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February 16, 2018

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

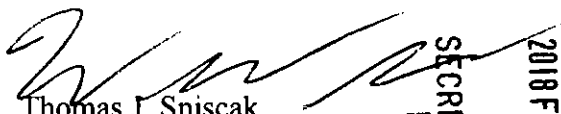
Re: West Goshen Township and Concerned Citizens of West Goshen Township v. Sunoco Pipeline L.P.; Docket No. C-2017-2589346; **SUNOCO PIPELINE L.P.'s MOTION TO COMPEL RESPONSES AND DISMISS OBJECTIONS OF WEST GOSHEN TOWNSHIP TO SUNOCO PIPELINE LP's SECOND SET OF DISCOVERY REQUESTS**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission in the above-referenced matter is an original and one copy of Sunoco Pipeline L.P.'s Motion to Compel Responses and Dismiss Objections of West Goshen Township to Sunoco Pipeline LP's Second Set of Discovery Requests. Please return the time-stamped copy with our messenger. Copies of the Motion have been served in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

  
Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder  
*Counsel for Sunoco Pipeline,*

TJS/WES/ldp  
Enclosure

cc: Honorable Elizabeth H. Barnes (via email and first-class mail)  
Per Certificate of Service

2018 FEB 16 PM 2:43  
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FRONT DESK

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Goshen Township,

Complainant,

v.

Sunoco Pipeline, L.P.,

Respondent.

Docket No. C-2017-2589346

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**NOTICE TO PLEAD**

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Pursuant to 52 Pa. Code §§ 5.342 and 5.349, you are hereby notified that, if you do not file a written response to the enclosed SUNOCO PIPELINE, L.P.'S MOTION TO COMPEL RESPONSES AND DISMISS OBJECTIONS OF WEST GOSHEN TOWNSHIP TO SUNOCO PIPELINE L.P.'S SECOND SET OF DISCOVERY REQUESTS within five (5) days from service of this notice, a decision may be rendered against you. Any Response to the Motion to Compel and Dismiss Objections must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Sunoco Pipeline, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

File with:  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

**RECEIVED**  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FRONT DESK

West Goshen Township,

Complainant,

v.

Sunoco Pipeline, L.P.,

Respondent.

Docket No. C-2017-2589346

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**SUNOCO PIPELINE, L.P.'S MOTION TO COMPEL  
RESPONSES AND DISMISS OBJECTIONS  
OF WEST GOSHEN TOWNSHIP  
TO SUNOCO PIPELINE LP'S SECOND SET OF DISCOVERY REQUESTS**

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Pursuant to 52 Pa. Code § 5.342 (g) Sunoco Pipeline LP (SPLP) moves to compel West Goshen Township (WGT) to respond to SPLP's February 2, 2018 Second Set of Discovery Requests (Requests) and dismiss WGT's February 12, 2018 Objections (Objections).

SPLP served a series of standard and narrowly tailored discovery requests to WGT concerning its February 1, 2018 testimony, seeking basic information requested of most testifying experts in Commission proceedings, including: identification of all documents the expert relied upon in reaching conclusions in the testimony (including workpapers), all documents considered but not relied upon, identification of individuals that assisted in production of testimony, identification of prior testimony of the witness, identification of publications of the witness, and production of the materials identified to the extent they are not already in SPLP's possession. *See* Exhibit A (SPLP Requests) at Requests 1, 4, 5, 29. SPLP likewise requested identification of specific documents relied on as to certain specific conclusions. *Id.* at Requests 3, 6, 7, 12.

WGT objected to each of these requests based on a gross misinterpretation of the Commission's rules concerning the scope of discovery regarding expert witnesses that has never been applied before this Commission. Such interpretation would preclude not only SPLP from conducting standard discovery, but also in proceedings involving experts prevent parties such as the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, regulated utilities, and intervenors from conducting discovery asking essentially the same or similar questions or requests for data. This type of discovery occurs in essentially every Commission proceeding involving expert witnesses. *See* Exhibit C (a few samples among thousands of such discovery requests by a variety of parties in a variety of Commission proceedings).

WGT misapplies the rules with the result that no discovery of expert witnesses is allowable, and that the only response required is contained within its pre-filed testimony. This is wrong.

WGT's objection states:

This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa. Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding,

work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa. Code §5.324.

See Exhibit B (WGT Objections) at Objections 1, 3-7, 12, 29.

The scope of discovery concerning expert witnesses is not as narrow as WGT alleges. Section 5.324 is not a narrowing or limitation of the scope of allowable discovery. See *Pa PUC v. Breezewood Telephone Co.*, Docket No. R-901666, Slip Op. at 80 (Order entered Feb. 14, 1991) (“Our discovery rules make it clear that the facts and opinions held by an expert are discoverable to the extent that the discovery does not include the disclosure of mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits.”); *Pa PUC v. Pa Gas & Water Co.*, 68 Pa. P.U.C. 191 (Sept. 29, 1988) (“[W]e are constrained to note that the Company is entitled to discovery and cross-examination of *all facts* upon which the expert opinion is based.”)(emphasis added). WTG’s position is contrary to this long line of decisions.

Instead, expert witnesses are subject to the same scope of discovery broadly applicable to Commission proceedings – “a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.” 52 Pa. Code § 5.321 (c). This scope is equally applicable to “a complaint, protest or other adverse pleading.” *Id.* at § 5.321(a).

Indeed, interpreting Section 5.324 as a limitation on discovery would be a radical change from Commission practice and discovery rights. It would strip away the discovery process critical

to Commission proceedings resolving complex and technical issues on which expert testimony is important and often the only testimony elucidating these issues. Due process entitles parties to test the reliability, experience, and consistency or inconsistency opinions of experts and their conclusions, and that can only be done through the discovery process. Often experts are the only witnesses that parties in Commission proceedings present, such as in complaints against rate increases, service complaints regarding the character or safety of utility facilities, and proceedings involving extensions of service etc. Contrary to WGT, the submission of pre-filed expert testimony neither forecloses nor is a substitute for discovery of experts and the basis of their conclusions in Commission proceedings. It is fundamental to provide a full and fair hearing of the complex and technical issues the Commission resolves. Attached as **Exhibit C** are a few examples among thousands of discovery requests lodged to experts in various Commission proceedings showing SPLP's requests are obviously within the scope of allowable discovery.

SPLP also lodged various interrogatories to WGT Witness Sullivan to ascertain his opinions, explanations of his opinions, bases of his opinions, and experience concerning various topics in his testimony. *See Exhibit A (SPLP Requests) at Requests 8-28.* WGT objected both on the same generalized technical scope grounds discussed above (which are meritless for the reasons discussed above), and on grounds that "SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018." *See Exhibit B (WGT Objections) at Objections 8-28.* Discovery is not cross-examination. Rather, it seeks information relative to issues as to the basis for the conclusion, the expert's experience or lack thereof in the specific issues in this proceeding, and consistency or inconsistency of methods and conclusions. WGT's "improper attempt at cross-examination" objection is likewise meritless and unsupported—it is tantamount to saying "no discovery" and ask the question for the first time at a

hearing. That defeats one of the fundamental purposes of discovery; namely, to narrow and reveal what needs to be asked or presented at hearing and to allow your experts to understand and thus, consistent with due process, respond to the opposing expert.

The Commission's regulations unquestionably allow parties to obtain this information. *See* 52 Pa. Code § 5.321 ("a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.").

Moreover, discovery of this nature streamlines the hearing process, consistent with the Commission's use of pre-filed testimony. If SPLP could not obtain such discovery before hearing, it would significantly lengthen the amount of hearing time necessary for cross-examination. WGT has proffered four expert witnesses and the current schedule only allows for two days of hearing. If SPLP cannot obtain discovery relating to witness opinions and the bases thereof, SPLP will require significantly more hearing time for cross-examination of these witnesses.

WGT's objections are meritless, do not conform with the application of the regulations and commonly used and permitted discovery practice before this Commission, and should be dismissed.

In addition, should WGT not respond to such requests and produce such documents, then its witnesses to whom the discovery pertains should not be permitted to testify. Moreover, if the discovery is filed late then SPLP should have a commensurate amount of time (i.e. the number of days responses are late from the current February 22, 2018 response deadline) to supplement its

testimony. Such request is reasonable as delay prejudices SPLP's preparation and filing of its testimony, which is due March 1, 2018, and even if produced on February 22 when due only gives SPLP 5 working days or 7 calendar days to review the information.

**WHEREFORE**, SPLP respectfully requests Your Honor to:

(1) dismiss WGT's objections and compel WGT to respond to SPLP's Second Set of Discovery Requests, and (2) for every day from the current February 22, 2018, deadline that WGT's fully responsive answers to interrogatories or production of documents in the subject discovery requests are late, grant SPLP a commensurate amount of time to supplement its testimony and exhibits.

Respectfully submitted,



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Thomas J. Sniscak, Attorney I.D. # 33891  
Kevin J. McKeon, Attorney I.D. # 30428  
Whitney E. Snyder, Attorney I.D. # 316625  
Hawke McKeon & Sniscak, LLP  
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[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

DATED: February 16, 2018

*Attorneys for Sunoco Pipeline L.P.*



**RECEIVED**

FEB 16 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**EXHIBIT A**



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February 2, 2018

**VIA EMAIL AND REGULAR MAIL**

David J. Brooman, Esq.  
Richard Sokorai, Esq.  
Mark R. Fischer, Jr., Esq.  
High Swartz LLP  
40 East Airy Street  
Norristown, PA 19404

Re: West Goshen Township and Concerned Citizens of West Goshen Township v. Sunoco Pipeline L.P.; Docket No. C-2017-2589346; **SUNOCO PIPELINE L.P.'s INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II) TO WEST GOSHEN TOWNSHIP**

Dear Secretary Chiavetta:

Enclosed please find Sunoco Pipeline L.P.'s ("SPLP") Interrogatories and Requests for Production of Documents, Set II, to West Goshen Township in the above-referenced matter. Copies of the Interrogatories and Requests for Production of Documents have been served in accordance with the attached Certificate of Service.

Very truly yours,

Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder  
*Counsel for Sunoco Pipeline, L.P.*

TJS/jld  
Enclosure

cc: Secretary Rosemary Chiavetta (via electronically filing Ltr and COS only)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Goshen Township,  
  
Complainant,  
  
v.  
  
Sunoco Pipeline, L.P.,  
  
Respondent.

Docket No. C-2017-2589346

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**SUNOCO PIPELINE, L.P.'S INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II)  
TO WEST GOSHEN TOWNSHIP**

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TO: West Goshen Township

Sunoco Pipeline, L.P., by and through its counsel in this matter, Hawke McKeon & Sniscak LLP and pursuant to the Pennsylvania Public Utility Commission's ("Commission") Regulations at 52 Pa. Code §§5.341 and 5.349, hereby propounds the following Interrogatories and Requests for Production of Documents (Set I) upon West Goshen Township ("WGT") and those individuals authorized to answer on WGT's behalf. Said answers are due within twenty (20) days from the date of service.

Respectfully submitted,



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Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder  
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Harrisburg, PA 17101  
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Facsimile: (717) 236-4841

*Counsel for Sunoco Pipeline, L.P.*

DATED: February 2, 2018

## Instructions and Definitions

1. The term “document” means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
  - (a) all contracts, agreements, representations, warranties, certificates, opinions;
  - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
  - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
  - (d) all desk calendars, appointment books, diaries;
  - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
  - (f) all minutes or transcripts of all meetings; and/or
  - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.
2. The term “communication” means not only oral communications but also any “documents” (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
  - (a) the person’s full name;
  - (b) the person’s present or last-known business and residential addresses;
  - (c) the person’s present or last-known business affiliation; and
  - (d) the person’s present or last-known employment position (including job title and a description of job responsibilities).
4. When used with reference to any entity other than a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
  - (a) its full name;

- (b) the address of its principal place of business;
  - (c) in the case of a corporation, the names of its directors and principal officers; and
  - (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.
5. When used in reference to a document, the terms “identify,” “identity,” or “identification” mean to provide the following information:
- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
  - (b) its date of preparation;
  - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition;
  - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
  - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge;
  - (f) the bates number; and
  - (g) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.
6. When used in connection with an oral communication, the terms “identify,” “identity,” and “identification” mean to provide the following information:
- (a) the general nature (i.e., conference, telephone communication, etc.);
  - (b) the time and place of its occurrence;
  - (c) its subject matter and substance;
  - (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person’s function, role, or knowledge; and
  - (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.
7. The terms “describe” and “description” mean:

- (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;
  - (b) identify each person who has any knowledge thereof;
  - (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and
  - (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.
8. The term “basis” means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.
9. The terms “relates to” or “thereto” or “relating to” means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.
10. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.
11. The term “person” means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.
12. Inability to Answer: If any interrogatory cannot be answered after the Company has conducted a reasonable investigation, state:
  - (a) the answer to the extent possible;
  - (b) what information cannot be provided; and
  - (c) what efforts were made to obtain the unknown information.
13. Production Format: All documents that exist in electronic format shall be produced in the native format in which they are maintained, unless the parties agree to an alternative means of production.
14. The term “**Discovery Requests**” means these requests for production of documents, requests for admission, and interrogatories.
15. The term “**Complainant**” means West Goshen Township (the “Township” or “WGT”).
16. The term “**Respondent**” means Sunoco Pipeline LP (“SPLP”).
17. The “**Complaint**” means the First Amended Formal Complaint filed in the above captioned proceeding against SPLP on March 30, 2017.

18. The "**Hearing Transcript**" means the transcript of the testimony provided in the above captioned proceeding during the July 18, 2017 hearing before Administrative Law Judge Elizabeth Barnes of the Public Utility Commission.
19. The term "**PUC**" means Pennsylvania Public Utility Commission.
20. The term "**Settlement Agreement**" means the settlement agreement entered into by WGT, SPLP, and Concerned Citizens of West Goshen Township in 2015, and is filed under PUC docket number U-2015-2486071.
21. The terms "**SPLP Existing Site**" and "**SPLP Additional Acreage**" and "**SPLP Use Area**" shall have the same definitions as they do in the Settlement Agreement.
22. The term "**Mariner East Project**" shall have the same definition as it does in Section II.A.1 of the Settlement Agreement.
23. The term "**Valve 344**" means the valve station identified in Section II.A.2 of the Settlement Agreement.
24. The term "**Janiec 2 Tract**" means the 6.646-acre tract of land, which is located on the north side of Boot Road and east of Route U.S. 202, as described by WGT's witnesses in the Hearing Transcript.
25. The term "**Traditions Development**" means the independent living facility that was slated to be built on the Janiec 2 Tract.
26. The term "**WGT**" means West Goshen Township and its officers, employees, agents, and representatives

**INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
SET II**

**The following requests are Directed to WGT Witness Kuprewicz.**

1. With respect to WGT Witness Kuprewicz:
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
  - d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - i. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
  - f. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
  - g. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
  - h. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
  - i. Please identify all peer-reviewed publications you authored or co-authored.
  - j. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Kuprewicz in court or regulatory proceedings relating to his/her employment as a consultant.
2. Refer to Township Exhibit 22. Produce Attachment 1 to the exhibit that is referenced on page 1 of the report. If Attachment 1 is unavailable, identify each and every document Mr. Kuprewicz reviewed in creating this exhibit.
3. Refer to Township Exhibit 22. Identify each and every document Mr. Kuprewicz reviewed in creating this exhibit.



**The following requests are Directed to WGT Witness Kessler.**

4. With respect to WGT Witness Kessler,
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
  - d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - i. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
  - f. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
  - g. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
  - h. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
  - i. Please identify all peer-reviewed publications you authored or co-authored.
  - j. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Kessler in court or regulatory proceedings relating to his/her employment as a consultant.

**The following requests are Directed to WGT Witness Sullivan.**

5. With respect to WGT Witness Sullivan,
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.

- d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - i. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
  - f. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
  - g. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
  - h. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
  - i. Please identify all peer-reviewed publications you authored or co-authored.
  - j. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Sullivan in court or regulatory proceedings relating to his/her employment as a consultant.
6. Refer to Complainant St. No. 6 at 4:1-2. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.
7. Refer to Complainant St. No. 6 at 5:5-7. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.
8. Refer to Complainant St. No. 6 at 5:5-7. Explain what Mr. Sullivan means by “acceptable.”
9. Refer to Complainant St. No. 6 at 5:5-7. Does Mr. Sullivan believe it is safe based on the geology discussed in his testimony to perform HDD beneath the Route 202 highway to utilize the SPLP Use Area for the valve site?
10. Refer to Complainant St. No. 6 at 5:5-7. Does Mr. Sullivan believe it is within industry standards based on the geology discussed in his testimony to perform HDD beneath the Route 202 highway to utilize the SPLP Use Area for the valve site?
11. Refer to Complainant St. No. 6 at 4:4-5:7. If Mr. Kessler were incorrect and the geotechnical obstacles Mr. Gordon discussed do exist, would Mr. Sullivan conclude that it was appropriate to perform the HDD discussed?

12. Refer to Complainant St. No. 6 at 6:9:13. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.
13. Refer to Complainant St. No. 6 at 6:9:13. Identify each and every project in which Mr. Sullivan has recommended engaging in or concluded that it was appropriate to engage in horizontal drilling with a turning radius of less than 2,000 feet. For each such project identify the specific radius recommended, whether the drill occurred, and the actual radius used. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.
14. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan contend a radius of less than 2000 feet is within industry standards? Identify which industry standards on which Mr. Sullivan relies for his answer.
15. Refer to Complainant St. No. 6 at 6:9:13. In Mr. Sullivan's opinion, are there any factors that contribute to what radius can be used, such as the size of the pipe, strength of the pipe, etc? Identify all such factor and explain how they affect the minimum radius that can be used within the industry standards and specifically identify such industry standards.
16. Refer to Complainant St. No. 6 at 6:9:13. Identify the erosion and sediment control plan to which Mr. Sullivan refers and state whether the radius identified in that plan is specific to the SPLP Use Area.
17. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan believe that it is within industry standards for SPLP to use a radius of less than 2,000 feet in the SPLP use area? Please fully explain your answer and identify any industry standards on which you rely.
18. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan believe that it is safe for SPLP to use a radius of less than 2,000 feet in the SPLP use area? Please fully explain your answer and identify any industry standards on which you rely.
19. Identify the smallest radius Mr. Sullivan believes SPLP could use on the SPLP Use Area that is within industry standards. Please fully explain your answer and identify any industry standards on which you rely.
20. Refer to Complainant St. No. 6 at 6:9:13. Identify the "engineering methods" to which Mr. Sullivan refers. For each such method identified, identify each and every project in which Mr. Sullivan has recommended engaging in or concluded that it was appropriate to engage in such method and whether the drill occurred pursuant to Mr. Sullivan's recommendation or conclusion. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.
21. Refer to Complainant St. No. 6 at 7:2-14. Identify each and every project in which Mr. Sullivan has recommended engaging in deep excavation such as that described in this

portion of his testimony. For each such project identify the depth of the excavation, the shoring system used, and the cost of such shoring system. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.

22. Refer to Complainant St. No. 6 at 7:2-14. Is the “standard practices in the construction practice in the construction industry” contained in any reference, manual, guidance, or industry standards? If so, identify such reference, manual, guidance, or industry standards.
23. Refer to Complainant St. No. 6 at 7:2-14. Does Mr. Sullivan believe that it is within industry standards for SPLP to engage in the deep excavation described in this portion of his testimony on the SPLP Use Area? Please fully explain your answer and identify any industry standards on which you rely.
24. Refer to Complainant St. No. 6 at 7:2-14. Does Mr. Sullivan believe that it is safe for SPLP to engage in the deep excavation described in this portion of his testimony on the SPLP Use Area? Please fully explain your answer and identify any industry standards on which you rely.
25. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is safe for SPLP to site the valve on the SPLP Use Area?
26. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is within industry standards for SPLP to site the valve on the SPLP Use Area?
27. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is feasible for SPLP to site the valve on the SPLP Use Area?
28. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Has Mr. Sullivan ever recommend or concluded it was appropriate to undertake a project involving both a radius less than 2000 feet and deep excavation to install one valve or other similar appurtenance? For each such project identify the depth of the excavation, the shoring system used, the cost of such shoring system, and the radius used.

**The following requests are Directed to WGT Witness Carlin.**

29. With respect to WGT Witness Carlin,
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.

- c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
- d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
- e. Please admit that you have included all workpapers associated with your testimony and exhibits.
- i. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
- f. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
- g. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
- h. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
- i. Please identify all peer-reviewed publications you authored or co-authored.
- j. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Carlin in court or regulatory proceedings relating to his/her employment as a consultant.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

This document has been filed electronically on the Commission's electronic filing system.

**VIA EMAIL AND FIRST-CLASS MAIL**

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*Counsel for Sunoco Pipeline L.P.*



Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder

Dated this 2<sup>nd</sup> day of February, 2018.

RECEIVED

FEB 16 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**EXHIBIT B**

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HIGH SWARTZ LLP

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*Attorneys for West Goshen Township*

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WEST GOSHEN TOWNSHIP,	:	
Petitioner	:	Docket No. C-2017-2589346
	:	
v.	:	
	:	
SUNOCO PIPELINE, L.P.,	:	
Respondent	:	

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**WEST GOSHEN TOWNSHIP'S OBJECTIONS TO  
SUNOCO PIPELINE L.P.'S INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS (SET II)**

West Goshen Township ("Township"), through its attorneys, High Swartz LLP, pursuant to 66 Pa. C.S.A. §333 and 52 Pa. Code §§ 5.324, 5.342, 5.349, 5.350 and 5.361 hereby submits the following objections to Sunoco Pipeline, L.P.'s ("SPLP") Interrogatories and Requests for Production of Documents (Set II) served on February 2, 2018. A certificate verifying service of these Objections is attached and has been filed with the Secretary of the Pennsylvania Public Utility Commission pursuant to 52 Pa.Code §5.342(e).

The Township objects as follows:



1. With respect to WGT Witness Kuprewicz:
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
  - d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - f. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
  - g. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
  - h. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
  - i. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
  - j. Please identify all peer-reviewed publications you authored or co-authored.
  - k. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Kuprewicz in court or regulatory proceedings relating to his/her employment as a consultant.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324.**

2. Refer to Township Exhibit 22. Produce Attachment 1 to the exhibit that is referenced on page 1 of the report. If Attachment 1 is unavailable, identify each and every document Mr. Kuprewicz reviewed in creating this exhibit.

**RESPONSE: No objection.**

3. *Refer* to Township Exhibit 22. Identify each and every document Mr. Kuprewicz reviewed in creating this exhibit.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324.**

4. With respect to WGT Witness Kessler,
  - a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
  - d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - f. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.
  - g. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.

- h. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
- i. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
- j. Please identify all peer-reviewed publications you authored or co-authored.
- k. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Kessler in court or regulatory proceedings relating to his/her employment as a consultant.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324.**

5. With respect to WGT Witness Sullivan,

- a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
- b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
- c. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
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- g. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
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- j. Please identify all peer-reviewed publications you authored or co-authored.
- k. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Sullivan in court or regulatory proceedings relating to his/her employment as a consultant.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324.**

- 6. Refer to Complainant St. No. 6 at 4:1-2. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness'**

curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

7. Refer to Complainant St. No. 6 at 5:5-7. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.

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8. Refer to Complainant St. No. 6 at 5:5-7. Explain what Mr. Sullivan means by "acceptable."

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness'

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9. Refer to Complainant St. No. 6 at 5:5-7. Does Mr. Sullivan believe it is safe based on the geology discussed in his testimony to perform HDD beneath the Route 202 highway to utilize the SPLP Use Area for the valve site?

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

10. Refer to Complainant St. No. 6 at 5:5-7. Does Mr. Sullivan believe it is within industry standards based on the geology discussed in his testimony to perform HDD beneath the Route 202 highway to utilize the SPLP Use Area for the valve site?

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in

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11. Refer to Complainant St. No. 6 at 4:4-5:7. If Mr. Kessler were incorrect and the geotechnical obstacles Mr. Gordon discussed do exist, would Mr. Sullivan conclude that it was appropriate to perform the HDD discussed?

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

12. Refer to Complainant St. No. 6 at 6:9:13. Identify each specific document on which you rely for this conclusion by reference to the specific document names in Table 25. Mere reference to all of the documents contained in Table 25 is not an adequate response. If you relied on documents not listed in Table 25, identify those documents and produce them if they are not already in the possession of SPLP.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness'

curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

13. Refer to Complainant St. No. 6 at 6:9:13. Identify each and every project in which Mr. Sullivan has recommended engaging in or concluded that it was appropriate to engage in horizontal drilling with a turning radius of less than 2,000 feet. For each such project identify the specific radius recommended, whether the drill occurred, and the actual radius used. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

14. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan contend a radius of less than 2000 feet is within industry standards? Identify which industry standards on which Mr. Sullivan relies for his answer.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided



written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

15. Refer to Complainant St. No. 6 at 6:9:13. In Mr. Sullivan's opinion, are there any factors that contribute to what radius can be used, such as the size of the pipe, strength of the pipe, etc? Identify all such factor and explain how they affect the minimum radius that can be used within the industry standards and specifically identify such industry standards.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

16. Refer to Complainant St. No. 6 at 6:9:13. Identify the erosion and sediment control plan to which Mr. Sullivan refers and state whether the radius identified in that plan is specific to the SPLP Use Area.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An

outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

17. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan believe that it is within industry standards for SPLP to use a radius of less than 2,000 feet in the SPLP use area? Please fully explain your answer and identify any industry standards on which you rely.

**RESPONSE:** Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

18. Refer to Complainant St. No. 6 at 6:9:13. Does Mr. Sullivan believe that it is safe for SPLP to use a radius of less than 2,000 feet in the SPLP use area? Please fully explain your answer and identify any industry standards on which you rely.

**RESPONSE:** Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided

written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

19. Identify the smallest radius Mr. Sullivan believes SPLP could use on the SPLP Use Area that is within industry standards. Please fully explain your answer and identify any industry standards on which you rely.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

20. Refer to Complainant St. No. 6 at 6:9:13. Identify the "engineering methods" to which Mr. Sullivan refers. For each such method identified, identify each and every project in which Mr. Sullivan has recommended engaging in or concluded that it was appropriate to engage in such method and whether the drill occurred pursuant to Mr. Sullivan's recommendation or conclusion. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to

which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

21. Refer to Complainant St. No. 6 at 7:2-14. Identify each and every project in which Mr. Sullivan has recommended engaging in deep excavation such as that described in this portion of his testimony. For each such project identify the depth of the excavation, the shoring system used, and the cost of such shoring system. If Mr. Sullivan has not previously made such recommendation or conclusion, please so state.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

22. Refer to Complainant St. No. 6 at 7:2-14. Is the "standard practices in the construction practice in the construction industry" contained in any reference, manual, guidance, or industry standards? If so, identify such reference, manual, guidance, or industry standards.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

23. Refer to Complainant St. No. 6 at 7:2-14. Does Mr. Sullivan believe that it is within industry standards for SPLP to engage in the deep excavation described in this portion of his testimony on the SPLP Use Area? Please fully explain your answer and identify any industry standards on which you rely.

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

24. Refer to Complainant St. No. 6 at 7:2-14. Does Mr. Sullivan believe that it is safe for SPLP to engage in the deep excavation described in this portion of his testimony on the SPLP Use Area? Please fully explain your answer and identify any industry standards on which you rely.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.**

25. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is safe for SPLP to site the valve on the SPLP Use Area?

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.**

26. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is within industry standards for SPLP to site the valve on the SPLP Use Area?

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

27. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Given the geology, radius, and deep excavation concerns Mr. Sullivan discusses, does Mr. Sullivan believe it is feasible for SPLP to site the valve on the SPLP Use Area?

**RESPONSE: Objection.** This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.

28. Refer to Complainant St. No. 6 at 5:5-7, 6:9:13, 7:2-14. Has Mr. Sullivan ever recommend or concluded it was appropriate to undertake a project involving both a radius less than 2000 feet and deep excavation to install one valve or other similar appurtenance? For each such project identify the depth of the excavation, the shoring system used, the cost of such shoring system, and the radius used.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (weaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324. Further, SPLP's request is an improper attempt at cross-examining WGT's witnesses before the hearings scheduled for April 25 and 26, 2018.**

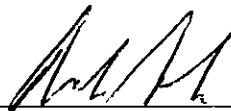
29. With respect to WGT Witness Carlin,
- a. To the extent not included as exhibits or workpapers to your testimony, please identify all documents, presentations, studies, and communications you relied upon in reaching the conclusions set forth in your testimony.
  - b. Please produce all materials identified in (a) that have not previously been produced to SPLP.
  - c. To the extent not included as exhibits or workpapers to your testimony, please Identify all documents, presentations, studies, and communications you considered but did not rely upon in reaching the conclusions set forth in your testimony.
  - d. Please produce all materials identified in (c) that have not previously been produced to SPLP.
  - e. Please admit that you have included all workpapers associated with your testimony and exhibits.
  - f. If you do not so admit, please produce each and every such workpaper in the native electronic format in which they were created.



- g. Please identify each and every person, other than counsel for WGT and clerical support staff, who assisted in the production of your testimony, exhibits and workpapers.
- h. To the extent not already provided as exhibits or workpapers, please provide all raw data, computer code (e.g. Stata files), data created during processing, and memoranda related to or used to create each exhibit and each workpaper.
- i. Please identify all publication(s), including affidavits or testimony submitted in court or regulatory agency proceedings that are not listed in the CV included with your testimony and exhibits in this proceeding.
- j. Please identify all peer-reviewed publications you authored or co-authored.
- k. Please identify and provide a copy of all affidavits, prepared testimony, live testimony transcripts, and deposition transcripts submitted by or including statements of Mr. Carlin in court or regulatory proceedings relating to his/her employment as a consultant.

**RESPONSE: Objection. This interrogatory seeks extensive discovery regarding the Township's expert that was retained to evaluate specific contentions made by SPLP. The permissible scope of expert discovery is set forth in 52 Pa.Code §5.324 which provides that a party may through interrogatories require the identity of each person the party expects to call as an expert witness at hearing and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. An outline of written direct testimony is an acceptable response. The Township has provided written direct testimony for each witness that sets forth the substance of facts and opinions about which each expert will testify, and produced exhibits that include each witness' curriculum vitae and a detailed list of the SPLP documents or publications relied upon in preparing each witness' testimony. SPLP's requests, which include but are not limited to requests for admissions (wcaaved into the requests but not identified in the title or cover letter), requests for production of document and interrogatories related to documents considered or reviewed but not relied upon, transcripts of testimony or statements ever submitted in any court or regulatory proceeding, work papers, and publications authored, all far exceed the scope of expert discovery set forth in 52 Pa.Code §5.324.**

HIGH SWARTZ LLP

By: 

David J. Brooman, Esquire  
 Richard C. Sokorai, Esquire  
 Mark R. Fischer, Jr., Esquire  
 Attorneys for Petitioner  
 West Goshen Township

Date: 2/12/18

**RECEIVED**

FEB 16 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**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 Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania	:	:	Docket No. A-2016-2575829
	:	:	
Pipeline Capacity Agreement Between Laurel Pipe Line Company, L.P. and Buckeye Pipe Line Company, L.P.	:	:	Docket No. G-2017-2587567
	:	:	

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED  
BY LAUREL PIPE LINE COMPANY, L.P.  
ON THE BUREAU OF INVESTIGATION AND ENFORCEMENT – SET 1**

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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 the Bureau of Investigation and Enforcement (“I&E”) – Set 1.

**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.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however

stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding

Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Application” means the filing and all supporting data and testimony filed by Laurel, at Docket Nos. A-2016-2575829.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND REQUESTS FOR ADMISSION ON I&E – SET 1**

LAU-I&E-1-1.

Regarding liquid pipeline integrity management programs (“IMPs”) has Mr. Patel:

- (a) Been responsible for reviewing an IMP on behalf of an agency or commission? If yes, then provide supporting information such as dates and the reviewing agency, and any documents associated with each review.
- (b) Prepared an IMP? If yes, then provide the name of the organization the IMP was prepared for and the date it was finalized.
- (c) Undergone any training specific to reviewing IMPs? If yes, then provide the title of the training program and the date the training was completed.

LAU-I&E-1-2.

Please describe Mr. Patel’s responsibilities in the inspection he participated in on March 27, 2017?

LAU-I&E-1-3.

How many liquid pipeline safety inspections has Mr. Patel personally conducted?

LAU-I&E-1-4.

On page 12 of his testimony, Mr. Patel states that approval is premature until “Laurel has made a concerted effort to evaluate:...issues associated with operation and maintenance (“O&M”).”

- (a) What specific O&M issues does Mr. Patel believe Laurel must evaluate in order to obtain Commission approval?
- (b) Is Mr. Patel aware of any Commission order where the Commission withheld approval of an application pending evaluation of operation and maintenance by the applicant?
- (c) Please provide all prior Commission orders or regulations supporting Mr. Patel’s conclusion.



LAU-I&E-1-5.

On page 12 of the testimony, Mr. Patel states that approval is premature until “Laurel has made a concerted effort to evaluate:...engineering design.”

- (a) What specific engineering designs does Mr. Patel believe Laurel must evaluate in order to obtain Commission approval?
- (b) Is Mr. Patel aware of any Commission order where the Commission withheld approval of an application pending evaluation of engineering designs by the applicant?
- (c) Please provide all engineering or operational analyses, prior Commission orders or regulations supporting Mr. Patel’s conclusion.

LAU-I&E-1-6.

On page 12 of the testimony, Mr. Patel states that approval is premature until “Laurel has made a concerted effort to evaluate:...construction of necessary upgrades.”

- (a) What upgrades, if any, does Mr. Patel believe are necessary to support this project?
- (b) Is Mr. Patel aware of any Commission order where the Commission withheld approval of an application pending evaluation of construction of necessary upgrades by the applicant?
- (c) Please provide all engineering or operational analyses, prior Commission orders or regulations supporting Mr. Patel’s conclusion.

LAU-I&E-1-7.

On page 12 of the testimony, Mr. Patel states that approval is premature until “Laurel has made a concerted effort to...perform a thorough IMP evaluation.”

- (a) Is Mr. Patel aware of any Commission order where the Commission withheld approval of an application pending an IMP evaluation by the applicant?
- (b) Please provide all engineering or operational analyses, prior Commission orders or regulations supporting Mr. Patel’s conclusion.

LAU-I&E-1-8.

On page 13 of Mr. Patel’s testimony, he discusses threat assessment. Please identify any Pennsylvania Public Utility Regulations or orders that require a threat assessment as part of:

- (a) the regulatory approval process for abandonment of service;
- (b) the regulatory approval process for a reversal of flow; and
- (c) the standard operation of an liquid pipeline in Pennsylvania.

LAU-I&E-1-9.

On pages 14 to 16 of Mr. Patel's testimony, he discusses economic concerns. Please identify the following:

- (a) Mr. Patel's relevant education in economics or economic theory;
- (b) Mr. Patel's training in economic matters, and specifically economics associated with liquid pipelines and refinery operations;
- (c) Any proceedings before a regulatory body where Mr. Patel has testified on economic matters and/or on liquid pipelines.

LAU-I&E-1-10.

On pages 14 to 16 of Mr. Patel's testimony, he discusses the conclusions of certain elected officials. Did Mr. Patel conduct any independent analysis of the economic claims from these other individuals that he includes in his testimony?

LAU-I&E-1-11.

On page 16 of Mr. Patel's testimony, he states that "economic issues should be addressed by Laurel prior to the Commission acting on this Application."

- (a) What specific economic issues does Mr. Patel believe should be addressed?
- (b) For any issue identified in response to (a), what is the basis for Mr. Patel's belief?

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED  
BY LAUREL PIPE LINE COMPANY, L.P.  
ON THE INDICATED PARTIES – SET I**

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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 the Indicated Parties<sup>1</sup> – Set I.

**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.

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<sup>1</sup> Gulf Operating, LLC, Philadelphia Energy Solutions Refining & Marketing, LLC, Sheetz, Inc., Monroe Energy, LLC, and Giant Eagle, Inc., collectively filed the testimony of four witnesses in this proceeding as the “Indicated Parties.”

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.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however

stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding

Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Application” means the filing and all supporting data and testimony filed by Laurel, at Docket Nos. A-2016-2575829.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND REQUESTS FOR ADMISSION ON INDICATED PARTIES – SET I**

LAU-IP-I-1

Please reference Indicated Parties' Statement No. 3, the Direct Testimony of Robert A. Rosenthal. Please provide a copy of Mr. Rosenthal's CV.

LAU-IP-I-2

Please reference Indicated Parties' Statement No. 3, the Direct Testimony of Robert A. Rosenthal. Please provide a list of all proceedings in which Mr. Rosenthal submitted testimony to the Commission since 1979, and identify for each proceeding: (i) the entity on whose behalf the testimony was submitted; (ii) the docket number; (iii) the utility service type; and (iv) the general nature of the proceeding.

LAU-IP-I-3

Please provide all workpapers, reports, analyses, studies, and Documents relied upon by Mr. Rosenthal in the preparation of his direct testimony, to the extent that such workpapers have not already been provided in response to specific interrogatories.

LAU-IP-I-4

Please reference the question and answer beginning on Indicated Parties' Statement No. 3, page 5, line 2. Please explain whether it is Mr. Rosenthal's understanding that Laurel is authorized to transport petroleum products by the "1957 Application" or a Commission order and certificate of public convenience granted pursuant to the application.

LAU-IP-I-5

Please reference the question and answer beginning on Indicated Parties' Statement No. 3, page 5, line 7.

- (a) Does the full sentence on Exhibit RAR-1, page 2, referenced in Mr. Rosenthal's answer read: "The approximate route to be followed by the proposed pipe line in this Commonwealth from the vicinity of Philadelphia to the vicinity of Pittsburgh and thence in a northwesterly direction to the western boundary of the Commonwealth is indicated on the attached map designated "Exhibit A" and made part of this application."?



- (b) Please identify any description(s), reference(s), or request(s) to the “authority to transport petroleum products from east to west across Pennsylvania” contained in the sentence quoted in (a) above.

LAU-IP-I-6

Please reference Exhibit RAR-1, pages 12-13, attached to Indicated Parties’ Statement No. 3. Please state whether the numbered paragraph 3 beginning on Exhibit RAR-1, page 12 and ending on page 13 contains the same sentence quoted in LAU-IP-I-5(a) above.

LAU-IP-I-7

Please refer to the Order at Docket No. 84093, Folder 2, dated March 18, 1957, which is attached Indicated Parties’ Statement No. 3 as Exhibit RAR-1, page 11.

- (a) Please state whether this is the order granting the authority requested by Laurel in the 1957 Application referenced in LAU-IP-I-5.
- (b) Please state whether the phrase “extending generally westwardly from a point near the City of Philadelphia to a point in the vicinity of Pittsburgh, thence in a northwestwardly direction to the Pennsylvania-Ohio boundary line, as more fully described in said application” immediately follows the words “such facilities.”

LAU-IP-I-8

Please reference the question and answer beginning on Indicated Parties’ Statement No. 3, page 6, line 6.

- (a) Please state whether the opinion referenced *Appeal of Independence Twp. Sch. Dist.*, 194 A.2d 437 (Pa. 1963) involved a legal challenge to, or legal interpretation of the authority granted to Laurel in the 1957 Application proceeding.

LAU-IP-I-9

Please reference Indicated Parties’ Statement No. 3, page 6, line 23 through page 7, line 9.

- (a) Please identify and fully explain all bases for Mr. Rosenthal’s opinion that “the east to west references had to be references to the certificated service provided along the Laurel pipeline and not the directional progression of the pipeline’s initial construction.”
- (b) Please state whether Mr. Rosenthal attended law school or received a legal education.

- (c) Please state whether Mr. Rosenthal has received a juris doctorate or other degree indicating completion of a legal education.
- (d) Is it Mr. Rosenthal's opinion that the precedent established by an appellate court is established by the holding of the court, based on the specific facts of the case, or the perceived intent of the court?

LAU-IP-I-10

Please reference the question and answer begging on page 7, line 11 of Indicated Parties Statement No. 3.

- (a) Please describe and fully explain the basis for Mr. Rosenthal's statement that "a CPC is viewed as a limiting authorization."
  - (i) Please provide all Documents relied upon by Mr. Rosenthal to support this statement.
- (b) Please state whether Mr. Rosenthal has identified any provision(s) or reference(s) in Laurel's current tariff that prohibits or bars Laurel from providing eastward service, and identify such provision(s) or reference(s).
- (c) Does Mr. Rosenthal agree that Laurel's tariff before the Commission only covers intrastate service?
- (d) Does Laurel currently provide interstate service over its pipeline?
- (e) Does Laurel's tariff before the Pennsylvania Public Utility Commission contain interstate transportation rates?
- (f) Is it Mr. Rosenthal's position that Laurel is prohibited by its current tariff and/or CPC from providing interstate service?
- (g) Is it Mr. Rosenthal's position that the Pennsylvania Public Utility Commission can prevent Laurel from providing interstate service over Laurel's pipeline? Fully explain.

LAU-IP-I-11

Please reference Mr. Rosenthal's statement in Indicated Parties Statement No. 3, on page 8, lines 14-15, that "Historically, there have only been a few intrastate petroleum pipeline utilities in Pennsylvania."

- (a) Please identify all intrastate petroleum pipeline utilities in Pennsylvania that have previously existed in Pennsylvania, of which Mr. Rosenthal is aware.

- (b) Did Mr. Rosenthal review any certificates of public convenience of intrastate petroleum products utilities, other than Laurel, in preparation of his direct testimony? If yes, please identify and provide all certificates of public convenience for intrastate petroleum products utilities, other than Laurel, which Mr. Rosenthal reviewed in preparation of his direct testimony.
- (c) Identify all pipelines in the past that were under Commission jurisdiction that migrated to solely Federal Energy Regulatory Commission (“FERC”) jurisdiction.
  - (i) Did any of these pipelines seek Pennsylvania Public Utility Commission approval to migrate to FERC jurisdiction?
  - (ii) If the answer to (i) is yes, provide the docket number for each applicable approval proceeding.

LAU-IP-I-12

Please reference Mr. Rosenthal’s quote in Indicated Parties Statement No. 3, page 9, lines 4-5 regarding the Commission’s responsibility that “[o]ur responsibility in regulating the rates and service of a pipeline common carrier requires protecting the shippers and the ultimate consumer served by the shippers.” Is it Mr. Rosenthal’s position that the Commission should protect shippers more than it protects ultimate consumers when regulating pipelines? Fully explain.

LAU-IP-I-13

Please referencc Indicated Parties Statement No. 3, page 9.

- (a) Is it Mr. Rosenthal’s opinion that all public utility services, including electric, gas, water, transportation and common carrier services should be regulated under the same standards by the Pennsylvania Public Utility Commission?
- (b) Does the Commission have any different standards for regulating different utility services. Fully explain.

LAU-IP-I-14

Please reference Indicated Parties Statement No. 3, page 10, lines 1-3. Will Laurel still deliver petroleum products to Pittsburgh if its reversal proposal is approved?

LAU-IP-I-15

Please reference Mr. Rosenthal’s statement in Indicated Parties Statement No. 3, on page 10, lines 3-7, that “...in my view the courts and the Commission have

expressly acknowledged when granting CPCs that ‘enhancing delivery options’ is a relevant and material factor in assessing whether a CPC application satisfies the standard of being ‘necessary and proper for the service, accommodation, and convenience of the public.’”

- (a) Please identify (by caption, docket, reporter, court and date) all instances where a Pennsylvania court has “expressly acknowledged” that “enhancing delivery options” is a relevant and material factor in assessing a CPC application, which were relied upon by Mr. Rosenthal in the preparation of this testimony.
- (b) Please identify (by caption, docket, and date) all instances where the Commission has “expressly acknowledged” that “enhancing delivery options” is a relevant and material factor in assessing a CPC application, which were relied upon by Mr. Rosenthal in the preparation of this testimony.
- (c) Confirm whether it is Mr. Rosenthal’s opinion that the Commission should acknowledge that the Laurel reversal would “enhance delivery options” in the Altoona/Eldorado area.
- (d) Confirm whether it is Mr. Rosenthal’s opinion that the Commission should acknowledge that the Laurel reversal would “enhance delivery options” in the Harrisburg area.

LAU-IP-I-16

Please reference Mr. Rosenthal’s statement in Indicated Parties Statement No. 3, page 11, lines 17-18 that “The Commission has developed a multi-factor test to assess the merits of a proposed abandonment of public utility service.”

- (a) Please state whether it is Mr. Rosenthal’s opinion that the multi-factor test is solely limited to the four factors listed on page 12, lines 1-5 of his direct testimony.
- (b) If it is Mr. Rosenthal’s opinion that the multi-factor test is solely limited to the four factors listed on page 12, lines 1-5 of his direct testimony, please fully explain the bases for his opinion. Please provide all Pennsylvania precedent relied upon in support of his opinion.
- (c) Of the precedent identified in subpart (b), would Mr. Rosenthal agree that the determination in the vast majority of those cases was limited to a customer’s loss of a specific type of service (e.g., the customer would no longer be provided any gas service)?
- (d) Please identify any case where the four factors listed on page 12, lines 1-5 of his direct testimony were applied where a customer

was not losing access a specific type of service (e.g., the customer would no longer be provided any gas service), but a shipper was losing its rights to serve a specific location.

LAU-IP-I-17

Please reference Mr. Rosenthal's statement in Indicated Parties Statement No. 3, page 14, lines 16-19 that "...it appears that the revenues Laurel expects to receive from the proposed Capacity Agreement with its affiliate will result in a lower rate and revenues than it currently receives from its current tariff."

- (a) Please fully explain Mr. Rosenthal's bases for this statement.
- (b) Please provide all reports, analyses, studies, and Documents relied upon by Mr. Rosenthal in making this statement.

LAU-IP-I-18

Please reference the term "normal volatility" used by Mr. Rosenthal in Indicated Parties Statement No. 3, page 14, line 21.

- (a) Please define the term "normal volatility."
- (b) Please describe and fully explain Mr. Rosenthal's bases for determining whether volatility in market prices is normal, as opposed to abnormal or unusual.

LAU-IP-I-19

Please reference the term "cyclical changes" used by Mr. Rosenthal in Indicated Parties Statement No. 3, page 14, line 22.

- (a) Please define the term "cyclical changes."
- (b) Please describe and fully explain Mr. Rosenthal's bases for determining whether changes in supply and demand are cyclical, as opposed to non-cyclical.

LAU-IP-I-20

Please reference the term "clear and sustained changes" used by Mr. Rosenthal in Indicated Parties Statement No. 3, page 15, line 1.

- (a) Please define the term "clear and sustained changes."
- (b) Please describe and fully explain Mr. Rosenthal's bases for determined whether changes in customer usage are clear and sustained, as opposed unclear or sporadic.

LAU-IP-I-21

Please refer to Mr. Rosenthal's statement in Indicated Parties Statement No. 3, page 19, lines 3-5, that "There is nothing in Laurel's CPC suggesting that it intended to move petroleum products in any direction other than westerly into Pittsburgh."

- (a) Please state whether it is Mr. Rosenthal's position that the authority granted by the Commission in a CPC is defined by the language of the CPC, or by a utility's "intent."
- (b) Please state whether it is Mr. Rosenthal's position that the authority granted by the Commission in a CPC is defined by the language of the CPC, or by a utility's actions taken after the CPC is granted.

LAU-IP-I-22

Please reference the question and answer beginning on page 25, line 7 of Indicated Parties Statement No. 3.

- (a) Please identify all certificate proceedings relied upon by Mr. Rosenthal to answer this question where the Commission evaluated future actions that were not the subject of the application under consideration.
- (b) Please fully explain the basis for Mr. Rosenthal's conclusion that "[i]t would be unsound public policy...to fail to consider in this proceeding further possible eastward extensions of the flow reversal presently proposed."
  - (i) Please provide all Documents relied upon by Mr. Rosenthal in support of this conclusion.
- (c) Please fully explain the basis for Mr. Rosenthal's conclusion that "[i]t would be...otherwise unreasonable to fail to consider in this proceeding further possible eastward extensions of the flow reversal presently proposed."
  - (i) Please provide all Documents relied upon by Mr. Rosenthal in support of this conclusion.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2016-2529660
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**COLUMBIA GAS OF PENNSYLVANIA, INC.’S INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE OFFICE OF CONSUMER ADVOCATE – SET III**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 et seq., Columbia Gas of Pennsylvania, Inc. (“Columbia”), propounds the following Interrogatories and Requests for Production of Documents to the Office of Consumer Advocate (“OCA”) – Set III.

**INSTRUCTIONS AND DEFINITIONS**

1. These interrogatories are continuing and you are obliged to change, supplement and correct all answers given to conform to new or changing information.
2. The answers provided should first restate the question asked and identify the person(s) supplying the information.
3. If you object to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 6 and state the basis of your objection.
4. 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.
5. To “identify” a business entity means to state the full name of such business, the form of the business and its location or address.

6. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document;
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (e.g., letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

7. Whenever the word “document” is used in these interrogatories, it includes, but is not limited to, all printed, typewritten, computer generated or readable, handwritten, graphic or recorded matter, however produced or reproduced, and however formal or informal. For purposes of these interrogatories, the term document includes the terms workpaper, communication and all writings of whatever kind, communications, records of whatever kind, letters, reports, memoranda, books, manuals, instructions, directives, forms, notes of meetings, telephone messages, notices, telegrams, diaries, agreements, written analyses or studies of whatever kind, handwritten notes of conversations, correspondence of whatever kind, summaries, surveys, calculation sheets, contracts, orders or invoices. “Documents” shall include matter stored on computerized memory, magnetic or other media.

8. When an objection is interposed to any question or part thereof, answer the question or all parts thereof to the extent not objected to.



## **INTERROGATORIES & REQUESTS FOR PRODUCTION OF DOCUMENTS**

**Michael J. Majoros, Jr., Witness on behalf of OCA**

1. Please refer to Exhibit MJM-2, p. 1 of 2.
  - a) Please provide all support and justification for the use of a 0% depreciation rate for all Intangible Plant accounts.
  - b) Please provide the source of the 0% depreciation rate used by Mr. Majoros for Accounts 303 and 303.3 in Exhibit MJM-2.
  - c) Please explain any differences between Mr. Majoros's calculated FFRY Depreciation Expense for Accounts 303 and 303.3 with the calculated annual accrual amounts shown on page 56 of Exhibit 109, Attachment A and page 9 of Exhibit 109, Attachment B for Account 303.
2. Please refer to Exhibit MJM-2, p. 1 of 2. Please explain why Mr. Majoros has calculated depreciation expense for land accounts (e.g., Accounts 350.1 and 374.2).
3. Please refer to Exhibit MJM-2, p. 1 of 2. Please explain why Mr. Majoros used composite (or average) depreciation rates for certain plant functions or accounts instead of subaccount or account specific depreciation rates. For example, why did Mr. Majoros use a 4.85% depreciation rate for Account 351.2 Compressor Station Structures instead of the 7.86% depreciation rate shown on page 54 of Exhibit 109, Attachment A?
4. Please refer to Mr. Majoros's testimony, p. 6, lines 16-17.
  - a) Did Mr. Majoros use December 31, 2016 depreciation rates or November 30, 2016 depreciation rates?
  - b) If Mr. Majoros used December 31, 2016 depreciation rates, please provide the source of these depreciation rates.
5. Please explain why your amortization amount for Account 375.71 is substantially less than either the Future Test Year or the Fully Projected Future Test Year amounts calculated by Mr. Spanos (Columbia Exh. 109, Att. A, page 50 and Columbia Exh. 109, Att. B, page 9).

Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
Fax: 215.963.5001  
www.morganlewis.com

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

**Anthony C. DeCusatis**  
Of Counsel  
215.963.5034  
adecusatis@MorganLewiss.com

November 25, 2014

VIA ELECTRONIC MAIL  
AND FIRST CLASS MAIL

Charis Mincavage  
Vasiliki Karandrikas  
Teresa K. Schmittberger  
Elizabeth P. Trinkle  
Susan E. Bruce  
McNees, Wallace & Nurick, LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

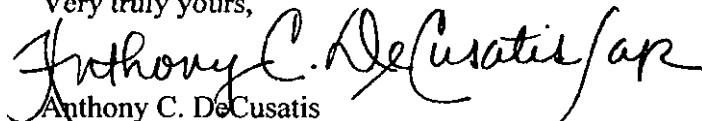
**Re: Pennsylvania Public Utility Commission v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company Docket Nos. R-2014-2428745, R-2014-2428743, R-2014-2428744 & R-2014-2428742**

Dear Counsel:

On behalf of **Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company**, enclosed please find the **Interrogatories, Set II, to the Met-Ed Industrial Users Group (“MEIUG”), the Penelec Industrial Consumer Alliance (“PICA”), the Penn Power Users Group (“PPUG”) and the West Penn Power Industrial Intervenors (“WPII”) (collectively, the “Industrials”)** in the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Anthony C. DeCusatis

ACD/tp  
Enclosures

c: Per Certificate of Service

Philadelphia Washington New York Los Angeles San Francisco Miami Pittsburgh Princeton Chicago Minneapolis  
Palo Alto Dallas Houston Harrisburg Irvine Boston Wilmington London Paris Brussels Frankfurt Beijing Tokyo

DBI/ 81373289.1

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
v.	:	
<b>METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY AND WEST PENN POWER COMPANY</b>	:	<b>DOCKET NOS. R-2014-2428745 R-2014-2428743 R-2014-2428744 R-2014-2428742</b>

**INTERROGATORIES OF METROPOLITAN EDISON COMPANY,  
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA  
POWER COMPANY AND WEST PENN POWER COMPANY  
TO THE MET-ED INDUSTRIAL ENERGY USERS GROUP,  
THE PENELEC INDUSTRIAL CUSTOMER ALLIANCE,  
THE PENN POWER USERS GROUP AND THE  
WEST PENN POWER INDUSTRIAL INTERVENORS,  
SET II**

Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company hereby propound these Interrogatories (Set II) to the the Met-Ed Industrial Energy Users Group (MEIUG), the Penelec Industrial Customer Alliance (PICA), the Penn Power Users Group (PPUG) and the West Penn Power Industrial Intervenors (WPPII) (“the Industrials”), to be answered by such person or persons capable of responding to these Interrogatories and authorized to do so. Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Dated: November 25, 2014

## INSTRUCTIONS

A. In answering these Interrogatories, please furnish all information available to you, including any such information in possession of your attorneys or anyone acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. If the answer to any of the Interrogatories is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory.

C. If any matter responsive to any of the Interrogatories is withheld based on any claim of privilege, describe generally the matter withheld, state the privilege being relied upon, and identify all persons or entities who have or have had access to said matters. If you refuse to describe and/or produce any document on the basis of a claim of privilege or protection from discovery of any kind, with respect to each such document, set forth the following information:

- (i) the date of the document;
- (ii) its authors;
- (iii) all recipients of the document;
- (iv) the present location and custodian of the document; and
- (v) the basis of the claim of privilege or protection from discovery.

In addition, if you refuse to produce information based on the grounds that such information is preliminary and/or still in draft form, set forth the following information:

- (vi) the date the information was first created or recorded;

(vii) the last date on which the information was changed or altered in any manner; and

(viii) the expected date that the information will be finalized.

D. Each lettered sub-part of a numbered Interrogatory is to be considered a separate Interrogatory for the purpose of your answers and objections. You must object separately to each sub-part and must answer any other sub-parts.

E. These Interrogatories are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

F. For all documents produced, identify by Bates number (or other method of equal precision) which document or documents are responsive to each separate Interrogatory. If you respond by stating that the requested documents already have been produced in response to prior discovery requests, identify the responsive documents previously produced either by Bates number or other method of equal precision that, at a minimum, identifies the author(s), recipients(s) and date of creation and provides a general description of the document.

#### **DEFINITIONS**

- a. "You" refers to any agent, agency, representative or affiliate thereof.
- b. "Company," or "Respondent" refer to any agent, agency, or affiliate thereof.
- c. "Assumption" refers to any predictions, projections, assumptions, or other estimates.
- d. "Proceeding" refers to the investigation of the Pennsylvania Public Utility Commission at Docket Nos. R-2014-2428745, R-2014-2428743, R-2014-2428744 and R-2014-2428742

“Person” or “persons” means all individuals and entities, including natural persons, representative persons, public or private corporations, companies, unincorporated associations, partnerships, organizations, government entities or groups, plus any divisions, departments, or units thereof.

c. “Document” or “documents” means any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; telegrams; cables; telex messages; memoranda; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; ledgers; books of account; bookkeeping entries; financial statements; tax returns; vouchers; checks; check stubs; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

f. “Oral communication” means any and all non-written forms of expression or communication, whether face-to-face or by telephone, in a conference or otherwise.

g. “Identify” or “identification”, when used in reference to a document, means to:

1. state the type of document (e.g., letter, log, report, etc.);
2. state its date;
3. state its title, heading or other designation and any other information (e.g., index or file number) which would facilitate the identification thereof;
4. identify the person(s) who prepared and/or signed the document;
5. identify the persons (or if widely distributed, the organization or classes of persons) to whom it was sent;
6. identify the last known location of the document and of each copy thereof having notations or markings unique to such copy;
7. if the document was, but no longer is, in your possession or subject to your control, identify its last known custodian, describe the circumstances under which it passed from your control to that person, and identify each person having knowledge of such circumstances;

8. describe its general subject matter and contents; and

9. if the document exceeds one page in length, or is contained in a series of documents or a larger portion, identify the specific document by appropriately identifying name or symbol, the number of the particular page or pages (or other descriptive aid) and of the line or lines thereof upon which the information referred to in the Interrogatory or your response appears.

h. “Identify” or “identification”, when used in reference to a natural person, means to provide the following information:

1. his or her full name;

2. his or her business affiliation(s), position(s), title(s), and job description(s) during the period delineated in the Interrogatory (and the dates during which each affiliation, position, title, and job description applied to him or her);

3. his or her present or last known business address (and the date of that last knowledge); and

4. his or her present or last known residence address (and the date of that last knowledge).

i. “Identify” or “identification”, when used in reference to an oral communication or statement, means to:

1. state the date of the oral communication or statement;

2. state the place where it occurred;

3. identify the persons(s) making and listening to the oral communication or statement;

4. identify all other persons present at the time it was made;

5. if by telephone, identify the persons participating in the conversation and where each was located at the time of the call; and

6. describe the substance of the oral communication or statement.

j. “Date” means the exact day, month, and year if ascertainable, or, if not, the best approximation thereof or best approximation in relation to other events.

k. “Describe” means to set forth fully and clearly every relevant fact and/or event, including particulars of time, place and manner.

l. "Set forth the factual basis" for a particular assumption means: (a) describe in detail the facts underlying the assumption; (b) identify each and every document which constitutes, evidences, refers, or relates in any way to the assumption; (c) identify each and every person who knows or believes to have knowledge or information concerning the assumption; and (d) describe in detail the nature of each such person's knowledge or information.

m. Where the context so requires:

1. the terms "and" and "or" mean "and/or";
2. the plural of a word includes the singular, and the singular includes the plural;
3. the past tense of verb includes the present, and the present tense includes the past;
4. the masculine gender includes feminine and neuter genders, and the neuter gender include the masculine and feminine.

n. All other words are to be given their ordinary and usual meanings, according to a current edition of Webster's Dictionary.



**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC  
COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN  
POWER COMPANY INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS, SET II**

The following questions pertain to the Direct Testimony of Jeffrey Pollock.

- ME/PN/PP/WP(Industrials)-II-1** Reference your Direct Testimony filed in the West Penn proceeding. Please provide support for the following statement on page 47, "For the Company, every 1% increase in kWh sales would generate \$3.9 million of additional electric delivery revenues."
- ME/PN/PP/WP(Industrials)-II-2** Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide all electronic work papers that support Exhibit JP-5.
- ME/PN/PP/WP(Industrials)-II-3** Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide an electronic copy of the working COSS file in Microsoft Excel with all formula intact which supports Exhibit JP-7, as well as any other work papers which support Exhibit JP-7.
- ME/PN/PP/WP(Industrials)-II-4** Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide all electronic work papers that support Exhibit JP-11.
- ME/PN/PP/WP(Industrials)-II-5** Reference your Direct Testimony filed in the Met-Ed and Penelec proceedings. Please provide supporting electronic workpapers for the "Proposed Large C&I Rate Design" charts.
- ME/PN/PP/WP(Industrials)-II-6** Reference your Direct Testimony filed in the West Penn proceeding. Please provide supporting electronic workpapers for the "Proposed Schedule 40 Rate Design" chart.
- ME/PN/PP/WP(Industrials)-II-7** Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide all electronic work papers that support Exhibit JP-12.
- ME/PN/PP/WP(Industrials)-II-8** Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide supporting electronic workpapers for the "Recommended Design of Rider L" chart.

**ME/PN/PP/WP(Industrials)-II-9**

Reference your Direct Testimony filed in the Met-Ed, Penelec and West Penn proceedings. Please provide any precedent to support your claim that delivery service for backup and maintenance should be whenever it is needed.

- a. Does your recommendation comply with the terms of PURPA?

The following questions pertain to the Direct Testimony of Alex Fried.

**ME/PN/PP/WP(Industrials)-II-10**

Reference your Direct Testimony, page 7, line 11. Please provide an electronic workpaper which includes an analysis explaining the increase in cost of scheduling a maintenance outage for either of the cogen units of between \$75k and \$95k.

The following questions pertain to the Direct Testimony of Gerard M. Johnson.

**ME/PN/PP/WP(Industrials)-II-11**

Reference your Direct Testimony, page 7, line 17. Please provide an electronic workpaper which includes an analysis explaining the increase in distribution-related costs of approximately \$1m per year.

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

September 12, 2017

Thomas J. Sniscak, Esquire  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Re: Pa. Public Utility Commission  
v.  
Columbia Water Company  
Docket No. R-2017-2598203

Dear Counsel:

Enclosed you will find two copies of the Interrogatories of the Office of Consumer Advocate, Set IX, in the above-referenced proceeding.

In accordance with the ALJs' scheduling order in this proceeding, we request that the Company provide verified answers to these inquiries within ten (10) days of service. Also, please forward the verified answers as they are completed, rather than waiting until the responses to the full set are completed. We would appreciate it if you would communicate any objections you may have to these interrogatories as soon as possible.

We also request that you send a copy of the answers directly to our consultant, as listed below:

David Parcell  
Technical Associates, Inc.  
1503 Santa Rosa Road  
Suite 130  
Richmond, VA. 23229  
[david.parcell@tai-econ.com](mailto:david.parcell@tai-econ.com)

Thomas J. Sniscak, Esquire  
September 12, 2017  
Page 2

If you have any questions, please call us. By copy of this letter, copies of these interrogatories have been served upon all parties. A certificate of service showing service of these interrogatories on all parties has been filed with Secretary Chiavetta of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.341(b).

Sincerely,



Harrison W Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
E-Mail: HBreitman@paoca.org

Enclosures

cc: PUC Secretary Chiavetta, (letter and Certificate of Service only)  
Certificate of Service

\*239837

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :  
v. : Docket No. R-2017-2598203  
Columbia Water Company :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Interrogatories to Columbia Water Company, Set IX, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12<sup>th</sup> day of September 2017.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Erika McLain, Esquire  
Scott B. Granger, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O Box 3265  
Harrisburg, PA 17105-3265

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Daniel G. Asmus, Esquire  
Office of Small Business Advocate  
300 North Second Street  
Suite 202  
Harrisburg, PA 17101

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Thomas J. Sniscak, Esquire  
Christopher M. Arfaa, Esquire  
William E. Lehman, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Donna Hess  
339 East Walnut Street  
Marietta, PA 17547

\s\ Harrison W. Breitman  
Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. #320580  
E-Mail: [HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Kristine E. Marsilio  
Assistant Consumer Advocate  
PA Attorney I.D. #316479  
E-Mail: [KMarsilio@paoca.org](mailto:KMarsilio@paoca.org)

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. #50026  
E-Mail: [CHoover@paoca.org](mailto:CHoover@paoca.org)

Counsel for Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: September 12, 2017  
\*239836

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
 :  
 v. : DOCKET NO. R-2017-2598203  
 :  
 COLUMBIA WATER COMPANY :

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INTERROGATORIES OF THE  
OFFICE OF CONSUMER ADVOCATE  
SET IX

---

Pursuant to 52 Pa. Code §5.341, the Office of Consumer Advocate hereby propounds the following Interrogatories to Columbia Water Company to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of the Company. Each interrogatory is to be verified by the responding witness in accordance with 52 Pa. Code §5.342(a)(6).

DATED: September 12, 2017

### Instructions

- 1) These interrogatories shall be construed as a continuing request. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as first becomes available to the Respondent after the answers hereto are filed.
- 2) Restate the interrogatory immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing each response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term "Columbia Water Company", "CWC", "The Company", or "you" as used herein includes Columbia Water Company, its attorneys, agents, employees, contractors, or other representatives, to the extent that the Company has the right to compel the action requested herein.
- 6) Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness' knowledge, information and belief.
- 7) As used herein, but only to the extent not protected by 52 Pa. Code Section 5.323, the word "document" or "workpaper" includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
  - a) notations of any sort concerning conversations, telephone calls, meetings or other communications;
  - b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
  - c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.



Pennsylvania Public Utility Commission  
v.  
Columbia Water Company  
Docket No. R-2017-2598203  
Interrogatories of the Office of Consumer Advocate  
Set IX

1. Please provide a list of all cost of capital testimonies filed by Mr. D'Ascendis for the period 2010 to the present and provide the following information for each testimony:
  - a. Name of utility
  - b. Date of testimony
  - c. Jurisdiction
  - d. Docket number
  - e. Cost of equity recommended
  - f. Cost of equity authorized
2. Please provide copy of all excel spreadsheets utilized to develop Appendix B.
3. Please provide: (a) copies of the source documents, data and workpapers associated with the development of Appendix B and Schedules DWD-1 through DWD-8; and (b) the underlying data and workpapers in both paper and electric format (Microsoft Excel) with all data and formulas intact.
4. Please provide copy of source documents cited in Mr. D'Ascendis' footnotes.
5. Please provide copy of each Blue Chip Financial Forecast cited on page 34.
6. Please identify any water/wastewater rate proceedings Mr. D'Ascendis has filed cost of capital testimony since 2010 in which he did not propose a business risk adjustment.
7. Please identify any water/wastewater rate proceedings since 2010 in which Mr. D'Ascendis concluded that the subject company was less risky and therefore required a lower return on equity than the proxy water utility group.
8. Please indicate if Mr. D'Ascendis is aware of any studies that conclude that utilities are not properly subject to a "small size effect" and therefore do not require a higher return on equity due to size differences.
9. Please identify any water utility cases decided since 2014 that Mr. D'Ascendis is aware of in which the respective commission awarded a return on equity as high as 11.3 percent.

10. Please identify and provide copies of any studies that Mr. D'Ascendis is aware of that conclude that all investors rely exclusively on estimates of earnings per share projections in making investment decisions.
11. Please identify any public utility rate proceedings in which Mr. D'Ascendis believes the respective regulatory commission relied upon the Predictive Risk Premium Model in reaching its cost of equity decision. For any such decision identified, please provide the following information:
  - a. Name of utility,
  - b. Name of commission,
  - c. Docket number,
  - d. Date of decision,
  - e. Witness recommendation using PRPM model only,
  - f. Return on equity adopted by commission.

**COMMONWEALTH OF PENNSYLVANIA**



**OFFICE OF CONSUMER ADVOCATE**

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

July 23, 2014

Thomas J. Sniscak  
William E. Lehman  
Hawke McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Re: Pa. Public Utility Commission  
v.  
Emporium Water Company  
Docket No. R-2014-2402324

Dear Messrs. Sniscak and Lehman:

Enclosed you will find two copies of Interrogatories of the Office of Consumer Advocate, Set V, in the above-referenced proceeding.

In accordance with the Commission's Rules of Practice and Procedure, we request that the Company provide verified answers to these inquiries within ten (10) days of service. Also, please forward the verified answers as they are completed, rather than waiting until the responses to the full set are completed. We would appreciate it if you would communicate any objections you may have to these interrogatories as soon as possible.

We also request that you send a copy of the answers directly to our consultant, as listed below:

Ashley Everette  
Office of Consumer Advocate  
Forum Place, 5th Floor  
555 Walnut Street  
Harrisburg, PA 17101  
[AEverette@paoca.org](mailto:AEverette@paoca.org)

Mr. Thomas J. Sniscak  
Mr. William E. Lehman  
July 23, 2014  
Page 2

If you have any questions, please call us. By copy of this letter, copies of these interrogatories have been served upon all parties. A certificate of service showing service of these interrogatories on all parties has been filed with Secretary Chiavetta of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.341(b).

Sincerely,



Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50026  
E-Mail: [CHoover@paoca.org](mailto:CHoover@paoca.org)

Enclosures

cc: PUC Secretary Chiavetta, (letter and Certificate of Service only)  
Certificate of Service

\*187064

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
 :  
 v. : DOCKET NO. R-2014-2402324  
 :  
 EMPORIUM WATER COMPANY :

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INTERROGATORIES OF THE  
OFFICE OF CONSUMER ADVOCATE  
SET V

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Pursuant to 52 Pa. Code §5.341, the Office of Consumer Advocate hereby propounds the following Interrogatories to Emporium Water Company to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of the Company. Each interrogatory is to be verified by the responding witness in accordance with 52 Pa. Code §5.342(a)(6).

DATED: July 22, 2014

### Instructions

- 1) These interrogatories shall be construed as a continuing request. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as first becomes available to the Respondent after the answers hereto are filed.
- 2) Restate the interrogatory immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing each response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term "Emporium Water Company, " "Emporium, " "the Company, " or "you" as used herein includes Emporium Water Company, its attorneys, agents, employees, contractors, or other representatives, to the extent that the Company has the right to compel the action requested herein.
- 6) Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness' knowledge, information and belief.
- 7) As used herein but only to the extent not protected by 52 Pa. Code Section 5.323, the word "document" or "workpaper" includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
  - a) notations of any sort concerning conversations, telephone calls, meetings or other communications;
  - b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
  - c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.

Pennsylvania Public Utility Commission

v.

Emporium Water Company  
Docket No. R-2014-2402324

Interrogatories of the Office of Consumer Advocate  
Set V

1. Refer to the response to OCA-I-23. Please provide the year-end dates for the chart showing the breakdown of chemical expense for the years 2011-2014. If these expenses are not September 30 year-end dates, please provide a breakdown similar to this chart in Attachment OCA-I-23 which shows the breakdown of chemical expense, by chemical, for the year ending 9/30/13.
2. Refer to EWC Statement No. 1, page 13. Explain what is meant by the statement “The proposed increase in revenues of \$401,903 was allocated on an ‘across-the-board’ basis to all customers.” Does this claim take into account that the minimum allowances were eliminated? A comparison of Supporting Schedules 1 and 10 suggests that the residential customer class will experience a 56% increase while Commercial, Industrial, Public and Fire Protection classes will experience increases of 46%, 43%, 60% and 53%, respectively. Please provide all work papers and calculations which support that this is an “across-the-board” increase.
3. Refer to EWC St. No. 1. Please provide an update of the construction projects referenced on page 5-6.
4. Refer to EWC St. No. 1, page 10, line 10, where Mr. Shambaugh claims “stringent regulations” will be responsible in part for more frequent rate case filings. Please provide all regulations relied on by Mr. Shambaugh. For each regulation provide the date of Emporium Water’s compliance with the regulation or the projected date of compliance if it has not yet complied with the regulation. Also, please provide Mr. Shambaugh’s definition of “stringent” as he used it in this context.
5. Refer to EWC St. No. 2, page 5, l. 22-page 6, l. 2. Provide all data and workpapers relied upon by Mr. D’Ascendis for this statement
6. Refer to EWC St. No. 2. Please refer to page 6, lines 13-14. Provide all data and source documents, and any workpapers or analysis relied upon by Mr. D’Ascendis for the statement that “Emporium’s two supply sources are fed from comparatively small mountain streams.”
7. Please refer to page 6, lines 14-17 of EWC St. No. 2. Provide all data, source documents and workpapers for this statement. Please provide an explanation as to how this statement applies specifically to Emporium Water.

8. Please refer to page 6, lines 17-18 of EWC St. No. 2. Provide all data, source documents and workpapers for this statement. Please provide an explanation as to how this statement applies specifically to Emporium Water.
9. Please refer to page 6, lines 18-20 of EWC St. No. 2. Provide all data, source documents and workpapers for this statement. Please provide an explanation as to how this statement applies specifically to Emporium Water.
10. Please refer to page 6, lines 20 of EWC St. No. 2 where Mr. D'Ascendis refers to "stringent regulations". Please provide all regulations relied on by Mr. D'Ascendis. For each regulation provide the date of Emporium Water's compliance with the regulation or the projected date of compliance if it has not yet complied with the regulation. Also, please provide Mr. D'Ascendis's definition of "stringent" as he used it in this context.
11. Refer to Supporting Schedule No. 6. Please provide a similar schedule showing a detail of plant in service, annual depreciation and depreciation reserve for the plant funded by the \$2,104,000 Pennvest loan from August 1995.
12. Refer to the response to OCA-I-4. Do the billed amounts in this document represent actual amounts billed to customers?



CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :  
v. : Docket No. R-2014-2402324  
Emporium Water Company :

I hereby certify that I have this day served a true copy of the foregoing Interrogatories of the Office of Consumer Advocate, Set V, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 23<sup>rd</sup> day of July, 2014.

SERVICE BY E-MAIL AND INTER-OFFICE MAIL

Allison C. Kaster  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

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William E. Lehman  
Hawke McKeon & Sniscak, LLP  
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\*187066

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

This document has been filed electronically on the Commission's electronic filing system.

**VIA EMAIL AND FIRST CLASS MAIL**

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*Counsel for West Goshen Township*

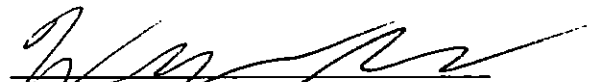
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*Counsel for West Goshen Township*

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Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder

DATED: February 16, 2018