

10. In addition, Giant Eagle objects to subpart (c) because it is irrelevant and seeks propriety information as defined by 52 Pa. Code § 5.365, and there is no Protective Order in place for providing the limited, protected disclosure of any such information. Giant Eagle states, however, that it will respond to subparts (a) and (b) of this request.

11. 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).

12. Contrary to Giant Eagle's objection, the information sought by Request No. 2, including subpart (c), is directly related to Giant Eagle's claims, and is relevant to this proceeding. Information regarding the deliveries of petroleum products to Giant Eagle's GetGo stores (*e.g.*, volumes, types, costs, distances, locations, and other related information) is directly related to the hardship that Giant Eagle alleges it and/or other entities will suffer as a result of the proposal,¹ as well as alternatives that Giant Eagle alleges are inadequate.² Information regarding petroleum products deliveries to Giant Eagle is the most basic, relevant information that will be required in this proceeding for Laurel to evaluate the parties' and, in particular, Giant Eagle's claims. Giant Eagle cannot claim that it will be negatively impacted by Laurel's proposal and that certain alternatives are not adequate, but refuse to provide the basic product shipment information that is necessary to evaluate these claims.

13. Granular data regarding shipments to individual GetGo stores will assist in determining the products currently delivered to service stations in the Pittsburgh area, particularly those of Giant Eagle, and whether similar or identical quantities could be delivered through other available alternatives. This information is not available from any other source. Without the requested data, Laurel cannot effectively evaluate Giant Eagle's alternatives and alleged harms—both of which Giant Eagle itself placed at issue in its Petition to Intervene and Protest. Therefore, Giant Eagle's objection on these grounds should be denied.

¹ *See, e.g.*, Petition to Intervene and Protest of Giant Eagle, Inc., Docket No. A-2016-2575829, at pp. 3-5 (filed Feb. 1, 2017).

² *See id.*, at p. 5.

14. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 2, including subpart (c), of Set I discovery. Alternatively, should Giant Eagle 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. GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 3 OF THE SET I DISCOVERY.

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

3. With reference to Giant Eagle’s fuel and convenience stores that are operated under the trade name “GetGo” in paragraph 7 of its protest, has GetGo received petroleum products by truck from January 1, 2012 to present? If so, please provide a log of each received shipment received by each store. Include:

- a) The name of the truck company/carrier;
- b) The particular product that was shipped for each shipment;
- c) The date of each shipment;
- d) The origination point of each truck shipment (including the identity of the terminal from which the shipment was lifted);
- e) The volume of each shipment; and
- f) The refinery or, if the specific refinery is not known, the bulk and/or wholesale market from which the product in the shipment originated.

16. Giant Eagle 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. Giant Eagle argues that this information is irrelevant to the determination of whether Laurel has met its burden of proving that its proposal is in the public interest, and that a request seeking truck shipment data related to every shipment

of every petroleum product delivered by truck to every GetGo location is outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Giant Eagle also objects to this request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation. In addition, Giant Eagle objects to this request on the grounds that it is vague. Giant Eagle argues that there is no indication as to how Laurel defines “each shipment received.” Finally, Giant Eagle objects to this request because it seeks Proprietary Information, for which no Protective Order is in place. Laurel expects that Giant Eagle will withdraw its objection on these grounds upon issuance of a Protective Order.

17. Regarding Giant Eagle’s objection to Request No. 3 on relevance grounds, Laurel adopts and incorporates its arguments with respect to Request No. 2 of the Set I discovery, in paragraphs 8-14 *supra*, as if they were fully stated herein. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 3 of Set I discovery.

18. Giant Eagle’s objection to Request No. 3 on the grounds that it will impose an unreasonable burden or require an unreasonable investigation is also without merit. Section 5.361(a)(2) of the Commission’s regulations only prohibits discovery into matters that would impose an unreasonable burden on a party. 52 Pa. Code § 5.361(a)(2) (emphasis added). Likewise, Section 5.361(a)(4) only prohibits discovery into matters that would require a party to make an unreasonable investigation. 52 Pa. Code § 5.361(a)(4) (emphasis added).

19. Giant Eagle is a sophisticated entity that regularly participates in the petroleum products transportation market. The data requested—volumes and types of petroleum products, being delivered to Giant Eagle’s retail sales outlets—are essential business records for an entity

that specializes in sales of petroleum products to consumers. Given the nature of its business operations, it is reasonable to expect, and almost certain that, it already has this data in a readily accessible format for business purposes. Furthermore, this information is essential to Laurel's analysis of Giant Eagle's claims that it lacks alternatives and will experience harm. The necessity of this information to Laurel substantially outweighs any burden associated with its production, and demonstrates the absolute necessity of this information to evaluate Giant Eagle's claims.³

20. Giant Eagle's objection that this request is vague, ambiguous, or imprecise should similarly be denied. Given Giant Eagle's business operations, Giant Eagle should be able to determine what "each shipment received" means (*i.e.* deliveries of petroleum products to Giant Eagle's service stations are invariably made by the tanker truckload and by no other means). Therefore, Giant Eagle's objection should be denied.

21. Finally, to the extent that Giant Eagle objects to this request on the grounds it seeks competitively sensitive information that is protected from disclosure, Laurel expects that Giant Eagle will withdraw its objection on these grounds upon issuance of a Protective Order.

22. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 3 of Set I discovery. Alternatively, should Giant Eagle 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.

³ 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).

C. GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 10 OF THE SET I DISCOVERY.

23. Laurel – Set I, Request No. 10 provides as follows:

10. With reference to Giant Eagle’s statement in paragraph 10 of its protest that “[i]ndependent fuel retailers like Giant Eagle are able to deliver lower fuel prices to customers by securing the lowest costs of goods sold between Midwest and East Coast suppliers”:

- a) Please identify all “Midwest” suppliers referenced in this statement.
- b) Please identify all “East Coast” suppliers referenced in this statement.
- c) Please provide the following information in electronic executable (Excel) format: (i) the total number of barrels of gasoline purchased by Giant Eagle from all Midwest suppliers identified in 12(a) by month from January 1, 2012 to present; (ii) the total number of barrels of gasoline purchased by Giant Eagle from all East Coast suppliers identified in 12(b) by month from January 1, 2012 to present; (iii) the monthly average price per barrel of the gasoline purchased by Giant Eagle from January 1, 2012 to present; and (iv) the monthly average price per gallon of gasoline that was charged by Giant Eagle from January 1, 2012 to present.
- d) If the information requested in 10(c) is not available in the formats requested above, identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.

24. Giant Eagle objects to Request No. 10 on the same grounds raised in its objection to Request No. 3: that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence; that the request would impose an unreasonable burden upon Giant Eagle or would require Giant Eagle to make an unreasonable investigation; that the request is vague; and that it seeks competitively sensitive information for which no

Protective Order is in place. In addition, Giant Eagle objects to Request No. 10 on the grounds that it only quotes a portion of paragraph 10 of its Petition to Intervene and Protest. However, Giant Eagle states that it will respond to subparts (a) and (b) of this request, subject to and without waiving these objections.

25. Regarding Giant Eagle's objection on relevance grounds, Laurel adopts and incorporates its arguments with respect to Request No. 2 of the Set I discovery, in paragraphs 8-14 *supra*, as if they were fully stated herein. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 10 of Set I discovery. By way of further explanation, information regarding the amount of petroleum products that Giant Eagle purchases from both Midwest and East Coast suppliers is relevant to the evaluation of both Giant Eagle's alleged harm and potential alternatives. A central issue in contention in this proceeding, and one addressed in Giant Eagle's Petition to Intervene and Protest, is whether consumers will benefit from increased access to Midwest supplies of petroleum products, as well as whether entities such as Giant Eagle will be harmed by the absence of pipeline supplies of petroleum supplies from the East Coast. Request No. 10 seeks data on the volumes and prices for Giant Eagle's supplies of petroleum products from the Midwest and from the East Coast. Thus, it addresses key disputed issues. Giant Eagle should not be permitted to advance claims that it will be harmed by Laurel's proposal by losing access to pipeline supplies of East Coast sourced petroleum products and that it lacks adequate alternatives if East Coast pipeline supplies are no longer available from Laurel, but refuse to submit information that is necessary to evaluate these claims. Therefore, Giant Eagle's objection on this ground should be denied.

26. Regarding Giant Eagle's objection on burdensomeness grounds, Laurel adopts and incorporates its arguments with respect to Request No. 3 of the Set I discovery, in paragraphs 18-20 *supra*, as if they were fully stated herein. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 10 of Set I discovery. By way of further explanation, it is reasonable to expect Giant Eagle maintains information regarding its monthly purchases of petroleum products as a normal part of its business operations. It is also reasonable for Giant Eagle to identify the personnel responsible for collecting and maintaining the information requests in Request No. 10 because this information is relevant to determining the individuals that Laurel may depose as a part of its evaluation of Giant Eagle's claims.

27. In addition, subpart (c)(iv) is neither vague nor impossible to calculate. It is reasonable to expect that Giant Eagle maintains information regarding the per gallon price that it charges on each purchase of gasoline; any merchant buying at wholesale and selling at retail must maintain such records. For instance, Giant Eagle could easily provide this information on a monthly basis by dividing its revenues associated with gasoline purchases in a given month by the total number of gallons of gasoline purchased in that month, across all of its stores.

28. Finally, to the extent that Giant Eagle objects to this request on the grounds it seeks competitively sensitive information that is protected from disclosure, Laurel expects that Giant Eagle will withdraw its objection on these grounds upon issuance of a Protective Order.

29. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 10 of Set I discovery. Alternatively, should Giant Eagle 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. GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 12 OF THE SET I DISCOVERY.

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

12. With reference to Giant Eagle’s statements in paragraph 11 of its protest:

- a) Please fully explain the bases for these statements, and identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.
- b) Would lower priced gasoline to the Pittsburgh market mitigate the disparity between Pennsylvania and Ohio gasoline taxes? If the answer to this question is anything other than an unqualified yes, please fully explain the answer.
- c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding Western Pennsylvania retail stations losing sales to Ohio retail stations located near the Pennsylvania/Ohio border.
- d) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
- e) Do Giant Eagle’s “fuel and convenience stores” in Ohio benefit from the discrepancy between Ohio and Pennsylvania fuel taxes? If the answer to 12(d) is anything other than an unqualified yes, please fully explain the answer, and identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that are relied upon in support of the

answer. Provide any benefit received by Giant Eagle's stores in Ohio in dollars.

31. Giant Eagle objects to Request No. 12 on several grounds. Giant Eagle first objects to subparts (a) and (b) on the grounds that the request is vague, ambiguous and imprecise. Giant Eagle contends that subpart (a) is vague because it is not clear what "information" or "maintains" means. Giant Eagle further contends that subpart (b) is vague because the phrase "lower priced gasoline to the Pittsburgh market" is unclear and unquantified.

32. Giant Eagle's contentions that these subparts are vague should be disregarded. Subpart (a) specifically requests all information and the personnel responsible for maintaining information that serves as the bases for Giant Eagle's claims in paragraph 11 of its Petition to Intervene and Protest. Paragraph 11 states:

The increased cost of gasoline for retailers and consumers in Pennsylvania will exacerbate the already notable disparity in retail price for gasoline along the Pennsylvania and Ohio border due to the lower gasoline taxes in Ohio. With the recent fuel tax increase in January 2017, Pennsylvania taxes are over 30 cents per gallon higher than Ohio. As a consequence, Pennsylvania retail stations located near the Ohio border will lose an even higher level of sales to Ohio retail stations.

This paragraph contains numerous factual allegations regarding the disparity in retail gasoline prices along the Pennsylvania and Ohio border due to gasoline taxes, sales that are lost by Pennsylvania retail stations to Ohio retail stations, and claimed increases in such sales losses that will supposedly result from Laurel's proposal. Request No. 12 simply seeks information related to these claims.

33. In addition, subpart (b) asks Giant Eagle to provide a yes or no answer to a clear hypothetical that uses language similar to that used by Giant Eagle in its Petition to Intervene and Protest. Therefore, it is reasonable for Giant Eagle to provide full and complete answers to

subparts (a) and (b) regarding a central claim in its Petition to Intervene and Protest, and its objection on these grounds should be denied.

34. Giant Eagle also objects to this request on the grounds that it seeks information that is publicly available and accessible to Laurel at the same burden and expense as Giant Eagle. While Laurel recognizes that information regarding the Ohio and Pennsylvania fuel taxes may be publically available, Laurel is entitled to receive the information relied upon by Giant Eagle when making this statement. Moreover, the information sought by this request is not merely limited to publically available information. For example, the request also seeks information regarding Giant Eagle's claims of sales losses by Pennsylvania retail stations to Ohio retail stations. Therefore, Giant Eagle's objection on this ground should be denied.

35. Giant Eagle further objects to Request No. 12 on relevance grounds similar to its objection to Request No. 2. Regarding Giant Eagle's objection on relevance grounds, Laurel adopts and incorporates its arguments with respect to Request No. 2 of the Set I discovery, in paragraphs 8-14 *supra*, as if they were fully stated herein. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 12 of Set I discovery. By way of further explanation, Giant Eagle specifically claimed that "Pennsylvania retail stations located near the Ohio border will lose an even higher level of sales to Ohio retail stations" as a result of Laurel's proposal. Through this statement, Giant Eagle put the actual sales lost and projected sales lost by Pennsylvania retail stations to Ohio retail stations at issue. The information sought by Request No. 12 is necessary to evaluate Giant Eagles claims in its Petition to Intervene and Protest. Therefore, Giant Eagle's objection on this ground should be denied.

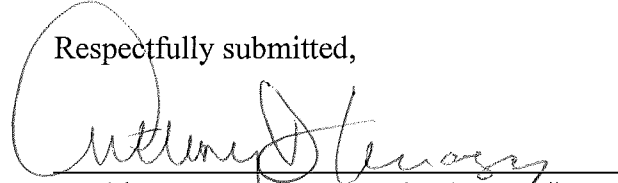
36. Finally, Giant Eagle objects to subparts (c) and (d) on the grounds that providing the requested information would impose an unreasonable burden or require an unreasonable investigation. Laurel adopts and incorporates its arguments with respect to Request No. 3 of the Set I discovery, in paragraphs 18-20 *supra*, as if they were fully stated herein. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 12 of Set I discovery. By way of further explanation, it is reasonable to expect Giant Eagle, as a participant in the petroleum products market that sells gasoline and other petroleum products, to have information regarding its sales or losses of sales. Therefore, Giant Eagle's objection on this ground should be denied.

37. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 12 of Set I discovery. Alternatively, should Giant Eagle 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 Giant Eagle, Inc. to fully answer Request Nos. 2(c), 3, 10(c)-(d), and 12 of the Set I Discovery.

Respectfully submitted,



Christopher J. Barr, Esquire (DC ID #375372)
Jessica R. Rogers, Esquire (PA ID #309842)
Post & Schell, P.C.
607 14th Street, N.W., Suite 600
Washington, DC 20005-2000
Phone: (202) 347-1000
Fax: (202) 661-6970
E-mail: cbarr@postschell.com
E-mail: jrogers@postschell.com

David B. MacGregor, Esquire (PA ID #28804)
Anthony D. Kanagy, Esquire (PA ID #85522)
Garrett P. Lent, Esquire (PA ID #321566)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: (717) 731-1970
Fax: (717) 731-1985
E-mail: dmacgregor@postschell.com
E-mail: akanagy@postschell.com
E-mail: glent@postschell.com

Date: March 30, 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 :

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED
BY LAUREL PIPE LINE COMPANY, L.P.
ON GIANT EAGLE, INC. – SET 1**

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 Giant Eagle, Inc. (“Giant Eagle”) – 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 GIANT EAGLE – SET 1**

1. Please define the term “Western Pennsylvania,” as it is used in paragraph 7 of Giant Eagle’s protest.
2. With reference to Giant Eagle’s fuel and convenience stores that are operated under the trade name “GetGo” in paragraph 7 of the protest, please provide the following information in an electronic executable (Excel) format:
 - a) Identify all GetGo stores in Western Pennsylvania, as the term is defined in response to question 1, above.
 - b) Provide the location of each GetGo store identified in 2(a), above.
 - c) The number of barrels of petroleum products, by product type, delivered to each store identified in 2(a) above, by month from January 1, 2012 to present.
3. With reference to Giant Eagle’s fuel and convenience stores that are operated under the trade name “GetGo” in paragraph 7 of its protest, has GetGo received petroleum products by truck from January 1, 2012 to present? If so, please provide a log of each received shipment received by each store. Include:
 - a) The name of the truck company/carrier;
 - b) The particular product that was shipped for each shipment;
 - c) The date of each shipment;
 - d) The origination point of each truck shipment (including the identity of the terminal from which the shipment was lifted);
 - e) The volume of each shipment; and
 - f) The refinery or, if the specific refinery is not known, the bulk and/or wholesale market from which the product in the shipment originated.

If the information is not available in the formats requested above, identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it, and provide all available relevant information regardless of form.
4. Is Giant Eagle a shipper on Laurel’s system, as defined by Laurel’s Tariff – Pa. PUC No. 79?
5. With reference to Giant Eagle’s statement in paragraph 8 of its protest that it “purchases petroleum products that travel through the Laurel Pipeline in Pennsylvania”:

- a) Identify all shippers on Laurel's pipeline system, as defined by Laurel's Tariff – Pa. PUC No. 79, from which Giant Eagle purchased petroleum products from January 1, 2012 to present.
 - b) Please provide records showing by month, type and quantity the petroleum products Giant Eagle purchased from all shippers identified in 5(a) from January 1, 2012 to present.
 - c) Identify all entities that are not shippers on Laurel's pipeline system, as defined by Laurel's Tariff – Pa. PUC No. 79, from which Giant Eagle purchased petroleum products from January 1, 2012 to present.
 - d) Please provide records showing by month, type and quantity the petroleum products Giant Eagle purchased from all entities identified in 5(c) from January 1, 2012 to present.
 - e) Please provide a copy of all contracts (including any supplemental agreements) for the purchase or the transportation of refined petroleum products entered into by Giant Eagle since January 1, 2012, that reference, directly or indirectly: (i) Laurel; (ii) any other common carrier pipeline; or (iii) barge transportation.
6. With reference to Giant Eagle's statement in paragraph 9 of its protest that "[r]eversing the direction of the Laurel Pipeline would reduce the competitiveness of the Pittsburgh market":
- a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.
 - c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
7. With reference to Giant Eagle's statement in paragraph 9 of its protest that fuel supply options from "two Philadelphia based refineries" would be eliminated by reversing the direction of the Laurel Pipeline:
- a) Please identify the "two Philadelphia based refineries" referred to in this statement.
 - b) Please provide the annual volumes purchased by Giant Eagle from each refinery identified in 7(a) from January 1, 2012 to present.
8. With reference to Giant Eagle's statement in paragraph 9 of its protest regarding the effects of "the ability to receive petroleum from either the east or west" on market competitiveness:

- a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding the effects of “the ability to receive petroleum from either the east or west” on market competitiveness.
 - c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
9. With reference to Giant Eagle’s statement in paragraph 9 of its protest that “prices are on average higher in the summer months from Midwest refiners” in paragraph 9:
- a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
 - c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
10. With reference to Giant Eagle’s statement in paragraph 10 of its protest that “[i]ndependent fuel retailers like Giant Eagle are able to deliver lower fuel prices to customers by securing the lowest costs of goods sold between Midwest and East Coast suppliers”:
- a) Please identify all “Midwest” suppliers referenced in this statement.
 - b) Please identify all “East Coast” suppliers referenced in this statement.
 - c) Please provide the following information in electronic executable (Excel) format: (i) the total number of barrels of gasoline purchased by Giant Eagle from all Midwest suppliers identified in 12(a) by month from January 1, 2012 to present; (ii) the total number of barrels of gasoline purchased by Giant Eagle from all East Coast suppliers identified in 12(b) by month from January 1, 2012 to present; (iii) the monthly average price per barrel of the gasoline purchased by Giant Eagle from January 1, 2012 to present; and (iv) the monthly average price per gallon of gasoline that was charged by Giant Eagle from January 1, 2012 to present.
 - d) If the information requested in 10(c) is not available in the formats requested above, identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.

11. With reference to Giant Eagle's statement in paragraph 10 of its protest that Laurel's proposal will increase costs that are passed through to customers:
 - a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
 - c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

12. With reference to Giant Eagle's statements in paragraph 11 of its protest:
 - a) Please fully explain the bases for these statements, and identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.
 - b) Would lower priced gasoline to the Pittsburgh market mitigate the disparity between Pennsylvania and Ohio gasoline taxes? If the answer to this question is anything other than an unqualified yes, please fully explain the answer.
 - c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding Western Pennsylvania retail stations losing sales to Ohio retail stations located near the Pennsylvania/Ohio border.
 - d) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
 - e) Do Giant Eagle's "fuel and convenience stores" in Ohio benefit from the discrepancy between Ohio and Pennsylvania fuel taxes? If the answer to 12(d) is anything other than an unqualified yes, please fully explain the answer, and identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that are relied upon in support of the answer. Provide any benefit received by Giant Eagle's stores in Ohio in dollars.

13. With reference to Giant Eagle's statement in paragraph 13 of its protest that "[m]anufacturing disruption occurs with regular frequency in refineries across the United States":
 - a) Please define the term "regular frequency" as used in this statement.

- b) Please (i) fully explain the basis for this statement, and (ii) identify by name, job title and business address, who within the Giant Eagle Organization has provided or supported this explanation.
 - c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
 - d) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
14. With reference to Giant Eagle's statement in paragraph 13 of its protest that "[l]imiting fuel supply into Western Pennsylvania decreases energy security for the region":
- a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding any limitations on fuel supply that would result from Laurel's proposal. If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such reviews, analyses, reports, communications or discussions exist.
 - c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding the effect of Laurel's proposal on energy security for Western Pennsylvania. If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such reviews, analyses, reports, communications or discussions exist.
15. With reference to Giant Eagle's statement in paragraph 15 of its protest that the proposed alternatives for Pittsburgh-area retailers to obtain petroleum products if the pipeline is reversed "are inadequate, impractical, and/or excessively costly":
- a) Please fully explain the basis for this statement.
 - b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
 - c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

16. With reference to Giant Eagle's statement in paragraph 15 of its protest that "trucking East Coast product from Altoona to Pittsburgh would require hundreds of additional tanker trucks on Pennsylvania state routes":
- a) Please fully explain the basis for this statement.
 - b) Has Giant Eagle undertaken or caused to be undertaken any quantitative external or internal reviews, analyses, reports or discussions regarding the number of tanker trucks from January 1, 2012 to present that transport petroleum products on "Pennsylvania state routes"? If so, please provide such reviews, analyses, reports or discussions.
 - c) Has Giant Eagle undertaken or caused to be undertaken any quantitative external or internal reviews, analyses, reports or discussions regarding the "hundreds of additional tanker trucks on Pennsylvania state routes" that Giant Eagle claims will result from Laurel's proposal? If so, please provide such reviews, analyses, reports or discussions.

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 :

**OBJECTIONS OF GIANT EAGLE, INC. TO CERTAIN INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY LAUREL
PIPE LINE COMPANY, L.P. - SET 1**

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Giant Eagle, Inc. (“Giant Eagle”) hereby objects to certain Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P.’s (“Laurel” or “Applicant”) on Giant Eagle—Set I on March 10, 2017 (“Discovery Requests”) in connection with the Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania (“Application”).

As explained herein, Giant Eagle 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. Giant Eagle objects to the Discovery Requests to the extent that they are overly broad, unduly burdensome, vague, and/or ambiguous. Giant Eagle 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. Giant Eagle objects to the extent that individual requests seek production and disclosure of trade secrets, proprietary or confidential information, competitively-sensitive information and/or information protected from

disclosure. Giant Eagle further objects to the extent the Discovery Requests calls for or require the production of information from non-parties to this proceeding and/or the production of information not within the possession, custody, and control of Giant Eagle.

I. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Laurel to Giant Eagle, Set I, Instructions and Definitions No. 1

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 Definition 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 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, Giant Eagle objects to this definition to the extent it seeks information that is not within Giant Eagle’s possession, custody or control, is not relevant to the issues and subject matter in this proceeding, imposes an obligation on Giant Eagle to exert time and resources to obtain information that Laurel could obtain on its own at the same time and expense, and is not likely to lead to the discovery of admissible evidence in this proceeding. Further, 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. Giant Eagle 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 Giant Eagle, 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 or expense 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, Giant Eagle 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, Giant Eagle. Giant Eagle also objects to Definition 4 as unduly burdensome to the extent it imposes an obligation on Giant Eagle to exert time and resources to research information that Laurel could research on its own at the same time and expense. Accordingly, both Definitions 3 and 4 are objectionable to the extent they impose an undue burden or expense and would require an unreasonable investigation.

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

Laurel to Giant Eagle, Set I, Instructions and Definitions No. 5

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 into matters that would impose an unreasonable burden or expense on a party. “Identifying” every document with the particular level of detail required by this instruction would impose an unreasonable burden and expense or require an unreasonable investigation.

Laurel to Giant Eagle, 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 Commissions regulations, 52 Pa. Code § 5.361(a)(2), discovery is not permitted into matters that would impose an unreasonable burden or expense 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, Giant Eagle objects to this definition as vague, unduly burdensome, and requiring an unreasonable investigation.

Laurel to Giant Eagle, Set I, Instructions and Definitions No. 12

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 Instruction 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, Giant Eagle 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. Moreover, Giant Eagle objects to the extent this instruction calls for or requires the production of information from non-parties to this proceeding and/or the production of information not within the possession, custody, and control of Giant Eagle.

Laurel to Giant Eagle, Set I, Instructions and Definitions No. 16

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 Instruction and Definitions No. 16

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. *See also* 52 Pa. Code § 5.321(c) and 5.323(a). The Commission's regulations do not require a party to maintain a privilege log of this kind for any material or materials for which privilege is asserted. In addition, Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery that would impose an unreasonable burden or expense on a party. Giant Eagle objects to this instruction as imposing an obligation that is not required by the Commission's regulations and that would be unduly burdensome and require an unreasonable investigation.

SPECIFIC OBJECTIONS TO DISCOVERY REQUESTS

Set I – Request No. 2

With reference to Giant Eagle's fuel and convenience stores that are operated under the trade name "GetGo" in paragraph 7 of the protest, please provide the following information in an electronic executable (Excel) format:

- a) Identify all GetGo stores in Western Pennsylvania, as the term is defined in response to question 1, above.
- b) Provide the location of each GetGo store identified in 2(a), above.
- c) The number of barrels of petroleum products, by product type, delivered to each store identified in 2(a) above, by month from January 1, 2012 to present.

Objection to Request No. 2

Giant Eagle 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. 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. The request for specific information related to receipt of all types of petroleum products to all Western Pennsylvania GetGo locations over a five-year period falls outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Request No. 2, subpart c seeks Proprietary Information, as defined by 52 Pa. Code § 5.365, and may contain competitively sensitive information that is protected from disclosure by law. Giant Eagle further objects to Request No. 2 because there is no Protective Order in place providing for the limited, protected disclosure of any such information. Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 2, subparts a and b.

Set I – Request No. 3

With reference to Giant Eagle’s fuel and convenience stores that are operated under the trade name “GetGo” in paragraph 7 of its protest, has GetGo received petroleum products by truck from January 1, 2012 to present? If so, please provide a log of each received shipment received by each store. Include:

- a) The name of the truck company/carrier;
- b) The particular product that was shipped for each shipment;
- c) The date of each shipment;
- d) The origination point of each truck shipment (including the identity of the terminal from which the shipment was lifted);
- e) The volume of each shipment; and
- f) The refinery or, if the specific refinery is not known, the bulk and/or wholesale market from which the product in the shipment originated.

If the information is not available in the formats requested above, identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it, and provide all available relevant information regardless of form.

Objection to Request No. 3

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set I, Number 3 is not relevant to the issues to be addressed in this proceeding and not likely 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. A request seeking at least six data points relating to every shipment of every petroleum product delivered by truck to every GetGo location, including those

in states other than Pennsylvania, is well outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

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 and expense on a party and Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Giant Eagle further objects to this Request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation.

Giant Eagle further objects to this Request on the grounds that it is vague. There is no indication in the request or the Instructions and Definitions as to how Laurel defines "each received shipment" and, accordingly, the request is vague, ambiguous, and imprecise.

Further, Request No. 3 seeks Proprietary Information, as defined by 52 Pa. Code § 5.365, and may contain competitively sensitive information that is protected from disclosure by law. Giant Eagle further objects to Request No. 3 because there is no Protective Order in place providing for the limited, protected disclosure of any such information.

Set I – Request No. 5

With reference to Giant Eagle’s statement in paragraph 8 of its protest that it “purchases petroleum products that travel through the Laurel Pipeline in Pennsylvania”:

- a) Identify all shippers on Laurel’s pipeline system, as defined by Laurel’s Tariff – Pa. PUC No. 79, from which Giant Eagle purchased petroleum products from January 1, 2012 to present.
- b) Please provide records showing by month, type and quantity the petroleum products Giant Eagle purchased from all shippers identified in 5(a) from January 1, 2012 to present.
- c) Identify all entities that are not shippers on Laurel’s pipeline system, as defined by Laurel’s Tariff – Pa. PUC No. 79, from which Giant Eagle purchased petroleum products from January 1, 2012 to present.
- d) Please provide records showing by month, type and quantity the petroleum products Giant Eagle purchased from all entities identified in 5(c) from January 1, 2012 to present.
- e) Please provide a copy of all contracts (including any supplemental agreements) for the purchase or the transportation of refined petroleum products entered into by Giant Eagle since January 1, 2012, that reference, directly or indirectly: (i) Laurel; (ii) any other common carrier pipeline; or (iii) barge transportation.

Objection to Request No. 5

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set I, Number 5 is not relevant to the issues to be addressed in this proceeding, and not likely 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. A request seeking monthly records and contracts over the course of five (5) years identifying every purchase of petroleum products made by Giant Eagle is

outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

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 or expense on a party and Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Giant Eagle further objects to this Request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation.

Giant Eagle also objects on the grounds that this Request is vague. For example, it seeks all contracts for the "purchase or transportation" of fuel that "indirectly" reference Laurel, "any other common carrier pipeline", or "barge transportation." Laurel does not provide any bases for how a party could determine whether a contract "indirectly" references the three identified topics and, as such, the request is vague.

Further, Request No. 5 seeks Proprietary Information, as defined by 52 Pa. Code § 5.365, and may contain competitively sensitive information that is protected from disclosure by law. Giant Eagle further objects to Request No. 5 because there is no Protective Order in place providing for the limited, protected disclosure of any such information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 5.

Set I – Request No. 6

With reference to Giant Eagle’s statement in paragraph 9 of its protest that “[r]eversing the direction of the Laurel Pipeline would reduce the competitiveness of the Pittsburgh market”:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.
- c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 6

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 9 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.” Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 6.

Set I – Request No. 7

With reference to Giant Eagle’s statement in paragraph 9 of its protest that fuel supply options from “two Philadelphia based refineries” would be eliminated by reversing the direction of the Laurel Pipeline:

- a) Please identify the “two Philadelphia based refineries” referred to in this statement.
- b) Please provide the annual volumes purchased by Giant Eagle from each refinery identified in 7(a) from January 1, 2012 to present.

Objection to Request No. 7

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 9 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set I, Number 7, subpart b is not relevant to the issues to be addressed in this proceeding, and not likely 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.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 7.

Set I – Request No. 8

With reference to Giant Eagle’s statement in paragraph 9 of its protest regarding the effects of “the ability to receive petroleum from either the east or west” on market competitiveness:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding the effects of “the ability to receive petroleum from either the east or west” on market competitiveness.
- c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 8

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 9 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.” Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 8.

Set I – Request No. 9

With reference to Giant Eagle’s statement in paragraph 9 of its protest that “prices are on average higher in the summer months from Midwest refiners” in paragraph 9:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
- c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 9

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 9 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.” Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible. Giant Eagle further objects because information regarding prices of petroleum originating from Midwest sources is as equally available to Laurel as it is to Giant Eagle.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 9.

Set I – Request No. 10

With reference to Giant Eagle’s statement in paragraph 10 of its protest that “[i]ndependent fuel retailers like Giant Eagle are able to deliver lower fuel prices to customers by securing the lowest costs of goods sold between Midwest and East Coast suppliers”:

- a) Please identify all “Midwest” suppliers referenced in this statement.
- b) Please identify all “East Coast” suppliers referenced in this statement.
- c) Please provide the following information in electronic executable (Excel) format:
(i) the total number of barrels of gasoline purchased by Giant Eagle from all Midwest suppliers identified in 12(a) by month from January 1, 2012 to present;
(ii) the total number of barrels of gasoline purchased by Giant Eagle from all East Coast suppliers identified in 12(b) by month from January 1, 2012 to present; (iii) the monthly average price per barrel of the gasoline purchased by Giant Eagle from January 1, 2012 to present; and (iv) the monthly average price per gallon of gasoline that was charged by Giant Eagle from January 1, 2012 to present.
- d) If the information requested in 10(c) is not available in the formats requested above, identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.

Objection to Request No. 10

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 10 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set I, Number 10 is not relevant to the issues to be addressed in this proceeding, and not likely 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. A request seeking monthly purchase data relating to every purchase of gasoline by Giant Eagle over a 5-year period is well outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

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 or expense on a party and Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Giant Eagle further objects to this Request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation.

Further, and specifically with respect to subpart c(iv) which seeks "the monthly average price per gallon of gasoline that was charged by Giant Eagle from January 1, 2012 to present," that request is vague and, in fact, could be impossible to calculate. The price that Giant Eagle "charges" for a gallon of fuel can change multiple times per day based on market conditions, type of fuel, promotions, and customer-specific discounts, and Giant Eagle often "charges" different amounts at different locations.

Further, Request No. 10 seeks Proprietary Information, as defined by 52 Pa. Code § 5.365, and may contain competitively sensitive information that is protected from disclosure by law. Giant Eagle further objects to Request No. 10 because there is no Protective Order in place providing for the limited, protected disclosure of any such information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 10, subparts a and b.

Set I – Request No. 11

With reference to Giant Eagle’s statement in paragraph 10 of its protest that Laurel’s proposal will increase costs that are passed through to customers:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
- c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 11

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 10 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.” Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Further, Request No. 11 seeks Proprietary Information, as defined by 52 Pa. Code § 5.365, and may contain competitively sensitive information that is protected from disclosure by law. Giant Eagle further objects to Request No. 11 because there is no Protective Order in place providing for the limited, protected disclosure of any such information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 11.

Set I – Request No. 12

With reference to Giant Eagle’s statements in paragraph 11 of its protest:

- a) Please fully explain the bases for these statements, and identify how Giant Eagle maintains this information and identify the personnel responsible for collecting and maintaining it.
- b) Would lower priced gasoline to the Pittsburgh market mitigate the disparity between Pennsylvania and Ohio gasoline taxes? If the answer to this question is anything other than an unqualified yes, please fully explain the answer.
- c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding Western Pennsylvania retail stations losing sales to Ohio retail stations located near the Pennsylvania/Ohio border.
- d) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.
- e) Do Giant Eagle’s “fuel and convenience stores” in Ohio benefit from the discrepancy between Ohio and Pennsylvania fuel taxes? If the answer to 12(d) is anything other than an unqualified yes, please fully explain the answer, and identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that are relied upon in support of the answer. Provide any benefit received by Giant Eagle’s stores in Ohio in dollars.

Objection to Request No. 12

Giant Eagle objects to Request No. 12 on the grounds that the request is vague, ambiguous, and imprecise as it is not clear what “information” Laurel is suggesting that Giant Eagle “maintains” with respect to the statements in Paragraph 11 of the Protest. Likewise, the phrase “lower priced gasoline to the Pittsburgh market” in subpart b is unclear and unquantified, and Giant Eagle cannot guess as to what assumptions would be required to answer that question.

Further, Giant Eagle objects to the extent this Request seeks information that is publicly available and, accordingly, accessible to Laurel at the same burden and expense as Giant Eagle. Information related to state taxation of petroleum products is publicly available and the disparity in such taxes between Pennsylvania and Ohio is well-chronicled and well-publicized.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set I, Number 12 is not relevant to the issues to be addressed in this proceeding, and not likely 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. A request seeking information about Giant Eagle's stores in Ohio is outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Giant Eagle further objects to subparts c and d, as they require identification and production of "any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement." Such a request is unduly burdensome and seeks documents that are not in Giant Eagle's possession, custody, or control. Further, the request to identify and provide "external ... reviews, analyses, reports, communications or discussions" that Giant Eagle "caused to be undertaken" is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to the first clause in subpart a.

Set I – Request No. 13

With reference to Giant Eagle’s statement in paragraph 13 of its protest that “[m]anufacturing disruption occurs with regular frequency in refineries across the United States”:

- a) Please define the term “regular frequency” as used in this statement.
- b) Please (i) fully explain the basis for this statement, and (ii) identify by name, job title and business address, who within the Giant Eagle Organization has provided or supported this explanation.
- c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
- d) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 13

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 13 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts c and d, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle supporting this statement.” Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 13.

Set I – Request No. 14

With reference to Giant Eagle’s statement in paragraph 13 of its protest that “[l]imiting fuel supply into Western Pennsylvania decreases energy security for the region”:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding any limitations on fuel supply that would result from Laurel’s proposal. If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such reviews, analyses, reports, communications or discussions exist.
- c) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle regarding the effect of Laurel’s proposal on energy security for Western Pennsylvania. If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 14

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 13 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle” regarding fuel supply limitations and energy security. Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 14.

Set I – Request No. 15

With reference to Giant Eagle’s statement in paragraph 15 of its protest that the proposed alternatives for Pittsburgh-area retailers to obtain petroleum products if the pipeline is reversed “are inadequate, impractical, and/or excessively costly”:

- a) Please fully explain the basis for this statement.
- b) Please identify and provide any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle that were relied upon in support of this statement.
- c) If no such Documents, reviews, analyses, reports, communications or discussions exist, please state that no such Documents, reviews, analyses, reports, communications or discussions exist.

Objection to Request No. 15

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 15 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle” regarding the statement. Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 15.

Set I – Request No. 16

With reference to Giant Eagle’s statement in paragraph 15 of its protest that “trucking East Coast product from Altoona to Pittsburgh would require hundreds of additional tanker trucks on Pennsylvania state routes”:

- a) Please fully explain the basis for this statement.
- b) Has Giant Eagle undertaken or caused to be undertaken any quantitative external or internal reviews, analyses, reports or discussions regarding the number of tanker trucks from January 1, 2012 to present that transport petroleum products on “Pennsylvania state routes”? If so, please provide such reviews, analyses, reports or discussions.
- c) Has Giant Eagle undertaken or caused to be undertaken any quantitative external or internal reviews, analyses, reports or discussions regarding the “hundreds of additional tanker trucks on Pennsylvania state routes” that Giant Eagle claims will result from Laurel’s proposal? If so, please provide such reviews, analyses, reports or discussions.

Objection to Request No. 16

Giant Eagle objects to this Request to the extent it quotes only a portion of Giant Eagle’s full statement in Paragraph 15 of the Petition to Intervention and Protest. The Protest speaks for itself and any statement therein must be read and interpreted in the context of the entire Protest.

Giant Eagle further objects to subparts b and c, as they require identification and production of “any and all Documents and external or internal reviews, analyses, reports, communications or discussions undertaken or caused to be undertaken by Giant Eagle” regarding the statement. Such a request is unduly burdensome and seeks documents that are not in Giant Eagle’s possession, custody, or control. Further, the request to identify and provide “external ... reviews, analyses, reports, communications or discussions” that Giant Eagle “caused to be undertaken” is unduly burdensome, unnecessary, and impossible.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Request No. 16.

Respectfully submitted,



Jonathan D. Marcus (PA ID #312829)

Daniel J. Stuart (PA ID #321011)

MARCUS & SHAPIRA LLP

One Oxford Centre, 35th Floor

301 Grant Street

Pittsburgh, PA 15219-6401

Phone: 412-471-3490

Fax: 412-391-8758

jmarcus@marcus-shapira.com

stuart@marcus-shapira.com

Counsel for Giant Eagle, Inc.

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