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May 1, 2017

***VIA ELECTRONIC FILING***

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

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

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Dear Secretary Chiavetta:

Enclosed please find the Laurel Pipe Line Company, L.P.'s Brief in Opposition to the Petition of the Indicated Parties for Interlocutory Review of a Non-Certified Material Question 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

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

## CERTIFICATE OF SERVICE

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

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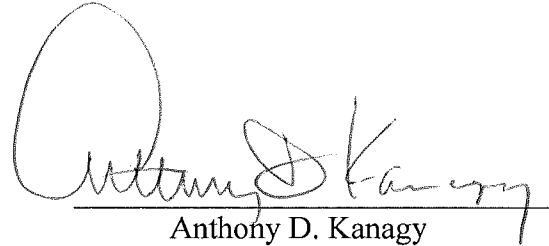
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**LAUREL PIPE LINE COMPANY, L.P.'S BRIEF IN OPPOSITION  
TO THE PETITION OF THE INDICATED PARTIES FOR INTERLOCUTORY  
REVIEW OF A NON-CERTIFIED MATERIAL QUESTION**

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## **I. INTRODUCTION**

Laurel Pipe Line Company, L.P. (“Laurel” or the “Company”), pursuant to 52 Pa. Code § 5.302(b), hereby files this Brief in Opposition to the Petition of Gulf Operating, LLC (“Gulf”), Philadelphia Energy Solutions Refining & Marketing, LLC (“PESRM”), Sheetz, Inc., Monroe Energy, Inc., and Giant Eagle, Inc. (collectively the “Indicated Parties”) for Interlocutory Review of a Material Question (“Petition”). The Petition improperly seeks interlocutory review of discovery issues that were fully addressed in the Order Regarding Motions to Compel issued by Administrative Law Judge Eranda Vero (the “ALJ”) on March 8, 2017, and the Order Denying Certification of a Material Question issued by the ALJ on March 27, 2017. The ALJ’s prior orders properly denied attempts to inquire into information and issues that are irrelevant to and outside the scope of this proceeding. The Indicated Parties’ Petition attempts to circumvent the ALJ’s denial of their prior Petition for Certification of a Material Question in violation of Section 333(h) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 333(h). Therefore, for the reasons more fully explained below, the instant Petition should be denied.

## **II. PROCEDURAL SUMMARY**

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.

Additionally, Laurel filed a Capacity Agreement at Docket No. G-2017-2857567 on February 6, 2017, and a Motion to Consolidate the Capacity Agreement with the Application pending at Docket No. A-2016-2575829 on February 7, 2017. The Indicated Parties filed an Answer Opposing Laurel's Motion to Consolidate on February 13, 2017.<sup>1</sup> On March 2, 2017, the ALJ granted Laurel's Motion to Consolidate.

Importantly, Laurel's Application deals solely and exclusively with a proposal to reverse the direction of flow over a specific and discrete section of its pipeline—*i.e.* from Midland to Eldorado. The Application does not request approval to reverse the direction of flow to any point(s) east of Eldorado.

On February 3, 2017, Gulf served Gulf Set I interrogatories, and PESRM served PESRM Set I Interrogatories. On February 13, 2017, Laurel submitted timely Objections to the Set I Interrogatories of Gulf and PESRM. Laurel specifically objected to Gulf Set I, Interrogatory No. 28, and PESRM Set I, Interrogatory No. 1. Both interrogatories requested the following information:

Provide all internal or external studies, analyses, reports, etc. prepared by or for Laurel within the last 5 years addressing in any way the possibility of extending the reversal of flow along the Laurel pipeline to any points further east of those described in the Application.

Laurel timely filed Answers in response to the substantially similar Motions to Compel filed by Gulf and PESRM on February 28, 2017.

On March 8, 2017, the ALJ issued an Order Regarding Motions to Compel ("Order Denying Motions to Compel"), and denied the Motions to Compel filed by Gulf and PESRM. Therein, ALJ Vero determined that the information sought in the Disputed Interrogatories was

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<sup>1</sup> See Answer of Indicated Parties Opposing Laurel's Motion to Consolidate, Docket Nos. A-2016-2575829; G-2017-2857567, at p. 1 n. 1 (filed Feb. 13, 2017).



irrelevant to the subject matter of this proceeding. Order, at p. 3. ALJ Vero explained that Laurel's Application for approval to change the direction of petroleum products transportation service to delivery points west of Eldorado, Pennsylvania involves two claims for relief: (1) that the Commission issue an order determining that the proposed change in direction of service does not require Commission approval; or, in the alternative, (2) that the Commission grant Laurel a Certificate of Public Convenience and all other necessary approvals to effectuate the proposed change in direction of service. *See id.* ALJ Vero further explained that the first issue was "a question of law, to the resolution of which the information requested by the two interrogatories in question is irrelevant." *Id.* Moreover, regarding the second issue, ALJ Vero explained:

...the subject matter of this Application concerns only the proposed change in direction of a portion of the Application's intrastate service for points west of Eldorado. Even the request that the Commission confirm '[Laurel's] ability to reinstate service in the original direction in the future without Commission approval' concerns only the portion of the Applicant's intrastate service for points west of Eldorado, PA.

*Id.* (emphasis added).

On March 13, 2017, Gulf and PESRM filed a Petition for Certification of a Material Question, requesting that the ALJ certify the following material question for review by the Commission:

Should Laurel Pipe Line Company ("Laurel"), which asserts in its Application that Commission approval for changes in flow direction is not required and seeks Commission confirmation that it may reinstate the direction of flow at its discretion in the future, be required to furnish the information intended to determine whether the proposal to reverse flow on its PUC-jurisdictional pipeline for points west of Altoona/Eldorado is a stand-alone proposal or an initial phase of a documents plan to reverse flows easterly to Philadelphia as requested by Gulf's Set I Interrogatory No. 28 and PESRM's Set I Interrogatory No. 1?

Petition for Certification of Material Question ¶ 2. The parties filed briefs regarding the Petition for Certification of a Material Question on March 20, 2017. On March 27, 2017, the ALJ issued an Order Denying Certification.

On April 20, 2017, the Indicated Parties filed the instant Petition that seeks interlocutory review of a material question that does not substantially differ from the material question raised in the prior petition for certification filed by Gulf and PESRM. The instant material question asks:

In reviewing the Application of Laurel Pipe Line Company (“Laurel”) filed on November 14, 2016 (“Application”), which avers that Commission approval for changes in flow direction of an intrastate petroleum pipeline certificated previously by the Commission as a public utility, is not required and seeks Commission confirmation that Laurel may reinstate the initial direction of flow at Laurel’s discretion in the future, is data and information about any plans to further reverse flows easterly beyond the point referenced in the Application (*i.e.*, Eldorado) relevant to the Commission’s determination that the relief requested in the Application is in the public interest?

Petition ¶ 2.

### **III. LEGAL STANDARD**

The Pennsylvania Public Utility Code (“Code”) states that:

A presiding officer may certify to the commission, or allow the parties an interlocutory appeal to the commission on any material question arising in the course of a proceeding, where he finds that it is necessary to do so to prevent substantial prejudice to any party or to expedite the conduct of the proceeding.

66 Pa. C.S. § 331(e). A petition for interlocutory review may only be granted upon a showing that such review is necessary to prevent substantial prejudice to the parties or expedite the conduct of the proceeding. *Id.*; 52 Pa. Code § 5.302(a); *see also In re Application of Knights Limousine Service, Inc.*, 59 Pa. PUC 538, 1985 Pa. PUC LEXIS 46, at \*4 (Order entered July 11, 1985) (“*Knights*”).

However, and critical to the resolution of the Petition, the Code also imposes specific procedures for the interlocutory review of discovery matters. Section 333(h) of the Code states that:

...an interlocutory appeal from a ruling of the presiding officer on discovery shall be allowed **only** upon certification by the presiding officer that the ruling involves an important question of law or policy which should be resolved at that time.

66 Pa. C.S. § 333(h) (emphasis added). Therefore, under Section 333(h) of the Code, interlocutory review of discovery matters is only permissible upon certification by the Presiding Officer. Here, the ALJ denied Indicated Parties' request for certification. Their Petition, therefore, is filed in direct violation of Section 333(h) and should be summarily denied.

#### **IV. ARGUMENT**

##### **A. SUMMARY**

The Petition should be denied because it was filed in direct violation of the plain language of the Public Utility Code and is contrary to the ALJ's prior orders. Section 333(h) of the Code only permits interlocutory review of a discovery ruling upon certification of a material question by the ALJ. The Indicated Parties' Petition is clearly seeking Commission review of the same issue that was denied by the ALJ. Therefore, the Petition must fail because it violates Section 333(h) of the Code. 66 Pa. C.S. § 333(h).

Furthermore, even assuming *arguendo* that the Petition is properly before the Commission, which it is not as it violates the Code, it fails to demonstrate that resolution of the non-certified question is necessary to prevent substantial prejudice to the parties or expedite the conduct of this proceeding. Rather, the ultimate result sought by the Petition would substantially prejudice Laurel and the shippers on its system, and delay the conduct of this proceeding by

requiring the evaluation of irrelevant information and issues that fall outside the scope of this proceeding. For the reasons more fully explained below, the Petition should be denied.

**B. THE INSTANT PETITION SEEKS REVIEW OF A NON-CERTIFIED MATERIAL QUESTION REGARDING DISCOVERY ISSUES.**

The Public Utility Code does not permit interlocutory review of discovery issues except upon certification of a material question by the ALJ. *See* 66 Pa. C.S. § 333(h). Despite the Indicated Parties' representations, the instant Petition asks the Commission to answer a non-certified Material Question that is substantially the same as the prior material question on discovery issues, which ALJ Vero declined to certify. The Indicated Parties attempt to cloak the instant non-certified Material Question under the cover of Section 5.302 of the Commission's regulations, which addresses material questions that arise during the course of a Commission proceeding. *See* Petition ¶ 8. In positing this argument, the Indicated Parties attempt to have the Commission disregard the statutory prohibition of interlocutory review of the ALJ's ruling on discovery, which has not been certified for review. *See* 66 Pa. C.S. § 333(h).

The non-certified material question itself reveals that the Indicated Parties are merely seeking improper, repeated review of a routine discovery ruling. The question asks in relevant part, "...*is data and information* about any plans to further reverse flows easterly beyond the point referenced in the Application (*i.e.*, Eldorado) *relevant to the Commission's determination* that the relief requested in the Application is in the public interest?" Petition ¶ 2 (emphasis added). This non-certified question raises the same discovery issues and arguments addressed in ALJ Vero's Order Denying Motions to Compel (a routine discovery ruling), and in ALJ Vero's Order Denying Certification (which denied certification of a routine discovery ruling).

The Indicated Parties rely upon two cases in the Petition to argue that interlocutory review of the non-certified material question presented by the Petition is proper.<sup>2</sup> However, the procedural and substantive facts involved in the *Bell-Atlantic* and *Intrastate Access Charges* orders substantially differ from the procedural and substantive facts involved in the above-referenced Application proceeding.

In *Bell-Atlantic*, the Commission considered whether to grant a Petition for Interlocutory Review and Answer to Material Question related to the scope of a proceeding determining how to conduct the structural separation of Bell-Atlantic of Pennsylvania, Inc.'s retail and wholesale telecommunications services and operations. *Bell-Atlantic* at \*1-2. The Commission had previously ordered the structural separation of Bell-Atlantic's retail and wholesale telecommunications operations, and established the scope of the instant proceeding determining *how* to conduct the separation. *Id.*, at \*3. Despite this Commission directive, the ALJ in *Bell-Atlantic* issued an Order Denying Motions to Compel that Bell-Atlantic argued defined the scope of issues in *Bell-Atlantic* in a manner that was inconsistent with the prior order. *Id.*, at \* 12. The Commission granted the petition and explained that the presiding officer's prior order "created some uncertainty as to the proper scope of this proceeding." *Id.* In answering the material question, the Commission explained that the parties were not allowed to seek discovery regarding the *need* for structural separation, which was resolved by the Commission's prior order requiring separation and was therefore outside the scope of the proceeding. *Id.*, at \*18-19.

In *Intrastate Access Charges*, the Commission evaluated a presiding officer's prior order addressing the scope of consolidated proceedings. *Intrastate Access Charges*, at \*1-2. As in

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<sup>2</sup> *Re Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, 2000 Pa. PUC LEXIS 49, at \*12 (July 20, 2000) ("*Bell-Atlantic*"); *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund; AT&T Communications of Pennsylvania, LLC, et al.; v. Armstrong Telephone Company-Pennsylvania et al.*, 2009 Pa. PUC LEXIS 2061, at \*21 (Opinion and Order entered Nov. 19, 2009) ("*Intrastate Access Charges*").

*Bell-Atlantic*, the petitioner argued that the presiding officer's order in *Intrastate Access Charges* was inconsistent with a prior Commission order that established the scope of the instant proceeding. *Id.*, at \*16-17. Importantly, the presiding officer's order in *Intrastate Access Charges* was not a discovery ruling. *See id.*, at \*16 (noting that the disputed prehearing order addressed the parties' disagreements in their prehearing memoranda regarding the scope of the proceeding.). The Commission granted the petition, and explained that:

The parties would be substantially prejudiced if there is not sufficient clarity as to the issues that are litigated in this proceeding. ***We do not believe judicial efficiency can be attained if the Parties have to re-litigate issues that are already adjudicated before another ALJ, especially with the long history of this case and the limited reopening of the proceeding adjudicated before ALJ Colwell.***

*Id.*, at \*21 (emphasis added).

Unlike the instant dispute in this Application proceeding, both *Bell-Atlantic* and *Intrastate Access Charges* involved an order by a presiding officer that arguably created uncertainty as to scope of each proceeding, which had been previously established by a prior Commission order. The Indicated Parties cannot point to a prior Commission order establishing the scope of this proceeding, and therefore cannot argue that it is necessary for the Commission to resolve any uncertainties regarding the scope of this proceeding. Nor is the Indicated Parties' reliance on *Intrastate Access Charges* proper in this instance, because the parties in *Intrastate Access Charges* did not seek review of a discovery ruling. *See id.*, at \*16. Moreover, the Commission in both *Bell-Atlantic* and *Intrastate Access Charges* appeared primarily concerned with the substantial prejudice that would result from the parties revisiting or re-litigating issues resolved in prior proceedings. *See Bell-Atlantic*, at \*18-19; *see also Intrastate Access Charges*, at \*21. Here, there is no threat of re-litigating previously resolved issues: Laurel's Application is not subject to a prior Commission order resolving any of the issues involved. Therefore, the

Indicated Parties reliance of *Bell-Atlantic* and *Intrastate Access Charges* is misplaced, because neither case is sufficiently similar the pending proceeding.

The Indicated Parties' Petition is improper because it seeks Commission review of a discovery matter in violation of 66 Pa. C.S. § 333(h), and therefore, should be denied.

**C. THE PETITION FAILS TO DEMONSTRATE THAT INTERLOCUTORY REVIEW OF THE NON-CERTIFIED MATERIAL QUESTION IS APPROPRIATE.**

Assuming *arguendo* that the Indicated Parties' Petition is properly before the Commission, the Indicated Parties have failed to meet the standard for interlocutory review of a non-certified material question. A petition for interlocutory review may only be granted upon a showing that such review is necessary to prevent substantial prejudice to the parties or expedite the conduct of the proceeding. 66 Pa. C.S. § 331(e); 52 Pa. Code § 5.302(a); *see also Knights*, at \*4.

However, where a material question is irrelevant to the subject matter of a proceeding, the Commission has explained that interlocutory review will not prevent substantial prejudice or expedite the conduct of the proceeding. *See Application of Verizon North Inc.*, 2009 Pa. PUC LEXIS 1858, at \*10 (Order entered Sept. 24, 2009) ("*Verizon North*"). In *Verizon North*, the Commission denied a petition for interlocutory review and answer to material question, because the material question presented by the petition was irrelevant to the resolution of a pending application related to the corporate restructuring of Verizon North, Inc. *Id.* The Commission explained that the pending application involved all approval necessary for one corporate transaction, but that the material question presented sought a ruling from the Commission related to a second, separate corporate transaction by Verizon North, Inc. (*i.e.* a transfer of stock). *Id.*, at \*10-11. The Commission further explained that "[t]here is no need to confuse or delay the adjudication of the first transaction by considering questions that only pertain to the second."

*Id.*, at \*11. Thus, the Commission declined to answer the irrelevant material question and denied the petition.

The Indicated Parties do not explain how interlocutory review would prevent substantial prejudice, other than to restate their arguments that the information sought is relevant to this proceeding, or how review would expedite the conduct of this proceeding. The question submitted is solely related to information and issues that are irrelevant to the resolution of Laurel's Application. *See* Section IV.C. *infra*. Similar to the material question in *Verizon North*, the material question submitted by the Indicated Parties seeks a ruling from the Commission related to speculative separate project(s) outside the scope of, and irrelevant to, the pending Application. Interlocutory review of a material question that is irrelevant to the pending Application will not prevent substantial prejudice or expedite the conduct of this proceeding. *See Verizon North*, at \*10.

Furthermore, contrary to the Indicated Parties assertions, avoidance of remand is not a sufficient reason for justifying interlocutory review of any matter, including discovery rulings. The Commission has previously found that "the avoidance of reversal and remand is not the type of expedition of the proceeding which our rule contemplates. If it were, then the Commission could be called upon to cure every claimed reversible error on an interlocutory basis. Such a situation would be both untenable and absurd." *Re Pennsylvania Gas and Water Company*, 58 PA PUC 411, 415 (Opinion and Order entered June 22, 1984). Moreover, the Indicated Parties' attempt to re-frame their question as related to "disputes over the scope of the issues in an evidentiary hearing" also fails. The Commission went on to explain in *Re Pennsylvania Gas and Water Company* that the certified question and interlocutory review of a non-certified question procedures:



are not vehicles by which every adverse evidentiary ruling is to be reviewed, nor is it a substitute for, or an alternative, to the exception or appeal procedures antecedent to a review by Commission in the normal course. Rather it is a procedure to be *utilized sparingly, in the most unusual of circumstances such as those in which reversal and remand would not adequately cure the prejudice to a party*, or in those circumstances in which guidance from the Commission is necessary regarding a dispute as to the major direction of an investigation, or where the relevancy of a major issue is involved, when, if guidance is not forthcoming, many days of hearing time may be needlessly expended.

*Id.* (emphasis added). Therefore, to the extent the Indicated Parties seek to argue review is necessary to avoid a remand, that argument is an insufficient basis for interlocutory review.

Finally, the Commission has also made clear that it “sits as a reviewing body with regard to the Recommended Decisions of ALJs; it *does not sit* as a quasi-supervisory Presiding Officer to act immediately to review evidentiary, procedural and scheduling decisions of the Presiding Officer.” *Re Intrastate Access Charges*, 58 PA PUC 659, 665, 1984 Pa. PUC LEXIS 15, at \*16 (Opinion and Order entered Oct. 19, 1984) (emphasis added) (denying interlocutory review of a non-certified material question). The Indicated Parties ask the Commission do to precisely what it has previously stated it will not: immediately review the decision of a presiding officer that properly established the scope of this proceeding.

For the reasons more fully explained above, granting certification would not prevent substantial prejudice to the Indicated Parties, or expedite the conduct of this proceeding. Therefore, the Petition should be denied.

**D. THE INFORMATION AND ISSUES SUBJECT TO THE INDICATED PARTIES’ PETITION ARE NOT RELEVANT TO THIS PROCEEDING.**

At a fundamental level, the information and issues that are the subject of the Indicated Parties’ Petition are irrelevant because Laurel is not seeking Commission approval to reverse the flow of the pipeline to points east of Eldorado; the Application is limited in scope to Eldorado

and points west.<sup>3</sup> Therefore, the possibility of extending the reversal past Eldorado is not relevant to either of Laurel's two alternative claims for relief involved in this proceeding.

Despite the Indicated Parties' attempts to misconstrue Laurel's Application and the issues raised therein, there is nothing in the record to support the argument that the information sought is within the scope of either of Laurel's alternative claims for relief in its Application. Laurel's first argument is that Commission approval is not required to reverse the flow of petroleum products to Eldorado. Whether Laurel is authorized to reverse the flow of service without Commission approval is a purely legal determination involving an evaluation of the authorization contained in Laurel's Certificate and federal law. Under this claim for relief, the proper subject matter to determine relevance is the authority granted to Laurel in the Certificate of Public Convenience issued by the Commission and federal law. The issue of whether Laurel would possibly at some unspecified point in the future reverse the flow of its pipeline for points east of Eldorado is entirely irrelevant to determining whether Laurel can reverse the flow of service without Commission approval.

Laurel's second, alternative claim for relief involves an evaluation of facts to determine whether Laurel's proposal is in the public interest, if and only if the Commission determines that approval is required. Under this claim for relief, the proper subject matter to determine relevance is the proposal as stated in Laurel's Application. Clearly, any information related to possible plans to reverse other, unidentified segments of the Laurel pipeline east of Eldorado at an unspecified future date is irrelevant to determining whether the proposed reversal to Eldorado

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<sup>3</sup> The proponent of a rule or order is not required to support proposals outside the scope of or differing from its submission. *See Pennsylvania Pub. Util. Comm'n v. PPL Electric Utilities Corp.*, 2012 Pa. PUC LEXIS 989, at \*13-15 (Order entered June 21, 2012) (explaining that the burden of proving that a utility should implement something other than its own proposal is on the party proposing something else). As such, Laurel cannot be required in this proceeding to produce information about or support a proposal (*e.g.*, a reversal to points east of Eldorado) that it did not submit to the Commission in its Application.

and points west, described in the Application, is in the public interest. Such a proposal would necessarily involve delivery points, engineering work, timing, financing, and other issues that are irrelevant, and entirely outside the scope of Laurel's Application. Moreover, should the Commission determine that Laurel requires authorization to effectuate the reversal to points west of Eldorado, as described in the Application, then other "possible future actions" (*i.e.* reversals) would be subject to review and approval in another proceeding before the Commission. *See Verizon North*, at \*10-11 (explaining that petitioners had sufficient alternative means to pursue their claims with respect to a second, separate transaction).

For the reasons more fully explained above, the ALJ correctly held that the subject matter of discovery must be relevant to one of the two issues raised by Laurel in its Application, and properly limited the scope of this proceeding to the issues relevant to the alternative claims for relief requested by Laurel in its Application. The question raised by the Indicated Parties in the Petition involves a ruling on the scope of discovery in this proceeding, and, assuming *arguendo* that the instant Petition is even properly before the Commission, the Indicated Parties have failed to demonstrate that interlocutory review is appropriate or that the information and issues, which are the subject of the Petition, are relevant to Laurel's Application.

**E. GRANTING REVIEW WOULD SUBSTANTIALLY PREJUDICE LAUREL AND ITS SHIPPERS.**

As explained in Laurel's Answer to the Motions to Compel, the highly sensitive nature of the information sought by the Disputed Interrogatories enhances the need to deny certification and deny disclosure, given the information's lack of relevance. Granting certification, and potentially requiring disclosure of this irrelevant information, would in fact substantially prejudice Laurel and its shippers in a manner that could not be cured in the normal course of Commission proceedings. *Pa. Pub. Util. Comm'n v. Dauphin Consolidated Water Supply Co.*,

1987 Pa. PUC LEXIS 215, at \*6-7 (Opinion and order entered Aug. 21, 1987). As a general matter, the highly competitive petroleum products refining and transportation industries regularly involve interactions between directly and indirectly affiliated entities. To the extent that such information exists, disclosure would provide market participants involved in this proceeding access to highly sensitive commercial information regarding possible future business plans of the Applicant. Market participants who currently use Laurel's pipeline system, or may use it in the future, could use this otherwise confidential information in commercial interactions and business planning, to the detriment of Laurel and/or other shippers. It would also provide certain of them with an unfair competitive advantage over other market participants in the highly competitive petroleum products market and, in particular, over other shippers on Laurel's system who are not involved in this proceeding. Due to the lack of relevance, the Disputed Interrogatories appear to be nothing more than an attempt to abuse the regulatory process in order to access highly sensitive commercial information.

For the reasons more fully explained above, granting certification would substantially prejudice Laurel and its shippers. Therefore, the Petition should be denied.

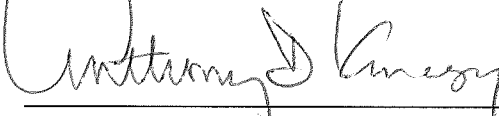
#### **V. STAY OF THE PROCEEDING**

Under Section 5.302(b), parties writing a Responsive Brief to a Petition for Certification must address whether a stay of the proceedings is required to protect the substantial rights of a party. 52 Pa. Code § 5.302(b). Laurel does not believe that a stay of the proceedings is necessary in order to protect the substantial rights of the parties. The Indicated Parties' Petition involves a discovery ruling, and this proceeding is yet in the early stages of discovery. The direct testimony of the Indicated Parties is not due until June 14, 2017. Therefore, if the presiding officer grants the Petition, there is sufficient time for the Commission to rule on the certified question.

**VI. CONCLUSION**

WHEREFORE, Laurel Pipe Line Company, L.P. respectfully requests that the Pennsylvania Public Utility Commission deny Petition of Gulf Operating, LLC, Philadelphia Energy Solutions Refining & Marketing, LLC, Sheetz, Inc., Monroe Energy, Inc., and Giant Eagle, Inc. for Interlocutory Review of a Material Question

Respectfully submitted,



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Date: May 1, 2017

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