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August 21, 2017

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

VIA ELECTRONIC FILING

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

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

Dear Secretary Chiavetta:

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

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

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', is written over a horizontal line.

Adeolu A. Bakare

Counsel to Gulf Operating, LLC

Enclosure

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

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CERTIFICATE OF SERVICE

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

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Counsel to Gulf Operating, LLC and Sheetz, Inc.

Dated this 21st day of August, 2017, in Harrisburg, Pennsylvania.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Gulf Operating, LLC ("Gulf") files, pursuant to section 5.342(g)(1) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Rules,¹ this Answer to the Motion to Compel Answers to [Laurel Pipe Line Company, L.P.'s ("Laurel" or "Applicant")] Second Set of Interrogatories and Requests for Production of Documents² ("Motion") filed by Laurel on August 14, 2017.

I. BACKGROUND

On November 14, 2016, Laurel filed the above-captioned Application with the Pennsylvania Public Utility Commission ("Commission") at Docket No. A-2016-2575829, seeking all necessary, authority, approvals, and Certificates of Public Convenience to authorize

¹ 52 Pa. Code §§ 5.342(g)(1).

² Throughout this Answer, Gulf will refer to Laurel's Second Set of Interrogatories and Requests for Production of Documents as "Set II" or "Set II Discovery."

Laurel to change the direction of its petroleum products transportation service over a portion of its pipeline west of Eldorado, Pennsylvania.

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

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

On July 14, 2017, Gulf served Gulf Statement No. 1, the Direct Testimony of Todd O'Malley

On July 24, 2017, Laurel served Set II Discovery on Gulf.

On August 8, 2017, Gulf filed a letter with the Commission's Secretary indicating that Gulf would submit an Errata to its Direct Testimony substituting Greg Johnston as the sponsoring witness in place of Mr. O'Malley. Gulf filed the Errata on August 16, 2017.

Gulf objected to certain elements of Laurel's Set II Discovery on August 3, 2017. Gulf objected to Laurel Set II with respect to the General Objection as to burdensome timeframes and Laurel Set II Request Nos. 1(a) and (c); 2(a)(i)-(iii) and 2(b); 3(a), (f)(iii), and h(ii); 4(a), (b), and (d); 6(a) and (d)(iii); 7(a), (b), and (d); 8(a)(i)-(iv),(c)(i) and (c)(iii); 9(a)(i)-(iv); 10(a); 11(c); 12(e) – (f).

On August 11, 2017, counsel for Gulf and counsel for Laurel held a telephone conversation to discuss Laurel's concerns with Gulf's objections to Laurel Set II, where both parties discussed Gulf's objections and potential resolutions and clarifications.

On August 14, 2017, Gulf provided responses to most of Laurel's Set II Discovery Requests. In the spirit of compromise, Gulf provided responses to many of the requests to which it had objected to on August 3, 2017. With regard to the remaining disputes, Gulf hereby files this Answer to Laurel's Motion to Compel.

II. ANSWER AND ARGUMENT

A. INTERNAL INFORMATION RELATED TO MARGINS, MEASURES OF PROFIT, OR COMPANY PRICING DECISIONS OF A NON-REGULATED PUC ENTITY SUCH AS GULF IS NOT RELEVANT TO THE ISSUES IN THIS PROCEEDING AND IS NOT REASONABLY CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE

In its Motion, Laurel argues that the Indicated Parties³, such as Gulf, should not be permitted to avoid discovery on "any claim or issue" raised in this proceeding.⁴ Laurel requests that Your Honor issue an order to require the Indicated Parties "to provide full and complete responses to discovery requests that arise from the claims, arguments, and issues raised in Direct Testimony."⁵ Laurel accuses Gulf and the Indicated Parties of issuing "dilatatory objections"⁶ and by refusing to provide information concerning Gulf's margins and profits that Laurel needs to prepare its rebuttal testimony and evaluate Gulf's claims.

Laurel's demand is not credible or procedurally appropriate. Laurel's demand is not credible or procedurally appropriate. Though its Set II discovery, Laurel seeks to obtain information on matters not raised by Sheetz in its Direct Testimony. Sheetz did not testify on issues concerning margins or profits of its business. As discussed in detail below, Sheetz presented testimony only on market impacts for the Pittsburgh area for the Commission

³ The Indicated Parties is an *ad hoc* group of parties united in their opposition to the flow reversal/abandonment proposed by Laurel. For purposes of this Protest and Petition to Intervene, the Parties include: Gulf Operating, LLC; Philadelphia Energy Solutions Refining and Marketing LLC; Guttman Energy, Inc.; Monroe Energy, LLC; Giant Eagle, Inc.; and Sheetz, Inc.

⁴ Laurel Motion to Compel on p. 3.

⁵ Laurel Motion to Compel on p. 4, ¶ 12.

⁶ Laurel Motion to Compel on p. 4, ¶ 11.

consideration in reviewing Laurel's Application. While Laurel is entitled to discovery on the issues raised by Sheetz, Laurel should not be permitted to use the discovery process as a fishing expedition to force Sheetz to divulge business records entirely divorced from the aversions and observations made by Sheetz in this proceeding.

Specifically, Laurel's Set II discovery was propounded upon Gulf and addressed solely claims set forth in Gulf's Statement No. 1. Gulf has and will continue to furnish information relevant to the claims set forth in testimony. However, Laurel has continued to seek discovery on matters that have not been shown to bear any relevance to the issues raised in Gulf's Direct Testimony. Laurel's Application concerns the reversal of a major petroleum products pipeline that currently serves as the sole pipeline source of supply for the Pittsburgh market to access gasoline, diesel, and other petroleum products. Contrary to the focus of several of Laurel's discovery requests, the impact of the Application, as addressed by Gulf, has nothing to do with Gulf's individual margins and profits, but everything to do with the supply and pricing impacts upon the petroleum products market in the Pittsburgh area. Gulf is aware that PESRM and Monroe submitted written testimony on the impact of Laurel's proposed reversal upon the margins and profits of their refinery operations in Philadelphia.⁷ These claims are distinct from Gulf's testimony on the total market impacts for the Pittsburgh area.

Indeed, Laurel previously sought information related to Gulf's margins and profits in response to Laurel's Set I Interrogatories Nos. 4(b) – (e). In an Order denying Laurel's prior Motion to Compel, Your Honor found the "connection of Gulf's margins and Gulf's overall return to the subject matter of this proceeding is too attenuated to bring the information sought in

⁷ PESRM Statement No. 1, at 6-7; *see also* Monroe Statement No. 1, at 3.

Laurel – Set I, Request No. 4(b) – (e) within the scope of this discovery proceedings.⁸ Laurel's request for Gulf margins and profits in its Set II discovery essentially duplicates its prior request. As a result, Gulf raised good faith objections to Laurel's Set II Interrogatories,

Consistent with your Honor's prior directive, Gulf and Laurel attempted to resolve disputed discovery matters and Gulf provided responses to most of the requests in Laurel's Discovery Set II, effectively waiving several reasonable objections. However, and particularly with regard to questions requesting information and data concerning Gulf's internal margins and profits, Gulf requests that Your Honor deny Laurel's Motion to Compel responses to its Set II Interrogatories.

B. LAUREL'S MOTION TO COMPEL GULF'S RESPONSES TO A LIMITED NUMBER OF OUTSTANDING DISCOVERY REQUESTS IMPERMISSIBLY SEEKS TO STRIKE ALL REFERENCES IN THIS PROCEEDING TO THE BROAD SUBJECT OF ECONOMIC HARM TO THE INDICATED PARTIES

As a form of alternative relief in its Motion to Compel, Laurel requests that Your Honor issue an order that "deems the Indicated Parties' claims of economic harm irrelevant to the determination of the public interest, and strikes all references to the subject of economic harm to the Indicated Parties that have been raised in the pleadings and testimony filed in this proceeding."⁹

Laurel's argument and alternative request for relief is improper and should be rejected. First, Laurel's alternative request for relief to "strike" all references and bar all associated claims *raised by the Indicated Parties* through a Motion to Compel a limited and specific subset of *Gulf's responses* is procedurally impermissible. A Motion to Compel one party's limited discovery responses is not an appropriate procedural vehicle for a broad, sweeping, far-reaching

⁸ Order Regarding Laurel's Motion to Compel Gulf to Provide Responses to Laurel Set I Discovery Request, Docket No. A-2016-2575829 (May 10, 2017), at 3.

⁹ Laurel Motion to Compel on p. 4, ¶ 12.

request to strike essential claims and issues concerning four other parties in this proceeding. Laurel titled its motion a "Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. on Gulf Operating, LLC, Set II." Laurel did not title its motion a "Motion to Strike All References Made by the Indicated Parties in This Proceeding Regarding the Broad Subject of Economic Harm."

Additionally, Laurel's request to "strike" all references and bar all associated claims raised by Gulf and the Indicated Parties would deprive Gulf and the Indicated Parties of their due process rights.¹⁰ Laurel filed the Motion to Compel pursuant to Section 5.342 of the Commission's Regulations, under which a party filing a Motion to Compel can request dismissal of objections and responses to interrogatories.¹¹ The limitations applicable to Motions filed under Section 5.342 are important for preserving due process and this Regulation provides an expedited timeframe for answers to Motion to Compel.¹² To the contrary, Motions to Strike must be filed under the general authority set forth in Section 5.103.

Finally, as discussed in Section II(A), Laurel's arguments fails to consider the distinctions between the harms alleged by each of the Indicated Parties. PESRM and Monroe testified as to economic harm to their individual refineries, including declines to future profits and margins.¹³ Gulf's testimony addressed broader impacts on the Pittsburgh petroleum products market. Laurel's generalization of these distinct claims as "economic harm" arguments is inappropriate. Information about margins and profits can be relevant with regards to one witness and irrelevant to another. Accordingly, Gulf respectfully requests that Your Honor deny Laurel's improper,

¹⁰ The Commission takes seriously a party's due process rights and opportunity to be heard throughout the evidentiary stages of a proceeding. *See, e.g., Enron Capital and Trade Resources Corp. v. Peoples Natural Gas Co.*, PUC Docket No. R-00973928C0001 (PUC Order entered Aug. 24, 1998).

¹¹ 52 Pa. Code § 5.342.

¹² *See id.*

¹³ PESRM Statement No. 1, at 6-7; *see also* Monroe Statement No. 1, at 3.

overbroad, and unfounded request to strike any and all existing references (and bar all future references) in this proceeding to the broad subject of economic harm to the Indicated Parties.

C. LAUREL'S REQUEST FOR GULF TO PRODUCE RESPONSIVE INFORMATION FOR THE TIME PERIOD JANUARY 1, 2012 AND JULY 14, 2017 SHOULD BE DENIED AS UNDULY BURDENSOME AND REQUIRING AN UNREASONABLE INVESTIGATION

In its Motion to Compel Laurel argues that Gulf should be required to produce documents from between January 1, 2012 and July 14, 2017.

Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden on a party. Section 5.361(a)(4) of the Commission's regulations, 52 Pa. Code § 5.361(a)(4), similarly prohibits discovery into matters that would require the making of an unreasonable investigation by a party.

Gulf explained in its general objections to Laurel's Set II discovery requests that several of those requests sought Documents or Communications for unspecified time periods or for time periods between 2012 and July 2017. The furnishing of data for unspecified time periods or for time periods between 2012 and July 2017 would unduly burden Gulf. For all Set II Requests seeking production of Documents or Communications and not otherwise subject to other objection, Gulf explained that it would provide responsive Documents or Communications for the period 2014 – March 2017.

Laurel claims that its request for documents for the period 2012 – March 2017 is reasonable because that is the period for which Laurel was required to provide data in response to prior interrogatories. This false equivalency does not support Laurel's request to apply the same period for discovery requests to Gulf. Laurel is the party bearing the burden of proof in this proceeding as the regulated pipeline carrier proposing to terminate service between several

delivery points. Laurel also never alleged that provided documents for a five-year period would prove to be unreasonably burdensome.

To the contrary, Gulf's claims arises from specific circumstances. Gulf has undergone significant internal restructuring in recent years as Gulf's parent company, ArcLight Capital Partners, acquired both Gulf's legacy terminal assets and the Pennsylvania terminal assets previously owned by Pyramid LLC (formerly Petroleum Products Corporation) in 2015, all of which are now operated by Gulf.¹⁴ Since the acquisition, Gulf has worked to integrate its records systems with the Pyramid LLC systems, but providing pre-acquisition shipping data for both Gulf legacy and former Pyramid terminals would still require Gulf to compile data separately maintained on the two systems. Under these circumstances, Gulf submits that limiting the production timeframe to approximately three years reasonably provides Laurel with significant historical data without imposing an unreasonable burden on Gulf.

D. SPECIFIC RESPONSES

Laurel Set II, No. 1

Laurel to Gulf, Set II, Request No. 1

1. Regarding Mr. O'Malley's testimony at p. 1, lines 7 through 17, please answer the following questions:
 - a) please identify the witness' predecessor in his current position (or the equivalent position if the job title changed), the time period for which the predecessor held that position.
 - b) please describe in detail the nature of the witness' role in the distribution of refined products, including whether he is responsible for directing the use of particular carriers or modes of transportation, and whether he negotiates directly with transportation suppliers;
 - c) please explain in detail Mr. O'Malley's duties while at PBF Energy, Inc., and the extent to which he had personal responsibility for the use of pipeline, truck, barge, rail or other means of supplying refined petroleum products to the Pittsburgh area from the East Coast PBF refineries.

¹⁴ <https://islandpumpandtank.com/emergency-spill-response/gulf-oil-to-be-acquired-by-private-equity-roll-up/>.

Gulf Answer to Laurel Motion to Compel Request No. 1

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the proceeding, and thus reasonably calculated to lead to the discovery of admissible evidence. Gulf had objected to Request Nos. 1(a) and (c), explaining that the identity of Mr. Johnston's predecessor, the time period for which such predecessor held the position, and the detail of Mr. Johnston's job duties in his prior position have no bearing on Mr. O'Malley's testimony in this proceeding.

With regard to Request No. 1(a), Laurel's Motion to Compel does not offer an explanation as why the identity of Mr. Johnston's predecessor at Gulf is relevant to the matter. Laurel claims only that "to the extent that Request No. 1 seeks information regarding the prior professional experience of the Gulf witness, such information if clearly discoverable and relevant to Gulf's claims in its testimony."¹⁵ (Emphasis added). Accordingly, the request for information concerning Mr. Johnston's predecessor at Gulf has been effectively waived by Laurel's failure to support its request in the Motion to Compel.

As for Request No. 1(c), Gulf served Laurel, Your Honor, and all parties with the Errata designating Mr. Johnston as the sponsoring witness for Gulf Statement No. 1. The Errata also included a description of Mr. Johnston's prior position and responsibilities. Accordingly, Gulf has submitted an updated version of its response to Request No. 1(c) referencing the revised testimony.

¹⁵ Laurel Motion to Compel, at 6.

Laurel to Gulf, Set II, Request No. 2

2. Regarding Mr. O'Malley's testimony at p. 1, lines 9 through 12, regarding the nature of Gulf Operating LLC's ("Gulf's") business, please answer the following questions:
 - a) please provide a list of all petroleum products supplied by Gulf to each customer:
 - i) in the Pittsburgh market in Pennsylvania, and for each, for the period 2013 through July 2017, please provide by year the volume of gasoline (specified by regular gasoline, low vapor pressure gasoline and reformulated gasoline), diesel, home heating oil, jet fuel and other major refined petroleum products sold to each such customer, and the geographical location of the point of sale for each such customer, by street address and town or other local entity and ZIP code;
 - ii) in the Altoona/Central Pennsylvania market, and for each, for the period 2012 through July 2017, please provide by year the volume of gasoline (specified by regular gasoline, low vapor pressure gasoline and reformulated gasoline), diesel, home heating oil, jet fuel and other major refined petroleum products sold to each such customer, and the geographical location of the point of sale for each such customer, by street address and town or other local entity and ZIP code;
 - iii) in the Eastern Pennsylvania market, including the Philadelphia area, and for each, for the period 2013 through July 2017, please provide by year the volume of gasoline (specified by regular gasoline, low vapor pressure gasoline and reformulated gasoline), diesel, home heating oil, jet fuel and other major refined petroleum products sold to each such customer, and the geographical location of the point of sale for each such customer, by street address and town or other local entity and ZIP code;
 - b) for each customer identified in response to subpart a. above, please state the source for the refined products supplied to such customer, and by "source" this question means the refinery, or if no refinery can be identified, the wholesale sales point at which Gulf purchased the refined products (*e. g.*, "Booth," "Linden," "East Chicago," etc.), or if FOB at a pipeline or waterborne terminal, the name and location of the terminal.

Gulf Answer to Laurel Motion to Compel Request No. 2

Per Section 5.321(c) of the Commission's regulations, 52 Pa. Code § 5.321(c), a party may obtain discovery of any matter that is relevant to the subject matter and issues in the proceeding, and thus reasonably calculated to lead to the discovery of admissible evidence. Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden on a party. Section 5.361(a)(4) of the Commission's regulations, 52 Pa. Code § 5.361(a)(4), similarly prohibits

discovery into matters that would require the making of an unreasonable investigation by a party. As a result, Gulf objects to Request Nos. 2(a)(i)-(iii) and (b).

Gulf had objected to Request Nos. 2(a)(i)-(iii) and 2(b) as seeking information that is not relevant to any claim or defense in this matter and/or is beyond the scope of this proceeding. In its Motion to Compel, Laurel claimed that the sources and locations of products sold to customers by Gulf was directly relevant and raised in Gulf's direct testimony and that Gulf should be compelled to answer Request No. 2(iii) because Mr. Johnston allegedly testified as to the adequacy of certain alternatives. Noticeably, Laurel offers no response to Gulf's claims that the information sought by Request No. 2(a)(i) and (ii) is irrelevant to proceeding.

Regarding request Nos. 2(a)(i) and (ii), Gulf has already provided Laurel with the total volumes throughput for its Pennsylvania terminals in and to the west of Altoona in response to Laurel-Gulf-I-1. Laurel has not demonstrated how information about the further downstream sales from Gulf's terminals is relevant to this proceeding. As a result, Gulf submits that Laurel has not provided a response to Gulf's objection that Request Nos. 2(a)(i) and (ii) are irrelevant.

With regard to Request No. 2(a)(iii), Laurel alleges that information regarding Gulf's sales in Philadelphia are relevant to Gulf's arguments regarding the adequacy of certain alternatives set forth in pages 8-13 of Gulf Statement No. 1. However, these arguments on the available alternatives concern the availability of Midwest supply alternatives to meet the demand in the Pittsburgh market.

As for Request No. 2(b), Laurel alleges that the source of petroleum products currently sold to Gulf customers is relevant to investigating Gulf's claim that the proposed reversal would "reduce the liquidity and optionality of supply into Pittsburgh... ." ¹⁶ Laurel further claims that this statement "implicates the volumes and types of products being delivered to these areas." *Id.*

¹⁶ Laurel Motion to Compel, at 9.

Importantly, Gulf has already provided the volumes and types of products being delivered to each of Gulf's terminals in the Pittsburgh area in response to Laurel-Gulf-I-1. Simply put, Laurel already knows the sources of all products received at Gulf's terminals west of Altoona. Laurel has not even attempted to demonstrate how or why a breakdown of these delivered volumes on a downstream per-customer basis is relevant to Gulf's testimony regarding the total volumes delivered to the Pittsburgh area.

Gulf additionally objects to Request Nos. 2(a)(i)-(iii) and 2(b) as the requested granular data production would impose an undue burden on Gulf and require an unreasonable investigation. The request would require Gulf to conduct an extensive document review and compile the customer-specific records. In light of Gulf prior provision of the total volumes and product sources for shipments to its terminals at Western PA Destinations, the request for granular data production concerning the shipments to specific customers is unreasonably burdensome. Laurel has failed to demonstrate how the customer-specific information requested in Request No. 2 is essential to Laurel's analysis of Gulf's claims.

Accordingly, Laurel's Motion to Compel Gulf's response to Request No. 2 should be rejected.

Laurel to Gulf, Set II, Request No. 3

3. Regarding Mr. O'Malley's testimony at p. 3, lines 5 through 12, regarding his understanding of sources of refined petroleum products for the Pittsburgh area, please answer the following questions:
 - a) when Mr. O'Malley refers to "some limited barge shipments to Pittsburgh, please explain in detail the basis for his statement, please list the barge terminals capable of receiving refined petroleum products in Western Pennsylvania known to Mr. O'Malley, and please describe in detail the barge transactions and barge companies and river terminal operators with whom Mr. O'Malley has worked or attempted to work in his supply, trading and distribution duties;
 - b) please define "the Pittsburgh area" as Mr. O'Malley uses it (e.g., specific counties that he means to include in the term);
 - c) please explain in detail why Mr. O'Malley does not include in his list of supply sources for the Pittsburgh area the Marathon Pipeline;
 - d) why Mr. O'Malley does not believe that Gulf Coast refined products cannot be transported to Pittsburgh via Explorer Pipeline and connecting pipelines to the Pittsburgh market; and
 - e) please explain why Mr. O'Malley states that Midwestern supplies via the Sunoco Pipeline are only available by means of a joint FERC tariff with Inland Corporation;
 - f) with respect to the Sunoco Pipeline, please explain:
 - i) whether Gulf transports refined products to the Pittsburgh area via the Sunoco Pipeline;
 - ii) if the answer to sub-part i. immediately above is anything but an unqualified negative, please provide the volumes transported by Gulf on Sunoco Pipeline during the period 2012 through 2016, by month, and by type of refined product;
 - iii) provide a copy of any currently-effective contract between Gulf and Sunoco Pipeline for transportation of refined products
 - iv) please explain whether Gulf has had any communications with Sunoco Pipeline regarding the potential for expanded or additional transportation of refined products from the Midwest to the Pittsburgh area using Sunoco's "Allegheny Access" pipeline, and if the answer is anything but in the unqualified negative, please produce all documents and communications, through July 2017, relating to the potential for expanded transportation of refined products on the Allegheny Access system for Gulf;
 - g) please explain in detail why Mr. O'Malley believes that no other sources of refined products can be accessed for the use of retailers or wholesalers in the Pittsburgh area; and
 - h) with regard to the lack of other sources, and with respect to the potential for the Sunoco "Mariner 2" or "Mariner 2X" project:

- i) please state whether Gulf has had any communications with Sunoco regarding participation in either project to transport refined product from Midwestern refiners to the Pittsburgh area or destinations further east, and if the answer is anything but an unqualified negative, please provide a copy of all Documents relating to such potential transportation, directly or indirectly;
- ii) please state whether Gulf has since 2012 and through July 2017 considered entering into any contracts with any other alternative pipeline or other transporters or suppliers of refined products to the Pittsburgh area other than those listed in the above-referenced testimony, and if the answer is anything but an unqualified negative, please provide all documents relating to such potential alternative suppliers, either directly or indirectly.

Gulf Answer to Laurel Motion to Compel Request No. 3

In its August 3, 2017 objections, Gulf had objected to Request Nos. 3(a), (f)(iii), and h(ii) as providing responses to those requests would have requiring the making of an unreasonable investigation by Gulf per 52 Pa. Code § 5.361(a)(4). Gulf had also objected to Request No. 3(a) as irrelevant and unduly burdensome to the extent that Laurel seeks detailed information regarding any customer-specific barge transactions. Gulf had also objected to Request No. 3(f)(iii) on relevance grounds and Request No. 3(h)(ii) as requiring an unreasonable investigation.

In its August 14, 2017 responses, Gulf provided responses to all subparts of this request except for Request Nos. 3(f)(iii) and 3(h)(ii). As a result, Gulf understands Laurel's Motion to Compel a response to Request No. 3(a) to be moot.

Laurel's Request No. 3(f)(iii), seeking currently effective contracts between Gulf and Sunoco Pipeline for transportation of refined petroleum products, is not reasonably calculated to lead to the discovery of admissible evidence, particularly in light of the lack of timeframe or geographic restrictions attendant to that request. Gulf's claims regarding the availability of supply alternatives relates to the availability of supply alternatives to meet the total market demand in the Pittsburgh area, not Gulf's individual demand. Additionally, Gulf has already provided the sources for all volumes delivered to its Pennsylvania terminals west of Altoona in

response to Laurel-Gulf-I-1 and further confirmed it does not ship products to the Pittsburgh area on Sunoco. Most importantly, Laurel's Motion ignores the fact that Request No. 3(f)(iii) seeks copies of contracts between Gulf and Sunoco for shipments of products, whether the contract relates to shipments to points west of Altoona or not. As a result, this request is not reasonably calculated to lead to discovery of admissible evidence.

Providing a response to Request No. 3(h)(ii) would unreasonably require Gulf to provide all documents relating to any instance where Gulf "considered" or held discussions concerning the potential for entering into contracts with certain alternative pipeline suppliers. Gulf submits that requiring the company to review internal records and compile all documents related to discussions or inquiries of potential transportation would impose an unreasonable burden and requiring Gulf to conduct an unreasonable investigation.

Laurel to Gulf, Set II, Request No. 4

4. Please produce copies of any Documents at Gulf during the period 2012 through July 2017 that reference or include any discussion of the following topics:
 - a) Laurel;
 - b) the potential reversal of Laurel, whether regarding the reversal proposal being considered in this proceeding or any other potential reversal;
 - c) alternatives to Laurel of transporting product to markets in Pennsylvania (including without limitation, pipeline, truck, barge, exchange or other means of transportation);
 - d) sales or transportation of product to customers or terminals located west of Eldorado, Pennsylvania; and

Gulf Answer to Laurel Motion to Compel Request No. 4

In its August 14, 2017 responses, Gulf provided responses subparts (b) and (c) of this request, despite Gulf's August 3, 2017 objections. In its Motion to Compel, Laurel withdrew its request in part (a), acknowledging Gulf's objection. Accordingly, Laurel's motion to compel Gulf's responses to Request Nos. 4(a) is now moot.

Request No. 4(b) seeks Documents at Gulf referencing or discussing Laurel's proposed reversal or "any other potential reversal."¹⁷ Gulf responded to Request No. 4(b) with regard to Laurel's proposed reversal. The request for any documentation related to discussions on potential reversals of non-Laurel pipelines is plainly irrelevant to the circumstances of this proceeding.

In its objection to Request No. 4(d), Gulf had explained that responding to this request would impose an unreasonable burden on Gulf by necessitating a voluminous production of any document referencing or discussing sales of product west of Eldorado. *See* 52 Pa. Code § 5.361(a)(2). Laurel has failed to demonstrate how any interest in the requested information

¹⁷ Laurel Motion to Compel, at 15.

weighs in favor of unreasonably burdening Gulf to engage in such an extensive investigation and voluminous document production.

In its Motion to Compel, Laurel merely recites its own efforts to produce documents in response to the requests of the Indicated Parties. As the architect of the proposed reversal, it should be presumed that Laurel would possess far more documentation relevant to the Commission's investigation than Gulf or any other party. However, Laurel's request extends far beyond the proposed reversal or its impacts and simply asks for all documents concerning the sale or transportation of petroleum products to customers west of Eldorado. As Gulf is a petroleum products wholesaler, distributor, and retailer, this question essentially asks for every business document produced by Gulf in conducting business in Western Pennsylvania over a five-year period. The question is not merely unreasonably burdensome, but extraordinarily so. Therefore, Laurel's Motion to Compel a response to Request No. 4(d) should be denied.

Laurel to Gulf, Set II, Request No. 6

5. Regarding Mr. O'Malley's testimony at p. 5, lines 5 through 14, regarding the alleged negative aspects of barge transportation, please provide answers to the following questions:
 - a) regarding the potential for interruption of barge service due to freezing or flooding, please explain in detail Mr. O'Malley's familiarity with historical interruptions in barge service to Pittsburgh, including the specific times and durations of any interruptions due to freezing, flooding or other causes, during the period 2012 through 2017;
 - b) please explain what refineries Mr. O'Malley references with the statement regarding "the limited number of refineries from which barges could reasonably be barged," and please explain in detail Mr. O'Malley's experience of practical difficulty in seeking to barge refined products from other refineries that have the capability of supplying Pittsburgh via the Mississippi and/or Ohio Rivers;
 - c) regarding Mr. O'Malley's statement that "[o]nly two delivery points in the Pittsburgh area, Neville Island and Coraopolis, are capable of accepting barge shipments," please explain Mr. O'Malley's basis for expressing this conclusion, and whether it is his sworn testimony based on his information and belief, that no other refined petroleum product terminals in the Pittsburgh area can receive barge deliveries;
 - d) regarding Mr. O'Malley's statement that "[i]n the Pittsburgh market, barge service cannot be relied on for baseline supply deliveries and are generally only used to supplement pipeline deliveries,"
 - i) please provide a detailed explanation of Mr. O'Malley's experience in, or knowledge of, the use of barges to supply Pittsburgh, including all transactions in which he has arranged for, or declined to arrange for, barge transportation;
 - ii) please provide all documents during the period 2012 through July 2017 that discuss the potential or actual use by Gulf of barges to supply the Pittsburgh market;
 - iii) please explain whether Mr. O'Malley regards barge transportation of refined products from the PBF Energy, Inc. refineries at Delaware City, Delaware and Paulsboro, New Jersey to markets on the East Coast as being unreliable for baseline service; and
 - e) regarding Mr. O'Malley's statement that, "barge transportation is also more expensive and labor intensive than are pipeline alternatives," please:
 - i) explain in detail Mr. O'Malley's personal knowledge of barge rates to Pittsburgh, and how he derives such knowledge; and
 - ii) provide all Documents of Mr. O'Malley or Gulf that analyze, reference, discuss or relate to the cost of barge transportation to reach the Pittsburgh market.

Gulf Answer to Laurel Motion to Compel Request No. 6

In its August 14, 2017 responses, Gulf provided responses to all subparts of Request No. 6 except Request No. 6(d)(3)(iii), despite Gulf's August 3, 2017 objections. Accordingly, Laurel's motion to compel Gulf's response to Request No. 6(a) is now moot.

In its August 3, 2017 objections, Gulf explained that Request No. 6(d)(iii) sought information that was not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Gulf further objected to that request because it sought information beyond the scope of Mr. Johnston's direct testimony. Gulf explained that shipments from Delaware and New Jersey ports to other East Coast destinations bear no relevance to Mr. Johnston's testimony concerning barge shipments to the Pittsburgh area. Laurel's Motion offers no explanation as to how barge shipments from Delaware or New Jersey to East Coast ports is relevant to Mr. Johnston's testimony on barge shipments to the Pittsburgh area. Therefore, Laurel's Motion to Compel a response to Request No. 6(d)(iii) must be denied.

Laurel to Gulf, Set II, Request No. 7

6. Regarding Mr. O'Malley's testimony at p. 6, line 18 through p. 5, line 11, please answer the following questions:
 - a) please explain in detail the basis for Mr. O'Malley's testimony regarding the requirements for vapor recovery as to gasoline rail cars, including all personal experience that he has had in investigating the potential for rail car use for refined products, either while with Gulf or in his role at PBF Energy;
 - b) please provide all documents from the period 2012 through July 2017 that analyze, discuss, reference, address or relate to the potential, the cost or the feasibility of using rail cars to transport refined petroleum products;
 - c) please specify which "Pittsburgh locations do have rail offloading capabilities," and discuss in detail whether they have been used for the transportation of refined products into the Pittsburgh area;
 - d) please explain and quantify the costs of rail transportation and any comparisons to the cost of alternative modes of transportation, prepared during the period 2012 through July 2017; and
 - e) please explain whether Mr. O'Malley is familiar with any specific delays or disruptions due to weather events affecting rail transportation, to support his statements at p. 6, lines 9-11.

Gulf Answer to Laurel Motion to Compel Request No. 7

In its August 14, 2017 responses, Gulf provided responses to all subparts of Request No. 7, despite Gulf's August 3, 2017 objections.

Gulf provided a detailed response to part (a), explaining that the basis for Gulf's witness's testimony regarding the requirements for vapor recovery as to gasoline rail cars. Gulf explained in its August 14, 2017 response that it does not have any documents responsive to part (b) of Request No. 7. Gulf explained in response to part (d) of Request No. 7 that Gulf has not transported refined petroleum products via rail transportation in the Pittsburgh market in the given time-period. Because Gulf has provided full responses to Request No. 7, Gulf understands Laurel's Motion to Compel Gulf's response to Request Nos. 7(a), (b), and (d) to be moot.

Laurel to Gulf, Set II, Request No. 8

7. Regarding Mr. O'Malley's discussion of the potential for trucking refined products from Eldorado to Pittsburgh, at p. 7, line 4 through p. 8, line 20, please answer the following questions:
 - a) regarding the alleged lack of terminal and truck unloading capacity at Eldorado to handle the truck transportation of refined products to Pittsburgh area destinations,
 - i) please state the identity and current total terminal capacity, number and size of truck racks, and the rate of truck loading for each truck rack;
 - ii) please provide all Documents that analyze, reference, relate to or address the capacity of the terminals at Eldorado to handle throughput, including without limitation any such Documents that analyze, reference, relate to or address the nature and potential costs of adding facilities (if necessary) to supply trucks serving Pittsburgh area destinations with all or part of the volumes currently being transported west of Eldorado by the Laurel pipeline system;
 - iii) please discuss in detail the factor discussed of "variable truck arrival rates," and the alleged potential back-ups on "public highways," and provide all analyses, studies, projections or other Documents that support or relate to the alleged potential for such "long wait times," "long queues," and "back-ups";
 - iv) please explain in detail whether any of these enumerated problems have arisen at other terminals of Gulf, or used by Gulf to meet its wholesale/retail supply needs, or whether Mr. O'Malley has observed such problems based on his experience with PBF Energy, and if so, please describe the circumstances of such problems and their causes in detail;
 - b) regarding Mr. O'Malley's discussion of the environmental permitting at p. 7, lines 17 through 23, please
 - i) explain the basis and extent of Mr. O'Malley's familiarity with the referenced permits, including the requirements for issuing them;
 - ii) provide, list and explain in detail all instances known to Mr. O'Malley or reflected in the records of Gulf during the period 2012 through 2017 that a refined petroleum products terminal operator in Pennsylvania was denied an application for a permit to expand its terminal facilities, and thereafter failed to expand the terminal;
 - iii) explain the length of time, as understood by Mr. O'Malley, that typically elapses between the filing of the necessary application and a decision by the DEP, based on Gulf's experience as a terminal operator.
 - c) regarding Mr. O'Malley's testimony at p. 8, lines 4 through 20, regarding his conclusions as to the likelihood of investment in expanded terminal facilities,
 - i) has Gulf, through Mr. O'Malley or others, studied the feasibility and cost of building expanded terminal facilities in response to a reversal of Laurel, and if

- so, please provide all Documents analyzing, referencing, discussing or addressing such a study or studies;
- ii) if there is no such study, please explain in detail why Mr. O'Malley concludes that no such investment would be undertaken;
 - iii) please provide a complete explanation for Mr. O'Malley's conclusion that expansion would take years, and provide all specific examples of expansion efforts by Gulf or by other terminal operators in Pennsylvania that support his conclusion.
- d) has Mr. O'Malley considered the potential that if the pricing differential between the East Coast and Midwest were sufficiently high, trucks might be supplied by terminals on Laurel further to the east, such as Carlisle, Highspire, Harrisburg, or terminals served by Sunoco, under which circumstances additional facilities might not be required; and if not, please explain why.

Gulf Answer to Laurel Motion to Compel Request No. 8

In its August 14, 2017 responses, Gulf provided responses to all subparts of Request No. 8 except Request No. 8(c)(i), despite Gulf's August 3, 2017 objections. Further, Gulf has submitted updated responses to Request No. 8(a)(i) and 8(c)(i) clarifying that the information requested by Request No. 8(a)(i) was provided in response to subpart (8)(ii) and answering Request No. 8(c)(i) in the negative. Accordingly, Gulf understands Laurel's motion to compel Gulf's responses to all subparts in Request No. 8 to be moot.

Laurel to Gulf, Set II, Request No. 9

9. Regarding Mr. O'Malley's testimony at p. 9, line 3 through 19, as to the alleged inadequacy of Midwest supplies as a sole source for the Pittsburgh area, please answer the following questions:
- a) provide a list of all points in time, specifying dates, in the period 2012 through July 2017 in which either (i) the price arbitrage described by Mr. O'Malley was favorable to (i.e. cheaper in) East Coast supplies; and (ii) the price arbitrage described by Mr. O'Malley was favorable to (i.e., cheaper in) the Midwest; and
 - i) during each period of favorable arbitrage, quantify the margin that Gulf acquired due to its use of the advantaged supply of refined products to sell in the Pittsburgh market; and
 - ii) during each period of favorable arbitrage, quantify the value of the arbitrage passed through by Gulf to its wholesale or retail customers;
 - iii) provide all Documents during the period 2012 through July 2017 that analyze, relate to, reference or address arbitrage in the Pittsburgh area between East Coast and Midwest prices, and/or the margin derived by Gulf, directly or indirectly; and
 - iv) please explain whether it is the policy of Gulf to pass through to its wholesale and retail customers the potential savings made available due to the Midwest/East Coast arbitrage that he describes, or to retain as much of the arbitrage benefits as possible for the owners, and please provide all documents created by Gulf that discuss, relate to, reference or analyze this policy directly or indirectly.

Gulf Answer to Laurel Motion to Compel Request No. 9

In its August 14, 2017 responses, Gulf provided a study responsive to Request No. 9(a). Gulf continues to object to parts 9(i)-(iv) of this request per its August 3, 2017 objections. As fully set forth in Section II(A) above, information related to Gulf's margins or measures of profit is not relevant to the issues in this proceeding and is thus beyond the scope of discovery.

In its Motion to Compel, Laurel references Gulf's claims as disingenuous, contradictory, and without merit.¹⁸ As indicated by the very arguments relied upon in its Motion, it is Laurel's effort to force production of irrelevant data that must be denied as disingenuous. First, Laurel sets forth numerous arguments regarding the claims of Indicated Parties' witness Dr. Dan Arthur.

¹⁸ Laurel Motion to Compel, at 29.

Dr. Arthur and Mr. Johnston are not interchangeable witnesses. Request No. 9 concerns statements made in Mr. Johnston's testimony. Laurel cannot attempt to show relevance of discovery based on such statements by citing other statements in Dr. Arthur's testimony. If Laurel seeks to clarify the basis for statements offered by Dr. Arthur, discovery should be propounded upon Dr. Arthur.

As for the Mr. Johnston's testimony, Gulf's Statement No. 1 at no point discussed the impact of Laurel's proposed reversal upon Gulf's own finances and economics. The entirety of Gulf's Direct Testimony concerns the market impacts of Laurel's proposed reversal, which cannot be proven or disproven by the pricing decisions of a single entity such as Gulf. Even the references cited by Laurel in its own Motion describe market impacts, not individual margins.¹⁹ Accordingly, Laurel's requests should be denied for the reasons established by Gulf earlier in this Answer to Laurel's Motion to Compel.

¹⁹ See Laurel Motion to Compel, at 30.

Laurel to Gulf, Set II, Request No. 11

11. Regarding Mr. O'Malley's testimony at p. 11, line 14 through p. 12, line 15 regarding the alleged unavailability of exchanges to Pittsburgh from the Midwest, please answer the following questions:
- a) please provide the basis for Mr. O'Malley's statement that "to my knowledge, there have never been any product exchanges available for the Pittsburgh market," and that "product exchanges are not available to Pittsburgh today," and provide all Documents supporting this allegation;
 - b) with respect to the statement quoted in subpart a. immediately above, please explain how Mr. O'Malley would know whether "any product exchanges" have taken place, when refined petroleum product exchanges are not publicly disclosed and are considered highly confidential;
 - c) Please provide a copy of all exchange agreements that Gulf has entered into that have been in effect during the period 2012 through July 2017.

Gulf Answer to Laurel Motion to Compel Request No. 11

Gulf continues to object to Request No. 11(c) per its August 3, 2017 objections. Gulf has submitted an updated response to No. 11(c) confirming that it has not entered into any product exchanges in the Pittsburgh market that have been in effect during the period 2012 – 2017. Gulf objected to Request No. 11(c) on grounds that the terms of any specific exchange agreements between individual market participants are irrelevant to the question of whether exchange agreements are generally available to market participants. Gulf had further objected to Request No. 11(c) as unduly burdensome to the extent Laurel requests information related to exchange agreements with no relation to the Pittsburgh market. Laurel's Motion ignores the fact that Gulf only testified to the availability of product exchanges in the Pittsburgh market, while Request No. 11(c) seeks copies of any exchange agreements Gulf has entered into, whether related to Pittsburgh or not. As a result, the request is overbroad and responding would impose an unreasonable burden upon Gulf.

Laurel to Gulf, Set II, Request No. 12

12. Regarding Mr. O'Malley's testimony at p. 12, line 20 through p. 13, line 2 regarding the allegations that Buckeye's lines are "heavily allocated" from the Midwest and that "these lines are already under long-term contracts with shippers, so that even shipments from the Ohio refineries located closer to Pittsburgh would be limited by capacity allocations," please answer the following questions:
- a) please provide all facts and Documents upon which Mr. O'Malley bases his conclusion that Buckeye's pipelines from the Midwest to Pittsburgh are "heavily allocated";
 - b) please provide all facts and Documents upon which Mr. O'Malley bases his conclusion that these "lines are already under long-term contracts with shippers, so that even shipments from the Ohio refineries located closer to Pittsburgh would be limited by capacity allocations";
 - c) is it Mr. O'Malley's sworn testimony that Buckeye's lines from the Midwest to Pittsburgh are currently allocated?
 - d) is Mr. O'Malley aware of the prorationing status of the Marathon or Sunoco Pipeline systems from the Midwest to Pittsburgh?, and if so, please explain his understanding of their allocation status and the basis for his knowledge.
 - e) is Mr. O'Malley's contention regarding the flexibility of pipeline supplies from the Midwest to Pittsburgh made in light of his own experience in supplying Gulf's Pittsburgh area markets with refined products, and if so, please provide a detailed explanation of how that experience and how it supports his conclusions; and
 - f) please provide a list of all volumes that Gulf has either transported, or purchased after the transportation by other shippers, by product type, by month, for the period 2012 through July 2017, on the Buckeye Pipe Line Company, L.P., on the Sunoco Pipeline, or on Marathon Pipe Line.

Gulf Answer to Laurel Motion to Compel Request No. 12

In its August 14, 2017 responses, Gulf provided responses to all subparts of Request No. 12 except Request No. 12(f), despite Gulf's August 3, 2017 objections. Accordingly, Laurel's motion to compel Gulf's responses to all subparts in Request No. 12 except subpart 12(f) is now moot. Gulf had objected to Request No. 12(f) on the grounds of relevance and because the requested granular detail and data could impose an unreasonable burden.

In its Motion to Compel Gulf's responses to Request No. 12, Laurel seeks to compel a full response to Request No. 12(e). In its August 14, 2017 responses, Gulf did provide a full

response to Request No. 12(e). Accordingly, because Gulf provided a full response to Request No. 12(e), Laurel's Motion to Compel a response to Request No. 12 is now moot.

III. CONCLUSION

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

Respectfully submitted,

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