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October 23, 2017

VIA ELECTRONIC FILING

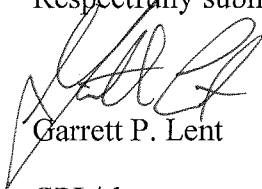
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Application of Laurel Pipe Line Company, L.P. for All Necessary Authority,
Approvals, and Certificates of Public Convenience To Change the Direction of
Petroleum Products Transportation Service to Delivery Points West of Eldorado,
Pennsylvania
Docket Nos. A-2016-2575829 and G-2017-2587567**

Dear Secretary Chiavetta:

Enclosed please find the Answer of Laurel Pipe Line Company, L.P. to Monroe Energy, LLC's Motion for Extension of Time to Comply with Order Compelling Responses to Laurel Set III Discovery in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Garrett P. Lent

GPL/skr
Enclosure

cc: Honorable Eranda Vero
Certificate of Service

CERTIFICATE OF SERVICE

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

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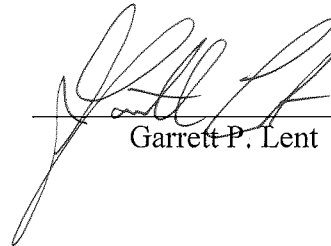
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Date: October 23, 2017



Garrett P. Lent

**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.	:	

**ANSWER OF LAUREL PIPE LINE COMPANY, L.P.
TO MONROE ENERGY, LLC'S MOTION FOR EXTENSION OF TIME
TO COMPLY WITH ORDER COMPELLING RESPONSES
TO LAUREL SET III DISCOVERY**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Laurel Pipe Line Company, L.P. ("Laurel" or the "Company") hereby files this Answer, pursuant to 52 Pa. Code §§ 1.15 and 5.103(c) to the Motion for Extension of Time filed by Monroe Energy, LLC ("Monroe") on October 18, 2017 ("Motion"). In the Motion, Monroe requests an extension of time to comply with Your Honor's Order dated October 10, 2017, which compelled Monroe to produce all documents created since 2012 in the possession of its agent, related to the sale of Monroe's refined petroleum products. Monroe argues that good cause for the requested extension exists because a staffing error is to blame for its failure to timely prepare and produce documents in compliance with Your Honor's Order and goes so far as to say that Laurel will not be prejudiced by Monroe's actions. As explained below, Monroe's request for an extension should be denied or, alternatively, Laurel should be granted additional time to file

Supplemental Written Rejoinder Testimony addressing the information provided in Monroe's late served discovery, if Laurel deems it necessary.

The Order required Monroe to provide responses to the Set III Discovery by Thursday, October 19, 2017. Monroe states that good cause for an extension of time to comply with the Order exists because "due to a staffing mistake" counsel for Monroe was not provided the Order, or aware it had been issued, until October 18, 2017. Motion at 1. As such, a copy was not provided to Monroe by its counsel until October 18, 2017. Monroe also states that it was not otherwise aware of the Order because it "was marked confidential" and "it was not e-served." Motion at 2.

Monroe's argument that a staffing mistake constitutes good cause is insufficient and should be denied. In describing good cause, the Commission has previously noted that the mistake or negligence of a party is not sufficient good cause. *Portia Hardy v. PECO Energy Company*, 2016 Pa. PUC LEXIS 205, at *14-15 (Initial Decision issued May 2, 2016) (citing *Eat 'N Park Hospitality Group Inc. v. Unemployment Comp. Bd. of Rev.*, 9170 A.2d 492, 494 (Pa. Cmwlth. 2008) ("a party's own negligence is not sufficient good cause as a matter of law for failing to appear at a hearing.")), *aff'd* by Final Order, Docket No. C-2015-2491241 (Order entered July 14, 2016). Therefore, the admitted staffing mistake does not constitute good cause supporting an extension of the deadline imposed by the Order.

Furthermore, Monroe's arguments that Laurel has not been, and will not be, prejudiced by the untimely production of information are belied by its own statements in the Motion. First, Monroe concedes, as it must, that Your Honor's Order required Monroe to respond to the Set III Discovery by October 19, 2017—*i.e.* in advance of the October 20, 2017, deadline for Laurel to serve its Written Rejoinder testimony. Monroe's failure to timely provide responses and produce

documents in response to the Set III Discovery has deprived Laurel of the opportunity to submit written testimony addressing any produced information. Monroe's attempt to minimize this deprivation by stating that "Laurel would have less than 24 hours to try to incorporate any responses received into its testimony," is insufficient. Regardless of the duration of time Laurel would have had to incorporate any responses into its rejoinder testimony, Monroe's failure to timely comply with Your Honor's Order has deprived Laurel of that opportunity. Moreover, Laurel would have had substantially more time to review and address the information if Monroe had not objected to the Set III Discovery requests that were subject to the Order.

Second, Monroe's argument that Laurel will have the opportunity, subject to the Commission's and Your Honor's evidentiary rules, to use any documents produced pursuant to the Order at hearing also fails. Monroe argues for an outcome that provides Laurel seven days less time to review the information in advance of the hearing. Having deprived Laurel the opportunity to address the information in its rejoinder testimony, Monroe now also argues for an outcome that further limits Laurel's opportunity to review the information in advance of the hearing. This argument, that further delay in production will not cause additional harm, is incorrect. Therefore, Monroe's arguments that Laurel has not been, and will not be, prejudiced by its failure to timely produce information in compliance with Your Honor's Order should be disregarded and Monroe's Motion should be denied.

Additionally, Laurel notes that Monroe began to provide documents responding to the Set III Discovery on Thursday, October 19, 2017, at 4:53 P.M. In the email serving a HIGHLY CONFIDENTIAL response listing the documents being provided, Monroe stated that "most if not all responsive materials have now been produced, but that searches will continue for additional responsive materials." Thereafter, Monroe provided a first set of supplemental

information on October 19, 2017, at 5:29 P.M., a second set of supplemental information on October 20, 2017, at 9:40 A.M., and a third set of supplemental information on October 23, 2017, at 12:15 P.M. Based on Monroe's representations in its emails and its ongoing production of documents, Laurel is not certain whether Monroe has produced all information that is responsive to the Set III Discovery subject to Your Honor's Order.

For the reasons more fully explained above, Monroe has failed to demonstrate that good cause exists to grant its Motion for Extension and that Laurel has not been, and will not be, prejudiced by the untimely production of information in compliance with Your Honor's order. Monroe should not be permitted to avoid the deadline imposed by Your Honor's Order, wholly at the expense of Laurel's opportunity to have its witnesses address the information that Your Honor's Order entitles it to. However, to the extent that Laurel is afforded the opportunity to file Supplemental Written Rejoinder Testimony to respond to any information provided in compliance with the Order by Wednesday, November 1, 2017, Laurel does not oppose Monroe's Motion.

III. CONCLUSION

WHEREFORE, Laurel Pipe Line Company, L.P. respectfully requests that Administrative Law Judge Eranda Vero deny the Monroe Energy, LLC's Motion for Extension. Alternatively, Laurel Pipe Line Company, L.P. respectfully requests that it be granted the opportunity to supplement its Written Rejoinder testimony by November 1, 2017, to address information produced by Monroe Energy, LLC in compliance with the Order dated October 10, 2017.

Respectfully submitted,



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Date: October 23, 2017

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