|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIAPENNSYLVANIA PUBLIC UTILITY COMMISSIONP.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE**A-2016-2575829 G-2017-2587567 |

January 5, 2018

Re: Application of Laurel Pipe Line Company, L.P. for Approval to Change 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

 Petition for Interlocutory Review and Answer to Material Question

TO ALL PARTIES:

By this Secretarial Letter, we are notifying you of the status of the Petition for Interlocutory Review and Answer to Material Question (Petition), filed on April 20, 2017, by Gulf Operating, LLC, Philadelphia Energy Solutions Refining & Marketing, LLC, Sheetz, Inc., Monroe Energy, Inc., and Giant Eagle, Inc. (Joint Petitioners), and providing the Joint Petitioners with the opportunity to respond regarding whether the Petition for Interlocutory Review has been rendered moot.

In their Petition, the Joint Petitioners sought a determination that data and information about Laurel Pipe Line Company, L.P.’s (Laurel’s) potential plans to reverse the flow of the pipeline easterly beyond Eldorado, Pennsylvania was relevant to a ruling on the above Application. On May 1, 2017, the Joint Petitioners filed a Brief in Support of the Petition, and Laurel filed a Brief in Opposition to the Petition.

On June 6, 2017, Laurel filed a letter (June 6 Letter), indicating that it would allow the Joint Petitioners to submit evidence into the record regarding the flow reversal issue and would not move to strike testimony on that issue. Laurel also indicated that its proposal in the June 6 Letter mooted the Petition, so it was no longer necessary for the Commission to address the Petition.

In response, the Joint Petitioners filed a letter on June 8, 2017 (June 8 Letter), informing the Commission of two conditions under which the Joint Petitioners could agree that the Commission not issue a substantive decision on the Petition. The Joint Petitioners explained that the first condition was an extension or modification of the

existing litigation schedule, consistent with that requested in the Joint Petitioners’ Motion for Modification and Extension of Procedural Schedule, filed on June 1, 2017 (Motion for Modification). The second condition was a written agreement by all Parties, subject to acceptance by the Administrative Law Judge (ALJ) in an appropriate order, that no Party would move to strike any testimony regarding plans or discussions about flow reversals on Laurel’s pipeline east of Eldorado, Pennsylvania. The Joint Petitioners stated that if these conditions were implemented, they would submit further correspondence requesting that the Commission not rule on the Petition.

As we had not received any further correspondence from the Parties, by Secretarial Letter issued October 26, 2017 (*October 2017 Secretarial Letter*), we requested that the Parties file correspondence addressing the status of this matter. On November 2, 2017, Laurel filed correspondence (November 2 Letter) in response to the *October 2017 Secretarial Letter*. In the November 2 Letter, Laurel states that on June 14, 2017, the ALJ conducted a prehearing conference during which the Parties discussed the issues raised in the Motion for Modification, and the ALJ extended the litigation schedule by one month by Order dated June 20, 2017. Accordingly, Laurel believes the first condition has been satisfied. Regarding the second condition, Laurel states that it initiated correspondence with the Parties by email on October 31, 2017. Based on subsequent email correspondence with the Parties, Laurel represents that “all Parties have agreed not to move to strike testimony regarding ‘any plans or discussions about flow reversals on Laurel’s pipeline east of Eldorado, Pennsylvania,’ and have reserved their rights to argue the relevance of this information in testimony, briefs and exceptions and/or reply exceptions.” November 2 Letter at 2. Therefore, Laurel represents that the two conditions in the Joint Petitioners’ June 8 Letter have been satisfied, rendering the Petition moot. None of the other Parties filed correspondence in response to the *October 2017 Secretarial Letter*, nor did any of the other Parties file correspondence in response to Laurel’s November 2 Letter.

Evidentiary hearings were held on November 6, 7, 8, 9, and 13. The Parties filed Main Briefs on December 4, 2017. In its Main Brief, Laurel represented that all Parties considered the Petition to be moot. Laurel’s M.B. at 5 n.1.

Based on Laurel’s representations and the fact that this case is in the later stages procedurally, we will not take any action on the Petition at this time. However, the Joint Petitioners have not responded to the *October 2017* *Secretarial Letter* or indicated that they wish to withdraw the Petition. Therefore, before we determine not to take any substantive action on the Petition, we must ensure that the Joint Petitioners and the other Parties do not object to Laurel’s representations on behalf of the Parties that the Petition be considered moot. Accordingly, we shall provide the Parties with ten (10) days from

the issuance date of this Secretarial Letter to file a response to Laurel’s representations in the November 2 Letter. If we do not receive any responses within such ten-day period,

we (1) will accept Laurel’s representations on this matter as uncontested; and (2) will consider the Petition moot and no longer requiring further Commission action.

Should you have any questions, you may contact the Office of Special Assistants, Cheryl Walker Davis, Director. Please direct your inquiry to Jaime McClintock, Esq., at (717) 346-2615 or jmcclintoc@pa.gov.

Very truly yours,

 Rosemary Chiavetta

Secretary

cc: Administrative Law Judge Eranda Vero