

MARCUS & SHAPIRA LLP

ONE OXFORD CENTRE, 35TH FLOOR
301 GRANT STREET
PITTSBURGH, PENNSYLVANIA 15219-6401
(412) 471-3490

—
FAX: (412) 391-8758

DANIEL J. STUART
E-mail: stuart@marcus-shapira.com
Direct Dial: (412) 338-3992

April 7, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

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

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Answer of Giant Eagle, Inc. to the Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. – Set I in the the above-captioned proceedings.

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

Respectfully submitted,



Daniel J. Stuart
Counsel for Giant Eagle, Inc.

DJS/glo
Enclosure

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Administrative Law Judge Eranda Vero
Pamela McNeal, Legal Assistant
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
evero@pa.gov
pmcneal@pa.gov

Christopher J. Barr, Esq.
Jessica R. Rogers, Esq.
Post & Schell, P.C.
607 14th Street, N.W., Suite 600
Washington, DC 20005
cbarr@postschell.com
jrogers@postschell.com
Counsel for Laurel Pipe Line Company, L.P.

David B. MacGregor, Esq.
Anthony D. Kanagy, Esq.
Garrett P. Lent, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
dmacgregor@postschell.com
akanagy@postschell.com
glent@postschell.com
Counsel for Laurel Pipe Line Company, L.P.

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

Andrew S. Levine, Esq.
Stradley, Ronon, Stevens & Young, LP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
alevine@stradley.com
Counsel for Sunoco, LLC

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

VIA E-MAIL ONLY

Joseph Otis Minott, Esq.
Ernest Logan Welde, Esq.
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
lwelde@cleanair.org
Counsel for Clean Air Council

Alan M. Seltzer, Esq.
John F. Povilaitis, Esq.
Buchanan Ingersoll & Rooney, PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101
alan.seltzer@bipc.com
john.povilaitis@bipc.com
Counsel for PESRM

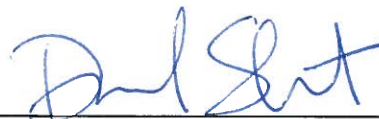
Susan E. Bruce, Esq.
Adeolu A. Bakare, Esq.
Kenneth R. Stark, Esq.
McNees Wallace & Nurick LLC
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108
sbruce@mcneeslaw.com
abakare@mcneeslaw.com
kstark@mcneeslaw.com
*Counsel for Gulf Operating, LLC and
Sheetz, Inc.*

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

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

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

Richard E. Powers, Jr., Esq.
Joseph R. Hicks, Esq.
Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
repowers@venable.com
jrhicks@venable.com
Counsel for Monroe Energy LLC



Daniel J. Stuart
Counsel for Giant Eagle, Inc.

Dated this 7th day of April, 2017, in Pittsburgh, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF GIANT EAGLE, INC.
TO THE MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY LAUREL PIPE LINE COMPANY, L.P. – SET I**

TO ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Pursuant to 52 Pa. Code § 5.342, Intervenor and Protestor Giant Eagle, Inc. (“Giant Eagle”) hereby files this Answer to the Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. – Set I (“Motion” or “Motion to Compel”) filed by Laurel Pipe Line Company, L.P. (“Laurel”) on March 30, 2017. As explained throughout, Laurel’s Motion to Compel responses to Set I Discovery Request Numbers 2(c), 3, 10(c)-(d), and 12 should be denied.

Laurel’s Set I Discovery Requests and its Motion to Compel are improper attempts to recast the issues relevant to the Application and to shift the burden in this proceeding from Laurel onto Giant Eagle (and the other protestors) to prove their individual harms if the Application is approved. Contrary to Laurel’s statements in its Motion, its Set I Discovery Requests are not seeking the “most basic” information that is required for examining Laurel’s Application; rather, Laurel is attempting to force Giant Eagle to re-create a paper trail of its

entire retail fuel business over a five-year period across five states without any attempt by Laurel to explain, other than with circular logic and self-serving conclusory allegations, why or how such information is relevant to this proceeding. Laurel's Set I Discovery Requests would require Giant Eagle to engage in extremely burdensome data collection in search of information that has no bearing on any issues raised in the Application or Giant Eagle's Petition to Intervene and Protest ("Protest"). This is an improper use of discovery and Laurel's Motion to Compel should be denied.

I. BACKGROUND

1. On March 10, 2017, Laurel served Set I Discovery Requests on Giant Eagle. A copy of Laurel's Set I Discovery Requests to Giant Eagle is attached as Appendix A to Laurel's Motion.

2. On March 20, 2017, Giant Eagle served timely Objections to Laurel's Set I Discovery Requests ("Objections"). A copy of Giant Eagle's Objections is attached as Appendix B to Laurel's Motion.

3. The present Motion to Compel, filed March 30, 2017, asks this Court to overrule Giant Eagle's Objections and compel Giant Eagle to respond to Set I Discovery Request Numbers 2(c), 3, 10(c)-(d), and 12. The Administrative Law Judge granted Giant Eagle's unopposed request for an extension of time to answer the Motion to Compel until April 7, 2017.

4. Laurel notes in its Motion that "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." Motion at ¶ 6. While Giant Eagle did agree to use a common set of instructions and definitions, it reserved the right to object to Laurel's interpretation and/or application of those instructions and definitions to specific requests.

5. To the extent Laurel’s Motion attempts to summarize Giant Eagle’s Objections, such Objections are part of a written document that speaks for itself and any interpretation or characterization thereof is denied.

II. ANSWER TO THE MOTION TO COMPEL

A. LAUREL’S MOTION TO COMPEL RESPONSE TO SET I, NUMBER 2(c) SHOULD BE DENIED

6. Laurel’s Set I, Request Number 2(c) seeks “the number of barrels of petroleum products, by product type, delivered to [all Western Pennsylvania GetGo stations] by month from January 1, 2012 to present.” As set forth in Giant Eagle’s Objections, the total amount of all petroleum products delivered to every Western Pennsylvania GetGo station over a five-plus year period is not relevant to the subject matter and issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

7. Laurel’s Application seeks to reverse the flow of the Laurel pipeline west of Eldorado, Pennsylvania, which would eliminate the current ability of the Western Pennsylvania market to obtain petroleum from East Coast suppliers via pipeline. The question for the Commission is whether that reversal is in the public interest. It is Laurel’s burden to prove its case to the Commission. The evidentiary issues relevant to the Application are the impacts of Laurel’s proposal in markets across Pennsylvania. The request for specific information related to deliveries of all types of petroleum products to one retailer (Giant Eagle) at all of its Western Pennsylvania locations over a five-year period mischaracterizes the issues raised by the parties in this proceeding and improperly attempts to make Giant Eagle—and the other protestors—“prove” their alleged “claims.”

8. Contrary to Laurel’s mischaracterizations, Giant Eagle’s Protest emphasized the impact and general harm to the Western Pennsylvania market (*see e.g.*, Protest at ¶¶ 9-10). The

alleged harms to Giant Eagle and other participants in the Western Pennsylvania market—whether refiners, shippers, wholesalers, retailers, and/or consumers—is not tied to specific volumes received at each GetGo fuel station since 2012, but is instead occasioned by Giant Eagle’s participation in the Western Pennsylvania market and the impact the proposed reversal will have on that market going forward. Thus, the relevant data that the Commission should consider for assessing the market impact of Laurel’s proposal is aggregate market data (which Laurel can certainly access without Giant Eagle’s help), as well as Laurel’s *own data* related to its shipments to the Western Pennsylvania market and potential alternatives for supplying that market if the Commission approves the Application. Whether a particular GetGo station in the Squirrel Hill neighborhood of Pittsburgh received 1,000 or 10,000 gallons a month over the past five years will not impact the Commission’s determination of the critical question of whether reversal of the pipeline serves the public interest.

9. Looking closely at the specific statements made by Giant Eagle in its Protest, the requested “granular” data is not relevant to the veracity of Giant Eagle’s statements and could neither prove nor disprove any of the statements. For example, Giant Eagle’s Protest states that “reversal of the pipeline would eliminate beneficial supply alternatives” for petroleum to enter the Western Pennsylvania market. Protest at ¶ 16. Granular data about particular deliveries to every GetGo station would neither prove nor refute this claim—after all, the *supply* being eliminated is the petroleum currently being supplied *by Laurel’s own pipeline* to certain terminals and, as such, Laurel’s data will show how much supply is being eliminated (versus how much supply remains), and it is Laurel’s burden to demonstrate that there are alternatives for supplying petroleum to the same Western Pennsylvania market. Similarly, the Protest states that the reversal would “reduce market competition” because there will be fewer suppliers for the

Western Pennsylvania market after reversal. Protest at ¶ 16. This, too, is focused on supply to the Western Pennsylvania market generally. Monthly volumes showing petroleum delivered to every GetGo station has no bearing on the overall competitiveness of the supply into that market. Likewise, the Protest states that the reversal would “remove critical reliability protections.” *Id.* The requested “granular” data about every single GetGo station’s monthly deliveries going back five years has nothing to do with whether there will be a reliable supply of petroleum into Western Pennsylvania if Laurel reverses its pipeline.

10. It is telling that Laurel’s Motion never actually explains—or even attempts to explain—*why* the requested information is necessary to deciding its Application or *how* it could conceivably assist the Commission in determining whether reversal is in the public interest. The Motion simply states that “[g]ranular 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.” Motion at ¶ 13. Laurel makes no attempt to explain *why* it needs this information or how such information could inform the Commission’s consideration of the Application. The pipeline is Laurel’s pipeline and, as such, Laurel already has the means to determine how much petroleum currently passes through its pipeline into the Western Pennsylvania market, how much petroleum would pass through the pipeline after reversal, and how to obtain *aggregate* market information necessary to evaluate the impact of the reversal, including alternate sources of supply into Western Pennsylvania.¹

¹ Even if Laurel could demonstrate a need to “determine the products currently delivered to service stations in the Pittsburgh area”—which Laurel cannot do—obtaining Giant Eagle’s delivery records would help Laurel determine the products delivered to only one retailer in the Pittsburgh area. Unless Laurel plans to subpoena the delivery records of every single “service station in the Pittsburgh area,” information from one retailer would be of virtually no value in “determining the products delivered to service stations in the Pittsburgh area.”

11. Furthermore, Laurel's argument that it needs "granular" data to evaluate Giant Eagle's alternatives improperly attempts to shift the burden in this proceeding to require Giant Eagle to prove that it will not be able to obtain a "similar or identical quantity" post-reversal. But Giant Eagle is not on trial, nor is the case limited narrowly to whether a retailer can obtain the same "quantity" of petroleum post-reversal. Rather, the questions involve much broader issues of market-wide volumes, reliability, and pricing, the adequacy of alternate supply sources, and other issues across the entire Commonwealth. Laurel bears the burden of demonstrating that adequate alternatives exist for supplying the market. It is not incumbent upon Giant Eagle to prove to the Commission that it will not be able to obtain a "similar or identical quantity" of petroleum at a particular gas station post-reversal or to document a five-plus year history of fuel deliveries to approximately one hundred gas stations.

12. In sum, the information requested in Number 2(c) is not relevant. Litigating issues related to monthly deliveries at every GetGo station over a five-year period would waste the parties' valuable time in discovery, the Commission's valuable time at an evidentiary hearing, and would be a distraction from the important factual and legal questions before the Commission.

13. Production of the information sought would also impose an unreasonable burden on Giant Eagle and require an unreasonable investigation. Data regarding monthly volumes for particular fuel stations, which is reflected on hard copy bills of lading, is kept at each particular fuel station for a limited period of time and then transferred to off-site storage. Giant Eagle has approximately one hundred GetGo fuel stations in Western Pennsylvania. Obtaining five years of daily hard copy delivery records from each service station and off-site storage—and then

compiling this into monthly data—would be an enormous undertaking that would be grossly disproportionate to Laurel’s alleged need for this information.²

14. For the reasons explained in Giant Eagle’s Objections and throughout this Answer, Laurel’s Motion to Compel a response to Set I, Number 2(c) should be denied.³

B. LAUREL’S MOTION TO COMPEL RESPONSE TO SET I, NUMBER 3 SHOULD BE DENIED

15. Laurel’s Set I, Request Number 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.

² Giant Eagle also objected on the basis that the information sought is proprietary and extremely competitively sensitive. There is no protective order in place providing for the limited, protected disclosure of any such information.

³ In its Motion with respect to each Set I Discovery Request, Laurel argues in the alternative that “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.” Laurel’s argument should be rejected. It is premature at this stage of the proceeding for the ALJ to make evidentiary rulings regarding what can or cannot be presented at a hearing.

16. Giant Eagle adopts and incorporates its arguments herein with respect to Set I Discovery Request Number 2(c) as if those arguments were fully stated herein.

17. Number 3 asks for virtually every detail about every truck delivery to every GetGo station in five states over a five-year period. It is no exaggeration to say that Laurel is asking Giant Eagle to re-create a paper trail of its entire GetGo gasoline business for the past five years. Notwithstanding Laurel's assertion that Giant Eagle must have this information readily available because Giant Eagle is a "sophisticated business entity," re-creating five years of gasoline deliveries to hundreds of gas stations would be extremely burdensome—indeed, to even begin re-creating five-plus years of its retail gasoline business would require thousands of hard copy bills of lading from hundreds of GetGo stations in five states as well as from off-site document storage facilities. Section 5.361(a) of the Commission's regulations expressly prohibits discovery that would cause unreasonable annoyance, oppression, burden and expense, and that would require the making of an unreasonable investigation. *See* 52 Pa. Code § 5.361(a). The burden on Giant Eagle to piece together a five-plus year history of daily gasoline deliveries across hundreds of fuel stations in five states substantially outweighs any need by Laurel to have this information to make its case to the Commission.

18. Laurel makes no attempt to explain why the information requested in Number 3 is relevant or how it would assist the Commission in determining whether the proposed reversal is in the public interest. To the contrary—and quite tellingly—Laurel actually uses one conclusory statement as support for even more conclusory statements, writing: "[t]he 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."

Motion at ¶ 19. Thus, for Laurel, its belief that certain information is “necessary” is evidence that such information is “absolutely necessary.” This (il)logic does not withstand scrutiny.

19. Similarly, Laurel states—without any support—that “this information is essential to Laurel’s analysis of Giant Eagle’s claims that it lacks alternatives and will experience harm.” Motion at ¶ 19 (emphasis added). But the Motion does not explain, or even attempt to explain, *why* details about every single delivery to every single GetGo station is “essential” to analyzing anything related to the impact of reversing Laurel’s pipeline on markets in Pennsylvania, or how this data is reasonably calculated to lead to any discoverable information that could assist the Commission in analyzing the Application.

20. Just as with Number 2(c), Number 3 focuses on the wrong question—namely, whether Giant Eagle can prove that it “lacks alternatives and will experience harm.” Again, the question facing the Commission is not whether one retailer (Giant Eagle) can prove that it will lack alternatives or be harmed, but whether, considering the overall impact in Pennsylvania, the reversal serves the public interest. Giant Eagle’s arguments in its Protest that the reversal would “eliminate beneficial supply alternatives”, “reduce market competition”, and “remove critical reliability protections” can each be evaluated without Laurel having detailed information about every single truck delivery to every GetGo station every day in five states over the past five years. Number 3 seeks entirely irrelevant information and borders on the type of bad faith discovery prohibited by Commission regulations. *See* 52 Pa. Code § 5.361(a)(1).⁴

21. Even if the information sought in Number 3 was relevant (and it is not), Giant Eagle does not maintain the information requested in 3(a), 3(d), or 3(f). Giant Eagle will

⁴ Giant Eagle also objected on the basis that the information sought is proprietary and extremely competitively sensitive. There is no protective order in place providing for the limited, protected disclosure of any such information.

supplement its Responses accordingly and, therefore, the Motion to Compel a response to Numbers 3(a), 3(d), and 3(f) can be denied on mootness grounds as well.

22. For the reasons explained in Giant Eagle's Objections and throughout this Answer, the Motion to Compel a response to Set I, Number 3 should be denied.

C. LAUREL'S MOTION TO COMPEL RESPONSES TO SET I, NUMBERS 10(c) AND 10(d) SHOULD BE DENIED

23. Laurel's Set I, Request Number 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 adopts and incorporates its arguments herein with respect to Set I Discovery Request Number 2(c) and Number 3 as if those arguments were fully stated herein.

25. Like its prior requests, Laurel's Motion to Compel responses to Numbers 10(c) and 10(d) relies on conclusory statements and faulty logic. For example, Laurel argues:

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.

Motion at ¶ 25. Laurel's argument does not add up. Just because this proceeding involves a pipeline that delivers petroleum from Midwest refineries and East Coast refineries does not automatically mean that "granular" volume and pricing data from Giant Eagle is a "key disputed issue" opening the door to discovery of every delivery and sale at every GetGo station since 2012.

26. Numbers 10(c)(i) and 10(c)(ii) seek the "total number of barrels of gasoline purchased by Giant Eagle" from Midwest and East Coast suppliers, respectively. This request is irrelevant for all of the reasons stated throughout Giant Eagle's Objections and this Answer but, in any event, Giant Eagle does not maintain this information. Giant Eagle will supplement its Responses accordingly and, therefore, the Motion to Compel responses to Numbers 10(c)(i) and 10(c)(ii) can be denied as moot.

27. Number 10(c)(iii) seeks "the monthly average price per barrel of the gasoline purchased by Giant Eagle from January 1, 2012 to present." This information is not relevant to this proceeding and, even if Giant Eagle responded, the "average price" would not assist the Commission in deciding any questions necessary for the Application. The request seeks blended

aggregate “prices-paid” by Giant Eagle for fuel at every GetGo station in five states without accounting for different fuel grades, suppliers, taxes, promotions, or any of the numerous other factors that go into the price Giant Eagle pays for such fuel. The “average price” churned out by this calculation would be devoid of context and would not assist the Commission in analyzing the Application.

28. To illustrate how untethered Laurel’s discovery requests are to the questions before the Commission, its own Motion does not even accurately reflect what Number 10(c)(iii) is seeking. Laurel’s Motion states that “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.” Motion at ¶ 25. But Number 10(c)(iii) does not ask for prices of petroleum from Midwest refiners or East Coast refiners—it asks for a blended aggregate average monthly price per barrel paid by Giant Eagle for all of its petroleum, regardless of location, source, fuel grade, tax, or any other of the numerous factors that go into the price of petroleum. Either Laurel is attempting to change its discovery requests via a Motion to Compel (which is not proper), or it fails to even understand its own request. To the extent that Laurel is seeking a basis for comparing petroleum prices from Midwest refineries to East Coast refineries, it can obtain that information from the refineries directly. Indeed, the basis for Laurel’s entire Application is its argument that Midwest-sourced petroleum is cheaper—presumably, Laurel already has access to information about the relative prices of Midwest-sourced petroleum and East Coast-sourced petroleum.

29. Number 10(c)(iv) seeks “the monthly average price per gallon of gasoline that was charged by Giant Eagle from January 1, 2012 to present.” Like Number 10(c)(iii), this request suffers from several fatal flaws. First and foremost, Number 10(c)(iv) seeks a blended aggregate average price “charged” by Giant Eagle at every GetGo station in five states without

accounting for different fuel grades, suppliers, taxes, or any of the numerous other factors that go into the price Giant Eagle would “charge” for such fuel. Thus, any response would be devoid of context and would not assist the Commission’s review of the Application. Laurel makes no attempt to explain otherwise.

30. Moreover, and as explained in Giant Eagle’s Objections, Number 10(c)(iv) is vague because it is unclear what Laurel means by the amount “charged” by Giant Eagle. The price listed on the sign outside a particular GetGo station, which can change multiple times throughout the day, may indicate a price that is higher than the actual price paid by the customer as a result of promotions or discounts associated with Giant Eagle’s grocery business. Laurel does not distinguish which of these prices would be the price “charged” or how or why fuel discounts earned by customers from grocery store purchases are at all relevant to the impact of reversing the pipeline.⁵

31. To resolve the vagueness problem in its request, Laurel suggests that Giant Eagle simply take all of its gasoline revenue and divide it by the total number of gallons sold to get an average price charged. Motion at ¶ 27. This approach is flawed for many reasons, not the least of which is that Laurel did not actually propose this method in its Set I Discovery Requests and cannot adjust those requests via its Motion. In any event, any number returned through such a calculation would be irrelevant to this proceeding for all the reasons stated throughout Giant Eagle’s Objections and this Answer, including that it would represent a blended aggregate average price “charged” by hundreds of GetGo stations across five states over a five-year period, without accounting for different fuel grades, suppliers, taxes, promotions, or any of the numerous other factors that go into the price “charged” by Giant Eagle. What possible use would such

⁵ Through Giant Eagle’s fuelperks! program, customers at Giant Eagle’s grocery and convenience stores can earn discounts redeemable on fuel purchases at GetGo stations.

calculations have in this proceeding? Laurel does not say, although it appears that Numbers 10(c)(iii) and (iv) are an attempt by Laurel to get enough pieces of information to run backdoor calculations of Giant Eagle's profit margins, which is highly sensitive information that has no bearing on the proceeding whatsoever.⁶

32. For the reasons explained in Giant Eagle's Objections and throughout this Answer, the Motion to Compel responses to Set I, Numbers 10(c) and 10(d) should be denied.

D. LAUREL'S MOTION TO COMPEL RESPONSE TO SET I, NUMBER 12 SHOULD BE DENIED

33. Laurel's Set I, Request Number 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.

⁶ Giant Eagle also objected on the basis that the information sought is proprietary and extremely competitively sensitive. There is no protective order in place providing for the limited, protected disclosure of any such information.

- 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.

34. Giant Eagle adopts and incorporates its arguments herein with respect to Set I Discovery Request Number 2(c), Number 3, and Numbers 10(c) and 10(d) as if those arguments were fully stated herein.

35. Giant Eagle already responded to Number 12(a) and provided documents showing retail price disparities at the Ohio/Pennsylvania border.

36. With respect to Number 12(b), Giant Eagle objected because (among other reasons) it is vague, ambiguous, and imprecise. Number 12(b) asks Giant Eagle to speculate as to how gasoline taxes would change in Pennsylvania and Ohio with the introduction into the Pittsburgh market of some unknown amount of "lower priced gasoline." Gasoline tax rates in Pennsylvania and Ohio are set by the legislatures of the respective states and Giant Eagle is not in a position to speculate as to how a particular state's legislature would respond to the introduction of some unquantified "lower priced gasoline" to the Pittsburgh market. To obviate the need for the Court to rule on Number 12(b), Giant Eagle is incorporating this response into its Supplemental Responses. Accordingly, the Motion to Compel a response to Number 12(b) can be denied as moot.

37. Number 12(e) asks for Giant Eagle to address a vague question about whether its Ohio retail stations benefit from the tax disparity between Ohio and Pennsylvania. This question is not at all relevant to the question of whether the reversal of Laurel's pipeline reversal in

Pennsylvania will serve the public interest. Again, the issue properly before the Commission is whether Laurel's proposed reversal serves the public interest. The impact of Ohio taxes on GetGo stations in Ohio is not relevant.⁷

38. For the reasons explained in Giant Eagle's Objections and throughout this Answer, the Motion to Compel further response to Set I, Number 12 should be denied.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, Giant Eagle, Inc. respectfully requests that Administrative Law Judge Eranda Vero deny Laurel's Motion to Compel Giant Eagle to fully answer Request Numbers 2(c), 3, 10(c)-(d), and 12 of the Set I Discovery.

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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⁷ Notably, Laurel objected to Giant Eagle's Discovery Request - Set I, Number 26 seeking information about the first phase of the Broadway II project involving work performed on Laurel/Buckeye assets in Ohio (which Laurel is relying on as a basis for its Application). In answering Giant Eagle's motion to compel a response to Giant Eagle Set I, Number 26, Laurel argued that "[r]egardless of whether Laurel discussed the work that Buckeye will complete on its interstate petroleum products pipeline facilities and assets to explain the context of its proposal, Giant Eagle cannot claim that the Commission must evaluate the costs associated with interstate assets over which it has no jurisdiction as a part of this proceeding." Thus, Laurel's expressly stated position is that the Commission should not look at assets in Ohio. However, it is now asking Giant Eagle to explain how Ohio state fuel taxes impact Giant Eagle's gas stations in Ohio. Laurel cannot have it both ways.