

August 28, 2017

VIA ELECTRONIC FILING

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

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 Sunoco, 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 Sunoco, LLC Set I in the above-referenced proceeding.

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

Respectfully submitted,



Andrew S. Levine

cc: The Honorable Eranda Vero
Certificate of Service

**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 : Docket No. A-2016-2575829
Service to Delivery Points West of Eldorado, :
Pennsylvania :
 : Docket No. G-2017-2587567
Laurel Pipe Line Company, L.P. Pipeline Capacity :
Agreement with Buckeye Pipe Line Company, L.P. :

**ANSWER OF SUNOCO LLC
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 Sunoco LLC (“Sunoco”) 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 (the “Discovery”) filed by Laurel Pipe Line Company, L.P. (“Laurel”) (“Motion” or “Motion to Compel”). As explained herein, Laurel’s Motion to Compel responses to the Discovery Requests 2(b), 3(b), 3(c)(i), 3(c)(iv), 4, 5(a), (b)(i)-(iii), and 7(a) should be denied.

BACKGROUND

On July 14, 2017, Sunoco served the Direct Testimony of David J. Kistler. On July 25, 2017, Laurel served the Discovery Requests on Sunoco. Sunoco objected to the Discovery (“Objections”) on August 9, 2017. A copy of Sunoco’s Objections is attached as Appendix B to Laurel’s Motion to Compel, and is incorporated herein by reference.

As outlined in Paragraph 5 of Laurel's Motion, Laurel and Sunoco attempted to resolve Sunoco's Objections but were unable to do so except as noted herein.

The present Motion to Compel, filed August 21, 2017, asks this Court to overrule Sunoco's Objections and compel Sunoco to respond to the Discovery, and in particular Requests 2(b), 3(b), 3(c)(i), 3(c)(iv), 4, 5(a), (b)(i)-(iii), and 7(a). It should be noted that Paragraphs 16 and 22 of Laurel's Motion to Compel reflect the discussion between Laurel and Sunoco, with the understanding that county-level or zip code level responses are sufficient. Nevertheless, there remain outstanding disputes with respect to this discovery, and for the reasons set forth below, Laurel's Motion to Compel should be denied.

ANSWER TO THE MOTION TO COMPEL

I. BACKGROUND

1-6. Sunoco does dispute these counterparagraphs.

II. ANSWER TO THE MOTION TO COMPEL

A. SUNOCO'S OBJECTIONS SHOULD NOT BE WAIVED. THERE IS NO DELAY, PREJUDICE OR ADDITIONAL COST IMPOSED UPON ANY PARTY BY THE COMMISSION'S CONSIDERATION OF SUNOCO'S OBJECTIONS, AND INDEED REQUIRING THEIR RESPONSE WITHOUT ANY FORM OF MITIGATION BY THE COMMISSION WILL INJECT GREAT DELAY INTO THESE PROCEEDINGS GIVEN THE IMMENSE SCOPE OF THE INQUIRIES TO WHICH SUNOCO OBJECTED

7. While Sunoco does not dispute the time frames outlined by Laurel, the counterparagraph contains conclusions of law to which no response is necessary.

By way of further response, Sunoco would note that there is no prejudice to any party in this matter, no inconvenience to any schedule for depositions or further discovery, and no novel issues have been raised that have not otherwise been asserted by other parties with respect to Sunoco's Objections. In particular, the objections Sunoco has raised are identical in nature and

substance to those raised by Giant Eagle, Scheetz and Gulf with respect to the overbroad scope of the discovery request for the period dating back to 2012, as well as the need to review and analyze granular data for customer transactions at the pump level, and attempt to correlate these to market index pricing for the wholesale gasoline commodity. As explained below, this is an unreasonable burden with respect to the length of time of the request, and because it is not information that can be accurately compiled. Pricing at the pump cannot be accurately tracked back to specific wholesale transactions, and thus even if the Commission were to agree with Laurel's position, no party could produce the data to the full degree requested by Laurel. Thus, Sunoco's objections should be considered in concert with those of Giant Eagle, Scheetz and Gulf in order that the Commission issues consistent guidelines and rulings with respect to similar forms of information, and to minimize the delay that would occur in even attempting to re-create the immense database requested by Laurel in some of its interrogatories.

In particular, the purchase of wholesale gasoline involves quantities greatly in excess of what individual retail operations need at the pump level. This gasoline is stored in tanks for offsite shipment largely by tanker trucks to individual stations, and is likely stored with gasoline from other trades (i.e., each traded quantity is not stored separately). Those stations in turn have tanks that store tens of thousands of gallons on site, and when new gasoline is deposited into them, it intermingles with prior shipments. There is simply no reasonable methodology to precisely track each customer level transaction with a specific trade made at a remote wholesale level.

The interrogatories at issue for Sunoco are identical in scope and substance to those already being considered by the Commission, and therefore do not constitute any additional burden upon the Commission or any other party. In particular, the scope of the interrogatory 2(a)

to which Gulf (attached as Exhibit A) objects is same issue to which Sunoco objects in interrogatory 3(b) and (c)(iv): it is an unreasonable burden for entities such as Sunoco (and other retailers such as Gulf) to drill down to each individual customer transaction over a multi-year period. The scope and dimension of the request is vast, and even if the Commission were to impose a requirement upon Sunoco to respond, it would assert that it is not reasonably feasible to match individual consumer transactions at the local level with bulk purchases at the wholesale level.

Moreover, Giant Eagle has asserted an objection to Laurel's interrogatory 7 (a copy of which interrogatory is attached as Exhibit B), which is equivalent in scope and substance to Laurel's interrogatory 5(b) to Sunoco: the need to provide enormous repositories of financial information and projects relating to 5 year's of transactions at the most granular level, including individual customer sales. Laurel's Interrogatory 4(c) to Sunoco is equivalent to Laurel's Interrogatory 3(d)-(e) to Scheetz (attached as Exhibit C). Thus, the issues raised by Sunoco pertain to the retail operators that have intervened in this matter across the board.

Lastly, on a more realistic basis, the scope of the inquiry imposed by Laurel, should the Commission choose to accept it, would inject both the potential for infeasibility in attempting to correlate specific consumer transactions with trades at a remote wholesale level, and immense delay as Sunoco attempted to reconstruct such transactions. In the final analysis, Sunoco will not be in a position to assert that the correlation is reasonably reliable for any purpose associated with this matter.

Sunoco deeply regrets that the Commission must consider the issue of waiver, but would again assert that in the context of this litigation there has been no prejudice to any party, the burden imposed by the objected to interrogatories genuinely imposes an unreasonable burden,

and any attempt to correlate trades made on a wholesale level to pump-level consumer transactions is inherently unreliable and inaccurate. Therefore, Sunoco requests that the Commission consider Sunoco's objects in tandem with the Objections filed by Sheetz, Gulf and Giant Eagle so that the burden imposed on similarly positioned companies is symmetrical, and to avoid both the unnecessary burden and consumption of time that would accompany the attempt to recreate such a vast amount of data.

B. SUNOCO'S RESPONSE FOR INTERROGATORY 2(B)

8. Laurel accurately sets forth the content of its interrogatory.

9-11. Based upon discussions with Laurel, Sunoco is prepared to respond to this interrogatory, and the objection is moot based upon the agreement between the parties as reflected in Laurel's Motion to Compel.

12. Sunoco will respond fully to request 2(b) as agreed between the parties, and as reflected in Paragraph 11 of Laurel's Motion to Compel.

C. LAUREL'S MOTION TO COMPEL RESPONSE TO SET I NUMBER 3(b) and (c)(iv) SHOULD BE DENIED

13. Laurel has accurately set forth Interrogatory Number 3.

14-16. Sunoco objected to Numbers 3(b)(i)-(vi), and (c)(iv), because they are not relevant to the issues to be addressed in this proceeding and not likely to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline west of Eldorado would serve the public interest. As set forth in Laurel's Application, the evidentiary issues relevant to Laurel's proposal include assessments of the impact of Laurel's proposal in markets across Pennsylvania. A request seeking monthly data relating to every counterparty to every transaction per month and

every gallon of gasoline sold at every Sunoco in Western Pennsylvania over a 5-year period is outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Sunoco further objected to this request on the grounds that it would impose an unreasonable burden on Sunoco and require an unreasonable investigation.

As set forth in Sunoco's Objections, the monthly amounts of all petroleum products sold at Western Pennsylvania Sunoco stations broken down by specific type (as requested in (ii)) 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. Sunoco is one participant in the market for petroleum in Western Pennsylvania. The issue in this proceeding is the effect of the proposed reversal on the entire market, not how much gasoline is sold in a particular month at various Sunoco stations. The volume of fuel sold by Sunoco stations can be provided for in market-wide data, but the 2012 commencement data vastly precedes the date of Laurel's application, and as such the 2012-2104 time period is irrelevant to these proceedings. Laurel, of course, already knows how much petroleum it delivers into the market via its pipeline and from which direction that fuel comes. Laurel can also testify as to how much fuel will continue to enter the market via the pipeline after the reversal and the origins of that fuel. Whether a certain volume of gasoline is sold at a Sunoco station in any particular month over the past five years is not relevant to the issues in this proceeding.

With respect to Number 3(b)(iii)-(vi), Sunoco can provide market-wide data relating to the overall volumes and types of product delivered into the Pittsburgh region, but the issue of price purchased and sold is wholly irrelevant to the proceedings. Mr. Kistler's testimony never touched on individual transactions, but rather observed on a market-wide basis that well-regarded market indices demonstrate market-wide price variations in the price of gasoline

between the Eastern and Midwestern regions. This bears no relationship to individual transactions. Moreover, the timeframe requested vastly precedes the date of Laurel's application, and is excessive and burdensome, and would be unlikely to yield testimony of value compared to the unreasonable burden imposed.

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 Sunoco to piece together a five-plus year history of gasoline sales—if it was even possible—would substantially outweigh any need by Laurel to have monthly gallon-by-gallon data to make its case to the Commission.

In any event, the source of each particular gallon of gasoline purchased by Sunoco is not relevant to the issues in this proceeding, which concerns whether the proposed reversal is in the public interest. Laurel has argued that the information is necessary to evaluate certain statements in Mr. Kistler's testimony; however, the requests are not tailored to the statements actually made. Mr. Kistler testified that there are documented pricing disadvantages at certain times with respect to Midwestern gasoline, but clearly he was referring to the well-regarded Argus pricing index, which is a market-wide aggregate index, not a teaching mechanism of each purchase or sale of gasoline by Sunoco at every station for a 5-year period. This granular level of data is unnecessary to evaluate the pricing fluctuations in the industry's standard Argus indices.

The Motion to Compel a response to Request Number 3(b) should be denied.

Moreover, (c)(iv) requests sales to all customers or terminals west of Eldorado, a vast territory, and with the potential to include tens of thousands (if not more) potential customers. This investigation would be excessively burdensome, requiring the granular review of individual

transaction at individual facilities throughout multiple states for half a decade. Again, Mr. Kistler's testimony pertained to the market-wide impacts associated with the reduction in the number of sources of fuel products. This has no bearing on all details of each individual transaction conducted by Sunoco over this time period and geographical region. Laurel maintains it is essential to gather this vast database in order to assess Mr. Kistler's general comments about the overall regional market. Mr. Kistler made his observations based upon market-based data from a widely used industry index, and did not relate his testimony to transactions at Sunoco stations through multiple states. Interrogatory 3(c)(iv) should be stricken as imposing an excessive burden upon Sunoco. 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 Sunoco to piece together a five-plus year history of gasoline sales—if it was even possible—would substantially outweigh any need by Laurel to have Sunoco's customer level transactional data to make its case to the Commission.

Moreover, it must be stated that there is a significant likelihood that this data cannot be reasonably recreated within any reasonable time frame, given this proceeding. The need to examine customer level transactions for all facilities west of Eldorado would entail an immense effort. Sunoco does not regularly maintain individual pump-level customer sales information in centralized databases, and thus a rigorous store-by-store examination would be needed. The vast array of data this could amass would hardly relate to Laurel's stated need for the information to evaluate Mr. Kistler's general market-related opinions regarding the price of wholesale fuel. However, with the understanding embodied in Paragraph 16 of Laurel's Motion to Compel, Sunoco will provide such data on a county-wide basis.

17. Sunoco withdraws the corresponding Objection as moot as Laurel has agreed to accept county level data, subject to the understanding that price of any given sale referenced in (b)(vi) cannot be calculated at a county level.

18. With the understanding that Sunoco will respond to the inquiries at 3(b) and 3(c)(iv) at the county level only, Sunoco would concur that the corresponding Objection is moot. However, Sunoco maintains its Objection to 3(b)(iv) as it cannot be reasonably calculated at the county level.

D. LAUREL'S MOTION TO COMPEL RESPONSE TO SET II, NUMBER 4(a)(ii)-(iii) SHOULD BE DENIED

19. Laurel has accurately set forth the text of Interrogatory Number 4.

20-23. Sunoco objects generally to the timeframe posited by Laurel with respect to Interrogatory 4. Mr. Kistler's testimony analyzed data provided by an industry index for a limited window of time, two years. He did not opine with respect to any prior time period, and the requested five-year period vastly precedes the date on which Laurel filed the application at issue. There is no rational basis for seeking information beyond the timeframe analyzed by Mr. Kistler from Sunoco. Sunoco will be providing regional information regarding its approximated market share, which in turn will serve to provide the requested evidence that Sunoco sells considerable quantities of gasoline within the Pittsburgh region. Moreover, it will be providing regional information regarding purchases from terminals, but believes requiring this disclosure for a five-year period will require the excessive expenditure of resources to compile a vast amount of data, thereby constituting an excessive burden. Again, the timeframe should not exceed the parameters of Mr. Kistler's testimony or the filing date for Laurel's application.

Laurel has accurately recounted the agreement between the parties with respect to the need for Sunoco to produce responses at the county level. However, Sunoco still maintains its

objections with respect to the 2012-2014 timeframe. This period exceeds the 2015-2017 period examined by Mr. Kistler in his testimony, and constitutes an unreasonable burden under §5.361(a). Given the broad geographic region at issue, a five-year analysis is exceptionally burdensome in light of Laurel's articulated need to "... evaluate whether products lifted from Pennsylvania terminals by Sunoco are being delivered to Pennsylvania retail stations, or retail stations outside the state..." There is no need for a 5 year compendium to provide this information. Mr. Kistler's testimony spanned 2015-2017, and thus an examination as to whether Sunoco delivered product at the county level within that time frame will provide Laurel with sufficient information with which it may confirm Mr. Kistler's positions or refute them. The three additional years imposes a great burden upon Sunoco, and is unnecessary given Laurel's explanation of need.

24. For the reasons stated above, a portion of Sunoco's Objections are rendered moot by Laurel's agreement to require only county-level responses, but Sunoco's objections relating the need for such data from 2012-2015 remain, and Sunoco requests that the Commission deny Laurel's Motion to Compel in that regard.

E. THE INFORMATION REQUESTED IN INTERROGATORY 5 WOULD REQUIRE THE ENORMOUS EXPENDITURE OF RESOURCES, CONSTITUTING AN EXCESSIVE BURDEN, AND IN SIGNIFICANT PART THE INFORMATION REQUESTED CANNOT BE COMPILED WITH ANY REASONABLE DEGREE OF ACCURACY

25. Laurel has accurately set forth the text of Interrogatory Number 5.

26-30. The scope of the demands in Interrogatory 5 are grossly excessive, requiring detailed nearly pump-by-pump accountings of each gasoline transaction over a 5 year period. The professed purpose of these inquiries is to probe the potential that Sunoco retains all of a

margin that could be recognized when it purchases wholesale gasoline at a lower price. Sunoco avers this effort would require facility-by-facility review of individual hand-written bills of lading and other document to create a mechanism for determining the specific margin of each specific gasoline sale. Laurel's interrogatory is crafted on a gargantuan scale, and given the overall general nature of Mr. Kistler's testimony regarding market pricing and general observations about impacts to overall consumer pricing, the inquiry is vastly out of proportion. Sunoco is prepared to make general statements about overall pricing policies, but requiring the level of internal inquiry requested by Laurel is grossly excessive and unduly burdensome. Consequently, Laurel's requests impose an excessive burden on Sunoco to attempt to generate store-by-store information on a large regional basis, and then attempting to correlate it to overall market indices, a task that is not feasible given the nature of Sunoco's operations, which constitutes an excessive burden and an unreasonable investigation under §5.361(a).

As a general proposition, Sunoco purchases gasoline of various varieties periodically, and the products are stored in large tanks. The gasoline from these tanks is off-loaded to tanker trucks, which in turn deliver product to retail operations. The gasoline is then typically pumped into tanks at the retail facility where it may mix with the prior contents of the tank. Thus, attempting to correlate the specific gallons pumped at a gas station to a specific transaction executed by Mr. Kistler's team cannot be performed with any reasonable degree of accuracy or reliability. Moreover, given the sheer magnitude of transactions to which this interrogatory could apply would take a considerable amount of time to catalog and analyze, and in light of the dubious correlation between the gallons pumped at the gas station, and the wholesale price of gasoline on an industry index, there is precious little value to the substantial delay accompanying any such request. Moreover, the price a consumer pays at any given pump could be impacted by

his or her use of a credit card, bonus points (e.g., Plenti points), coupons, or national account discounts, which vastly complicates the review of each such transaction.

With respect to 5(a), Sunoco agrees that it can produce the Argus data, but believes the time frame is excessive in light of the date of Laurel's filing, and the limited time frame analyzed by Mr. Kistler, which was only 2015-2017. Moreover, Sunoco's ability to make this response will be dependent upon the availability of Argus data during any given timeframe beyond that contained with Mr. Kistler's testimony. It bears mention that this data is fully available to Laurel at this moment without the need for Sunoco to provide such data – it is an industry index to which Laurel likely makes frequent reference.

However, Interrogatory 5(b) is grossly excessive in its scope, and under §5.361(a) imposes an excessive burden and the need for an unreasonable investigation. In 5(a) at least the limitation is with respect to the overall potential differentials between the Chicago and New York pricing points, which was the basis of Mr. Kistler's testimony, even if Sunoco disputes the time frame required by Laurel for a response to its interrogatory. Laurel seems to believe it to satisfy its interrogatory Sunoco needs merely restating the Argus data, but the scope of the inquiry delves to the customer level. As aforementioned both the granular nature of the data requested and the excessive time frame individually constitute an excessive burden and unreasonable investigation. In particular (b)(i)-(iii) demand the analysis of countless individual trades and transactions, and then requires Sunoco to adopt a methodology to review each transaction and attempt to recreate each and every financial condition surrounding it. This is an impossible burden given the number of individual sales of gasoline at each pump throughout the entire Pittsburgh region for half a decade, and the scope of the investigation is immense.

The purpose stated by Laurel for the need for such granular information is to assess whether Sunoco loses arbitrage opportunities as a result of Laurel's proposed reversal. While Laurel may wish to probe whether in fact consumers benefit from favorable trades made by Sunoco, preparing a compendium of thousands upon thousands of individual customer transactions is hardly necessary to refute Sunoco's proposition. Sunoco is prepared to make general statements regarding its pricing policies and its relationship to consumers, but cannot hope to compile the level of detail requested by Laurel. Again, it is at best dubious to think that any party can specifically correlate the price of gasoline in an individual pump transaction with the financial parameters of a remote wholesale gasoline transaction executed by Sunoco traders. It is unreasonable to require Sunoco to investigate and prepare such a vast repository of information for such a speculative purpose.

With respect to 5(b)(iii), however, the Argus data will be provided, assuming it is available from Argus, and in accordance with the any restriction of the time frame proposed by Laurel, which as aforementioned is excessive.

With respect to Interrogatory 5(b)(iv), Sunoco is prepared to respond generally with respect to overall pricing policies. However, the scope of the demand for each and every financial document produced or utilized by Sunoco for any purpose relating to product pricing imposes a burden that is grossly excessive and would require an unreasonable investigation under §5.3619(a). This would require documentation from the retail level all the way through corporate and accounting firms preparing the company's financial statements. Moreover, Sunoco does not believe it could timely comply with this level of detail within a time frame contemplated in this matter.

31. Sunoco requests that the Commission deny Laurel's Motion to Compel Interrogatory No. 5.

F. INTERROGATORY 7(a) IMPOSES AN EXCESSIVE BURDEN ON SUNOCO BY REQUIRING THE INVESTIGATION OF POTENTIALLY HUNDREDS OF THOUSANDS OF INDIVIDUAL GASOLINE SALES AT EACH OF ITS FACILITIES IN THE PITTSBURGH REGION AND CONSTITUTES AN EXCESSIVE BURDEN AND UNREASONABLE INVESTIGATION

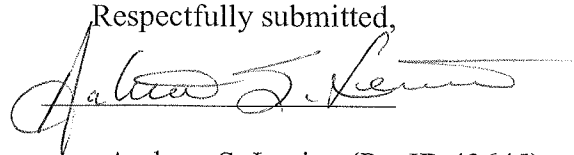
32. Laurel has accurately set forth the text of Interrogatory Number 7.

33-35. With respect to Interrogatory 7(a), once again the scope of the inquiry is grossly disproportionate to the scope of the testimony at issue, constituting an unreasonable burden and investigation under §5.361(a). Mr. Kistler's testimony was with respect to general consumers within the large Pittsburgh regional market. Laurel seeks an analysis of five-year's worth of regional pump-b-pump, customer-by-customer data for each sale of gasoline, with the added dimension of trying to match up customer sales at the pump with specifically executed wholesale gasoline trades. Sunoco does not believe any such correlation could be made with any reliable degree of reliance because of the potential for lag time, and further because there is no accurate mechanism to tie each gallon to each wholesale trade. The magnitude of these analyses, even if possible, would take months to complete, well beyond the timeframe contemplated in this matter. The burden imposed is grossly excessive given the very general nature of Mr. Kistler's testimony. Sunoco incorporates by reference its argument in Paragraphs 26-30 with respect to the technical infeasibility of responding to an interrogatory that requires the analysis of each transaction at the customer level.

III. CONCLUSION

WHEREFORE, Sunoco LLC respectfully requests that Your Honor deny Laurel's Motion to Compel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew S. Levine", written over a horizontal line.

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August 28, 2017

EXHIBIT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED
BY LAUREL PIPE LINE COMPANY, L.P.
ON GULF OPERATING, LLC – SET II**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Laurel Pipe Line Company, L.P. (“Laurel”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Gulf Operating, LLC (“Gulf”) – Set II.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS AND REQUESTS FOR ADMISSION
ON GULF – SET II**

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.

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.
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) please explain in detail 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;

EXHIBIT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Laurel Pipe Line Company, L.P. (“Laurel”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Giant Eagle, Inc. (“Giant Eagle”) – Set II.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

- b) if the answer to subpart a. above is anything but an unqualified affirmative, please provide a detailed explanation of Mr. Tomnay's grounds, qualifications to opine, and analyses or other evidence supporting his individual conclusions; and
 - c) in support of any individual conclusions described in response to subpart b above, please provide all documents supporting Mr. Tomnay's individual conclusions, as well as his qualifications to make such conclusions.
7. Please provide all documents of Giant Eagle during the period 2012 through July 2017:
- a) analyzing, referencing, discussing or addressing the effects on price or supply of refined petroleum products of a potential reversal of the Laurel system, in whole or in part;
 - b) all documents of Giant Eagle projecting or discussing future wholesale or retail prices for its Western Pennsylvania operations;
 - c) all documents analyzing, referencing, discussing or addressing alternatives that Giant Eagle may have in supplying its Western Pennsylvania retail outlets with refined petroleum products; and
 - d) all documents analyzing, referencing, discussing or addressing the effects of the reversal on competition in Western Pennsylvania.

EXHIBIT C

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

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

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Laurel Pipe Line Company, L.P. (“Laurel”, or the “Company”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Sheetz, Inc. (“Sheetz”) – Set II.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.

conventional, summer conventional 9 lb. or 7.8 lb., or RBOB), 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.

- (c) In the Eastern Pennsylvania market, including the Philadelphia area, and for each marketer or refined products market participant for the period 2013 through July 2017 please provide by month the volume of gasoline (specified by winter conventional, summer conventional 9 lb. or 7.8 lb., or RBOB), 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.
- (d) For each customer identified in response to subparts a. through c. 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 Sheetz 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.
- (e) For each marketer and/or products market participant to whom Sheetz sold any refined products at wholesale that were supplied from sources within Pennsylvania but were making retail sales outside Pennsylvania, please provide for each such marketer or refined products market participant, for the period 2013 through July 2017, by month the volume of gasoline (specified by winter conventional, summer conventional 9 lb. or 7.8 lb., or RBOB), 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.

LAU-SI-I-4

Regarding Mr. Lorenz's testimony at p. 3, lines 4 through 18, regarding the alleged role of Laurel in the Pittsburgh market and potential impact of its reversal, please answer the following questions:

- (a) Please produce copies of any of any Documents created by or for Sheetz during the period 2012 through July 2017 that reference or include any discussion, directly or indirectly, of the following topics:
 - (i) Laurel;
 - (ii) the potential reversal of Laurel, whether regarding the reversal proposal being considered in this proceeding or any other potential reversal;

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of foregoing document upon the parties and in the manner listed below with respect to the Direct Testimony of David J. Kistler:

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Dated: August 28, 2017