**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Laurel Pipe Line Company, L.P. :

For approval to change direction of petroleum : A-2016-2575829

products transportation service to delivery :

points west of Eldorado, Pennsylvania :

Affiliated Interest Agreement between : G-2017-2587567

Laurel Pipe Line Company, L.P. and :

Buckeye Pipe Line Company, L.P. :

ORDER REGARDING LAUREL’S MOTION TO COMPEL MONROE TO PROVIDE

RESPONSES TO LAUREL SET I DISCOVERY REQUEST

On November 14, 2016, Laurel Pipe Line Company, L.P. (Laurel or Applicant) filed with the Commission the above-captioned Application. On February 1, 2017, Monroe Energy, LLC (Monroe) filed a formal Protest against the Application. In support of its Protest, Monroe adopted and incorporated the Affidavit of Daniel S. Arthur that was attached to the Protest of Gulf Operating, LLC. *See* Protest of Monroe Energy, LLC, Docket No. A-2016-2575829, at p. 5 (filed Feb. 1, 2017). On March 2, 2017, Laurel served Set I Discovery on Monroe.

On March 13, 2017, Monroe submitted timely written Objections to Laurel Set I Discovery. Monroe lodged fourteen (14) general objections, and specifically objected to Request Nos. 1 through 13, *i.e.* all of the interrogatories in the Set I Discovery.

On March 23, 2017, Laurel filed a Motion to Compel responses to Laurel Set I Discovery Request Nos. 1-13.

On March 28, 2017, Monroe filed its Answer to Laurel’s Motion to Compel.

The Commission’s Rules of Administrative Practice and Procedure at 52 Pa. Code §5.321 permit a broad scope of discovery:

(c) Scope. Subject to this subchapter, a party may obtain discovery regarding any mater, 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 It is not ground for objection that the information sought will be inadmissible at hearing if the information sought is reasonably calculated to lead to the discovery of admissible evidence.

1. Pa. Code § 5.321(c).

**Laurel – Set I, Request No. 1** provides as follows:

1. With reference to Monroe’s claim in paragraph 16 of its protest that there exists a “lack of service alternatives for Laurel’s current shippers”

a. Please provide records showing by month and by product type, the quantity of refined petroleum products lifted by Monroe out of terminals in Pennsylvania from January 1, 2012 to February 1, 2017.

b. Please ensure that all information provided in response to subpart (a) identifies the terminal the product originated from, and method of transportation used for the shipment.

c. Please identify the amount of refined product by month and by product type that Monroe has purchased from other parties who shipped this refined product on Laurel from January 1, 2012 to the Present.

d. Please identify the amount of refined product by month and by product type that Monroe has transported to terminals in Pennsylvania by either a non-Buckeye pipeline or by barge from January 1, 2012 to February 1, 2017.

Monroe objects to Request No. 1 on the grounds that the request is overbroad and burdensome. Monroe states that the request seeks information that would require Monroe to perform a “time consuming analysis.” Monroe also objects to Request No. 1 on the grounds that it did not purchase the Trainer refinery until “June of 2012” and did not begin production until “September of 2012.” Monroe states that it will provide data in its possession that is response from January 1, 2015 through February 1, 2017.

In its Motion to Compel, Laurel argues that it is reasonable to expect that an entity that participates in the petroleum products transportation market would possess readily- available, easily-produced information about products lifted from its terminals, in the area where it operates. Motion to Compel, ¶ 12. Such data is an essential business metric that refiners monitor and record, and it is exceedingly likely that Monroe records, analyzes and retains the requested information as part of its routine business records. *Id.*

After carefully considering Laurel’s and Monroe’s positions I shall grant, in part, and deny, in part, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 1. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 2** provides as follows:

2. With reference to Monroe’s claim in paragraph 16 of its protest that there exists a “lack of service alternatives for Laurel’s current shippers”

a. Please provide records showing by month and by product type, the quantity of refined petroleum produced by Monroe and delivered to a terminal in Pennsylvania from January 1, 2012 to February 1, 2017.

b. Please ensure that all information provided in response to subpart (a) identifies the terminal to which the product was delivered, and method of transportation used for the shipment.

c. Please ensure that the information provided in response to subpart (a) provides the price at which product was sold and the methodology used to calculate the price.

d. Please identify the amount of refined product by month and by product type that Monroe has sold to other parties at the refinery gate who shipped this refined product on Laurel from January, 1 2012 to February 1, 2017.

e. Please ensure that all information provided in response to subpart (d) identifies the terminal to which the product was sold and the party to whom the product was sold.

f. Please ensure that the information provided in response to subpart (d) provides the price at which product was sold and the methodology used to calculate the price.

g. Please identify the amount of refined product by month and by product type that Monroe has sold to other parties at the refinery gate who shipped this refined product using some means other than Laurel from January, 1 2012 to February 1, 2017.

h. Please ensure that all information provided in response to subpart (g) identifies the terminal to which the product was sold and the party to whom the product was sold.

i. Please ensure that the information provided in response to subpart (g) provides the price at which product was sold and the methodology used to calculate the price.

Monroe specifically objects to subparts (a), (d), and (g) of Request No. 2 on the grounds that the requests are overly broad, unduly burdensome and beyond the scope of this proceeding.

In its Motion to Compel, Laurel adopts and incorporates its arguments with respect to Request No. 1 of the Set I discovery. Motion to Compel, ¶ 20. In addition, Laurel argues that the information regarding the movements of petroleum products shipped by Monroe over Laurel’s pipeline system, or any other mode of transport, are directly related to Monroe’s claims regarding the hardship that Monroe alleges it will suffer as a result of the proposal,[[1]](#footnote-1) as well as alternatives that Monroe alleges are inadequate.[[2]](#footnote-2) According to Laurel, Monroe cannot claim in its Protest that it would be harmed and lack viable alternatives if Laurel’s proposal is approved, and then argue information underlying these claims is outside the scope of discovery. Therefore, Monroe’s objection on these grounds should be denied. Motion to Compel, ¶ 19.

In its Answer, Monroe argues that it has yet to present its direct testimony in this matter and when it does present evidence to support the “claims” made in its pleadings, Laurel is free to ask discovery related to it, and will undoubtedly do so. According to Monroe, demanding such a burdensome production before that event is unreasonable and is intended to harass and annoy Monroe. Answer, ¶ 18.

The Commission’s regulations at 52 Pa. Code § 5.331 (regarding Sequence and Timing in Discovery) instructs a party to initiate discovery as early in the proceedings as reasonably possible. “In a proceeding, the right to discovery commences when a complaint, protest or other adverse pleading is filed or when the Commission institutes an investigation or on the record proceeding, whichever is earlier.” 52 Pa. Code § 5.331(b). There is, therefore, no requirement that a party wait for opponent’s direct testimony to be filed before conducting discovery upon claims stated therein. Laurel – Set I, Request No. 2 is not premature and seeks information that is relevant to the subject matter in this proceeding. Monroe has failed to provide any explanation why the requested information is overly broad or unreasonably burdensome. In view of the above, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 2 shall be granted, in part, and denied, in part. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 3** provides as follows:

3. Regarding Monroe’s reference in paragraph 17 to injury to Monroe’s Trainer refinery:

a. Please provide records showing by month, type and quantity the refined products sold from the Trainer refinery from January 1, 2012 to February 1, 2017.

b. Please provide records showing by month, type and quantity the destination of refined products sold from the Trainer refinery from January 1, 2012 to February 1, 2017.

c. Please provide financial records showing the total sales revenue generated by product sold from the Trainer refinery on a monthly basis, broken down by product type and destination, if available, from January 1, 2012 to February 1, 2017.

d. Please provide financial records showing the breakdown of total sales revenue on a monthly basis for product (1) lifted by Laurel pipeline, (2) lifted by other pipelines, (3) moved by trucks, (4) moved by barge, and (5) moved by other methods for the period from January 1, 2012 to February 1, 2017.

e. Please provide financial records showing the breakdown of total sales revenue by dollars for each product and as a percentage of total monthly sales revenue for all products sold at Trainer refinery gate, on a monthly basis for the period from January 1, 2012 to February 1, 2017.

In its Objection and Answer, Monroe argues that this discovery request is vague and seeks five years of historical sales revenue which “cannot show what future injury the flow reversal will cause Monroe.” Answer, ¶ 23. According to Monroe, the request is intended to burden, harass and annoy Monroe.

Laurel counters Monroe’s vagueness claim by arguing that its discovery request specifically seeks information relevant to the “injury the proposed reversal would have on Pennsylvania refineries, including Monroe’s Trainer refinery” that Monroe claims will occur by its adoption of Mr. Arthur’s Affidavit. Motion to Compel, ¶ 23, *see also* Protest of Monroe Energy, LLC, Docket No. A-2016-2575829, at p. 5 (filed Feb. 1, 2017).

In addition, Monroe objects to Laurel – Set I, Request No. 3 on the grounds that it is overbroad and unduly burdensome, see Objections, ¶ 24, and in turn Laurel responds by adopting and incorporating its arguments with respect to Requests No. 1 and 2 of the Set I discovery. Motion to Compel, ¶ 24.

I agree with Laurel that Laurel – Set I, Request No. 3 seeks information relevant to the subject matter in this proceedings. Furthermore, Monroe has failed to provide any explanation why the requested information is overly broad or unreasonably burdensome. In view of the above, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 2 shall be granted, in part, and denied, in part. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 4** provides as follows:

4. Regarding Monroe’s reference in paragraph 17 to injury to Monroe’s Trainer refinery:

a. Please identify and describe in detail all modes by which product is transported to market from the Trainer refinery (e.g., by pipeline, including Monroe’s affiliated liquids pipeline, by barge, by truck rack and by exchange)

b. Please quantify for each month since January 1, 2012, the volumes, identified by product type of product, transported by means of each of the transportation modes identified in the response to subpart (a).

c. Please identify any and all internal reviews, analyses, reports, or discussions undertaken or caused to be undertaken by Monroe regarding competitive threats to Trainer refinery, including but not limited to loss of transportation options and competition from other sources of supply since January 1, 2012.

Monroe objects to Laurel – Set I, Request No. 4 on the same grounds it stated in its objections to Laurel – Set I, Request Nos. 1 and 2. Answer, ¶ 29. In addition, Monroe argues seeking information on all of the sales, revenue, and other data from the Trainer refinery, from before Monroe even owned it, is oppressive, beyond the scope of reasonable discovery and should be rejected, considering that any alleged harm is alleged to be future harm, and especially given the burden of production, the competitively sensitive nature of the requested information, and Laurel’s ability to obtain the same or similar information using publicly available pricing and volume data. Monroe agrees to provide 2 years of data responsive to Laurel – Set I, Request No. 4. *Id.*

In turn, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 4 adopts and incorporates Laurel’s arguments with respect to Request No. 1-3 of the Set I discovery. Motion to Compel, ¶¶ 28-29.

After considering the parties’ respective positions, I find that Monroe has failed to provide any explanation why the requested information is overly broad or unreasonably burdensome. Monroe’s consent to produce 2 years of the information sought in Laurel – Set I, Request No. 4 undermines its argument that information sought by Laurel is beyond the scope of reasonable discovery. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017. The parties are instructed to work together in determining what information, if any, is publicly available to Laurel and responsive to Laurel – Set I, Request No. 4. Consequently, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 2 shall be granted, in part, and denied, in part.

**Laurel – Set I, Request No. 5** provides as follows:

5. Regarding its claims that Monroe will be negatively economically affected by the proposed partial reversal of Laurel:

a. Has Monroe performed any analysis and/or study (either quantified or qualitative) of how it will or may be affected economically if Laurel’s Application is approved? If so, provide a copy of all analyses and/or studies.

b. Please provide all documents, including emails, memoranda, letters, notes of phone calls, etc., which in any way address or relate to how Monroe be affected economically if Laurel’s Application is approved, whether or not such documents constitute analyses or studies.

Monroe objects to this discovery request on the grounds that it is overbroad and unduly burdensome. Monroe avers that it will provide formal studies or analyses in its possession that are responsive to the request. In turn, Laurel argues that Monroe’s offer of formal studies or analysis does not properly respond to Request No. 5. Motion to Compel, ¶ 32. Laurel maintains that Monroe cannot arbitrarily attempt to limit the information sought by this request to include only formal studies or analyses because there may be relevant information included in documents that are not “formal studies or analyses.” Motion to Compel, ¶ 33.

In its Answer, Monroe restates its view that the amount of work required to produce the information requested is not reasonable. “Countless hours are required to manipulate that data to answer the plethora of detailed requests propounded by Laurel. The entirety of the data makes each request an unreasonably burdensome part of an overly oppressive whole.” Answer, ¶ 32. According to Monroe, its offer to produce only formal studies or analysis in its possession is not unreasonably or arbitrary. Rather, it is an acknowledgement that what Laurel has asked is impossible. Answer ,¶ 33.

I find that Monroe has failed to provide any explanation why the requested information is overly broad or unreasonably burdensome. Without more, claims of “countless hours” and “unreasonable amount of work” required to respond to a discovery request do nothing to assist a presiding officer in evaluating the breadth, burden, and reasonableness of a discovery request. Based on the statements put forth by each party, I shall grant, in part, and deny, in part, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 5. This discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 6** provides as follows:

6. Regarding Monroe’s claims on the impact of additional Midwestern supply as a result of the proposed partial reversal of Laurel on the consumers of Pennsylvania:

a. Has Monroe performed any analysis and/or study (either quantified or qualitative) of how it will or may be affected economically by competition from Midwestern refineries? If so, provide a copy of all analyses and/or studies.

b. Please provide all documents, including emails, memoranda, letters, notes of phone calls, etc., which in any way address or relate to how Monroe be affected economically by competition from Midwestern refineries, whether or not such documents constitute analyses or studies.

Monroe objects to Laurel – Set I, Request No. 6 on the same grounds it stated in its objections to Laurel – Set I, Request No. 5. Objections at 8. In turn, Laurel seeks to compel a response to Laurel – Set I, Request No. 6 on grounds similar to those stated in its Motion to Compel in support of its Laurel – Set I, Request No. 5. Motion to Compel, ¶¶ 35-36. Similarly, I shall grant, in part, and deny, in part, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 6, in accordance with my discussion on Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 5, *supra* at 9. This discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 7** provides as follows:

7. With reference to the statement in paragraph 31 that the proposal would “exacerbate the already serious problem of an oversupply of petroleum products”:

a. Please provide all studies conducted by Monroe since January 1, 2012 discussing the referenced oversupply problem in the Philadelphia market.

b. Please provide all studies conducted by Monroe in the past five years discussing competition from foreign imports.

c. Please provide the approximate date at which East Coast market participants entered an oversupply status.

d. Please provide all business plans showing how Monroe has responded or attempted to respond to the oversupply situation as of the date identified in response (c).

e. Please provide all business plans addressing Monroe’s planned response to the ongoing and future oversupply situation.

Monroe objects to Laurel – Set I, Request No. 7 on the same grounds it stated in its objections to Laurel – Set I, Request Nos. 1-6. Objections at 9. In turn, Laurel seeks to compel a response to Laurel – Set I, Request No. 7 on grounds similar to those stated in its Motion to Compel in support of its Laurel – Set I, Request Nos. 1-6. Motion to Compel, ¶¶ 38-39. Similarly, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 7 shall be granted, in part, and denied, in part, in accordance with my rulings on Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-6, *supra*. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 8** provides as follows:

8. In Paragraph 31 [of Monroe’s Protest], please define the meaning of “drastically reduced price.”

Monroe objects to Request No. 8 on the grounds that it is overbroad and ambiguous, as it is based on a statement by Dr. Arthur. Objections at 9.

In its Motion to Compel, Laurel points out that Monroe is objecting to a request to define a statement that it expressly makes in its Protest at paragraph 31, and that was made by Dr. Arthur and adopted by Monroe. Laurel explains that Monroe conceded in its Protest that it adopted and relied upon the Affidavit of Dr. Arthur as a part of its Protest. Protest of Monroe Energy, LLC, Docket No. A-2016-2575829, at p. 5 (filed Feb. 1, 2017) (“In support of its Protest, Monroe adopts the Affidavit of Daniel S. Arthur of the Brattle Group (“Affidavit”) attached to the protest of Gulf Operating, LLC in this docket.”). According to Laurel, it is reasonable to expect that Monroe, having adopted Dr. Arthur’s affidavit, understands Dr. Arthur’s use of the term “drastically reduced price” and that Monroe can define this term. Moreover, Monroe expressly makes this statement in its Protest. Motion to Compel, ¶ 41.

In its Answer, Monroe explains for the first time that it answered request No. 8, fully and completely, in responses provided to Laurel the day before the filing of the instant Motion, and Laurel failed even to acknowledge that it had received an answer. According to Monroe, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 8 should be rejected as moot at best. Monroe maintains that both the request itself and the Motion to Compel, are indicative of Laurel’s objective is to harass and annoy Monroe.

I was not provided with a copy of Monroe’s response to Laurel – Set I, Request No. 8, and Laurel did not amend its Motion to Compel after March 23, 2017. Therefore, I cannot conclude that Laurel’s Motion to Compel is moot with respect to this discovery request. However, the Commission’s regulations at 52 Pa.Code § 5.342 (regarding Answers or objections to written interrogatories by a party) specifically instruct that an objection to an interrogatory “must be served instead of an answer.” 52 Pa.Code § 5.342(c)(1). If it is true that Monroe answered request No. 8, timely, fully and completely, then its objections to the same request, as vague and overbroad, were at best facetious, and at worst made in bad faith.

Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 8 shall be granted, in part, and denied, in part. The discovery request shall be modified to request information from September 1, 2012, through February 1, 2017.

**Laurel – Set I, Request No. 9** provides as follows:

9. With reference to Monroe’s statements in paragraph 32 that “Pittsburgh consumers will lose reliability and pricing benefits currently provided by access to western and eastern supply sources”:

a. Please provide all studies or analyses conducted by Monroe since January 1, 2012 discussing the benefit of supply alternatives.

b. Please provide all studies or analyses conducted by Monroe since January 1, 2012 discussing the benefit of reliability redundancies for the Pittsburgh market caused by Laurel’s east to west direction of flow.

c. Please provide all studies or analyses conducted by Monroe since January 1, 2012 discussing how or to what extent that Pittsburgh might lose reliability benefits if Laurel did not flow in an east to west direction.

d. Please provide all studies conducted by Monroe since January 1, 2012 discussing pricing benefits to Pittsburgh customers.

Monroe objects to Laurel – Set I, Request No. 9 on the same grounds it stated in its objections to Laurel – Set I, Request Nos. 1-6. Objections at 12. In turn, Laurel seeks to compel a response to Laurel – Set I, Request No. 9 on grounds similar to those stated in its Motion to Compel in support of its Laurel – Set I, Request Nos. 1-6. Motion to Compel, ¶¶ 43-44. Similarly, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 9 shall be granted, in part, and denied, in part, in accordance with my rulings on Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-6, *supra*. The discovery request shall be modified to request information from September 1, 2012 through February 1, 2017.

**Laurel – Set I, Request No. 10** provides as follows:

10. With reference to Monroe’s claim in paragraph 32 that the reversal could increase delivery costs to Pittsburgh consumers by $68 million annually

a. Please provide all internal studies, analyses or other materials in which Monroe estimated how the proposed reversal would or could increase delivered costs to Pittsburgh consumers.

b. Please provide all documents relied upon by management showing the margin or any other measure of profit Monroe has earned from refined products delivered to the Pittsburgh market from January 1, 2012 to the present.

Monroe objects to Laurel – Set I, Request No. 10 on the basis that the reference to paragraph 32 of its Protest is incomplete, misleading, argumentative, and would tend to mislead the reader as to what the referred-to document actually stated. In addition, Monroe objects to the request that it provide “all internal studies, analyses or other materials” and “documents,” and also objects to this discovery request to the extent it is not limited in time. Objections at 10.

In its Motion to Compel, Laurel disagrees with Monroe’s assertions regarding its reference to paragraph 32 of Monroe’s Protest. According to Laurel, Monroe’s objections regarding the reference are not valid grounds for objecting to the discovery of information or materials under the Commission’s regulations. Motion to Compel, ¶ 46. Laurel explains that Laurel – Set I, Request No. 10 states that Monroe claims in paragraph 32 that “the reversal could increase delivery costs to Pittsburgh consumers by $68 million annually.” *See* paragraph 40 *supra*. Monroe states that paragraph 32 actually states that fuel costs “could increase ‘potentially in the range of $34 million to $68 million a year.’” Objections at 10. Laurel points out that both Request 10 and paragraph 32 state what Monroe claims could happen as a result of the reversal. *See id.*

In its Answer, Monroe defends its objections by arguing that Monroe should not be required to respond to a question, the premise of which is incorrect and contrary to what it has stated. Answer, ¶ 46.

While I agree with Monroe that Laurel’s reference to paragraph 32 includes a fixed amount instead of a range, I fail to see how that fact renders Laurel’s interrogatory improper or invalid. Monroe must remember that the reference to its Protest is included solely to guide the reader to a claim in Monroe’s Protests and assist him or her in assessing the relevancy and reasonableness of the interrogatory. The interrogatory itself is valid even without any mention of a dollar amount and even without a reference to Monroe’s Protest. In addition, Monroe fails to explain why it objects to the request that it provide “all internal studies, analyses or other materials” and “documents.” As I explained above, vague and general claims burdensomeness regarding a discovery request do nothing to assist a presiding officer in evaluating the breadth, burden, and reasonableness of the request. *See, supra,* at 9.

In view of the above, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 10 shall be denied only to the extent that it requests information prior to September 1, 2012. Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 10 shall be granted on all other grounds.

**Laurel – Set I, Request No. 11** provides as follows:

11. Regarding Monroe’s discussion of infrastructure and environmental concerns in paragraph 33:

a. Please provide all internal studies, analyses, or other materials in which Monroe considered the infrastructure and/or environmental impacts of the transportation of any and all types of movements of petroleum products, or of proposed changes to the transportation of all types of movements of petroleum products.

Monroe objects to the request that it provide “all internal studies, analyses or other materials” as it considers the request overly broad, lacking a time limit, beyond the scope of the Laurel application, and an unreasonable burden upon Monroe. Without waiving these objections, Monroe avers that it will provide formal studies in its possession that are responsive to the request and were completed since January 1, 2015. Objections at 11.

In its Motion to Compel, Laurel adopts and incorporates Laurel’s arguments with respect to Laurel – Set I, Request Nos. 1, 2 and 5 of the Set I discovery. Motion to Compel, ¶¶ 51-52, 54. In addition, Laurel addresses Monroe’s claim that this discovery request is not relevant to this proceeding by pointing out Monroe’s claim that Laurel’s Application is not in the public interest, specifically its claim that the proposal would degrade Pennsylvania’s environment and infrastructure. Motion to Compel, ¶ 53, *see* Monroe Protest, at pp. 10, 13. As such, Laurel argues the information sought by Laurel – Set I, Request No. 11 is directly related to a claim made by Monroe in the course of this proceeding.

In its Answer, Monroe adopts and incorporates Monroe’s arguments with respect to Request Nos. 1, 2 and 5 of the Set I discovery. Answer, ¶¶ 51-54.

I agree with Laurel that the information sought by Laurel – Set I, Request No. 11 is directly related to a claim made by Monroe in the course of this proceeding. Consequently, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 11 shall be granted, in part, and denied, in part, in accordance with my rulings on Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-6, *supra*. The discovery request shall be modified to request information from September 1, 2012, through February 1, 2017.

**Laurel – Set I, Request No. 12** provides as follows:

12. Regarding Monroe’s claims in Paragraph 36 that it would be required to “take a loss compared to the prices they are currently receiving for petroleum products”:

a. Please provide all internal cost analysis undertaken by Monroe regarding potential alternative markets to the markets served by the destinations on Laurel located west of Altoona, including pricing information for selling petroleum products to those markets.

b. Please provide all internal cost analysis and data regarding the current profit margin Monroe receives from shipments on Laurel, by destination.

c. Please provide all internal cost analysis and data regarding the current profit margin Monroe receives from sales of product at the refinery gate.

Monroe objects to Laurel – Set I, Request No. 12 on the basis that the reference to paragraph 36 is argumentative, and suggests Monroe made a claim it did not make. In addition, Monroe objects to the request that it provide “all internal studies, analyses or other materials” as it considers the request overly broad, lacking a time limit, beyond the scope of the Laurel application, and an unreasonable burden upon Monroe. Without waiving these objections, Monroe avers that it will provide formal studies in its possession that are responsive to the request and were completed since January 1, 2015. Objections at 11.

In turn, Laurel argues that Monroe is incorrect in its assertion that Laurel – Set I, Request No. 12 is not an accurate quote of paragraph 36. Laurel points out that paragraph 36 of Monroe’s Protest states:

Contrary to Laurel’s claims, the proposed reversal will eliminate pipeline outlets for Philadelphia refineries and other shippers, leaving petroleum products stranded or forcing transportation to smaller, less-established markets, causing Philadelphia refiners and shippers to take a loss when compared to the prices they are currently receiving from petroleum products.

Motion to Compel, ¶ 57, *see also* Protest of Monroe Energy, LLC, Docket No. A-2016-2575829, at p. 14 (filed Feb. 1, 2017) (emphasis added). According to Laurel, Laurel – Set I, Request No. 12 accurately quotes Monroe’s Protest, unless Monroe now contends that it is not a Philadelphia refiner or shipper. Motion to Compel ¶ 57. In addition, Laurel adopts and incorporates Laurel’s arguments with respect to Laurel – Set I, Request Nos. 1, 2 and 5 of the Set I discovery. Motion to Compel, ¶¶ 58-59.

In its Answer, Monroe adopts and incorporates Monroe’s arguments with respect to Request Nos. 1, 2 and 5 of the Set I discovery. Answer, ¶¶ 58-59.

I agree with Laurel that Laurel – Set I, Request No. 12 accurately refers to and paraphrases paragraph 36 of Monroe’s Protest. Consequently, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 12 shall be granted, in part, and denied, in part, in accordance with my rulings on Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-6, *supra*. The discovery request shall be modified to request information from September 1, 2012, through February 1, 2017.

**Laurel – Set I, Request No. 13** provides as follows:

13. With reference to Monroe’s discussion of alternative markets in New York City, Upstate New York and Central Pennsylvania in paragraph 36:

a. Please provide by month, delivery terminal and product type the amount of product that Monroe has delivered to the New York City market from January 1, 2012 to the present.

b. With regard to material provided in response to subpart (a) please ensure that each supply source and/or transportation route is listed separately (e.g. if a certain amount of gasoline was shipped to the New York City market using Colonial and a different amount was shipped to the New York City market via Harbor pipeline, via barge, or via exchange, please so state).

c. Please provide by month, delivery terminal and product type the amount of product that Monroe has delivered to Upstate New York from January 1, 2012 to the present.

d. With regard to material provided in response to subpart (c) please ensure that each supply source and/or transportation route is listed separately.

e. Please provide by month, delivery terminal and product type the amount of product that Monroe has delivered to Central Pennsylvania from January 1, 2012 to the present.

f. With regard to material provided in response to subpart (e) please ensure that each supply source and/or transportation route is listed separately.

Monroe objects to the request that it perform any studies, analyses, calculations, or create documents not in existence. In addition, Monroe considers the request overly broad, lacking a time limit, beyond the scope of the Laurel application, and an unreasonable burden upon Monroe. Without waiving these objections, Monroe avers that it will provide formal studies in its possession that are responsive to the request and were completed since January 1, 2015. Objections at 12. In turn, Laurel adopts and incorporates Laurel’s arguments with respect to Laurel – Set I, Request Nos. 1, 2 and 5 of the Set I discovery. Motion to Compel, ¶¶ 62-63. Similarly, I shall grant, in part, and deny, in part, Laurel’s Motion to Compel a response to Laurel – Set I, Request No. 13 in accordance with my rulings on Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-6, *supra*. The discovery request shall be modified to request information from September 1, 2012, through February 1, 2017.

THEREFORE,

IT IS ORDERED:

1. That Laurel’s Motion to Compel responses to Laurel – Set I, Request Nos. 1-13 is granted, in part, and denied, in part, in accordance with the discussion, *supra.*

2. That Laurel – Set I, Request Nos. 1-13 shall be amended to seek information regarding the period September 1, 2012, to January 1, 2017.

3. That Monroe Energy, LLC shall serve upon Laurel Pipe Line Company, L.P. full and complete responses to Laurel – Set I, Request Nos. 1-13 by no later than May 22, 2016.

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| --- | --- | --- | --- | --- |
| Date: | May 10, 2017 |  |  | |
|  |  | Eranda Vero  Administrative Law Judge | |
|  |  |  | |

**A-2016-2575829 & G-2017-2587567APPLICATION OF LAUREL PIPE LINE COMPANY, L.P**

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1. *See, e.g.*, Protest of Monroe Energy, LLC, Docket No. A-2016-2575829, at pp. 10-13 (filed Feb. 1, 2017). [↑](#footnote-ref-1)
2. *See id*., at pp. 13-15. [↑](#footnote-ref-2)