**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 MONROE’S PETITION TO WITHDRAW MOTION FOR EXTENSION OF TIME TO COMPLY WITH ORDER**

On July 14, 2017, Monroe Energy, LLC (Monroe) served Monroe Statement No. 1, the Direct Testimony of Tracy Sadowski.

On July 27, 2017, Laurel Pipe Line Company, L.P. (Laurel or Applicant) served a Notice of Deposition on Monroe, and provided notice of its intent to depose Ms. Sadowski on subjects related to Monroe’s participation in this proceeding, the issues raised in her direct testimony, and matters discussed in Monroe’s responses to interrogatories. On August 17, 2017, Tracy Sadowski was deposed.

On August 25, 2017, Laurel served HIGHLY CONFIDENTIAL Set III Discovery on Monroe.

Monroe objected to Set III Discovery on September 5, 2017. Monroe objected to Instruction and Definition No. 1, and Request Nos. 2, 3, 4, 7 and 8(c). Counsel for Laurel and Monroe discussed the objections on September 12 and 13, 2017, Monroe agreed to provide unredacted versions of the documents requested in Request Nos. 3 and 4. Monroe also agreed to answer Request Nos. 7 and 8(c), provided it had until Friday, September 22, 2017 to do so.

On September 15, 2017, Laurel filed a Motion to Compel Monroe to respond to HIGHLY CONFIDENTIAL Set III, Instruction and Definition No. 1 and Request No. 2 (Motion).

On September 20, 2017, Gulf filed its Answer to Laurel’s Motion to Compel.

On October 10, 2017, I issued an Order granting, *inter alia*, Laurel’s Motion to Compel responses to Laurel’s HIGHLY CONFIDENTIAL Set III, Request No. 2, and ordering Monroe to serve upon Laurel full and complete responses to Laurel HIGHLY CONFIDENTIAL Set III, Request No. 2 by no later than October 19, 2017.[[1]](#footnote-1)

On October 18, 2017, Monroe filed a Motion seeking an extension of time to comply with the October 10, 2017, Order. In its Motion, Monroe states that good cause for an extension of time to comply with the Order exists because “due to a staffing mistake” counsel for Monroe was not provided the Order, or aware it had been issued, until October 18, 2017. Motion at 1. As such, a copy was not provided to Monroe by its counsel until October 18, 2017. Monroe also states that it was not otherwise aware of the Order because it “was marked confidential” and “it was not e-served.” Motion at 2.

On October 23, 2017, Laurel filed its response to Monroe’s Motion. In its response, Laurel argues that the Applicant has been, and will be, prejudiced by Monroe’s untimely production of information in compliance with the Order. According to Laurel, Monroe’s failure to timely provide responses and produce documents in response to the Set III Discovery has deprived Laurel of the opportunity to address any produced information in its Written Rejoinder testimony that was due on October 20, 2017. However, Laurel avers that it does not oppose Monroe’s Motion, if Laurel is afforded the opportunity to file Supplemental Written Rejoinder Testimony to respond to any information provided in compliance with the Order by Wednesday, November 1, 2017.

On October 24, 2017. Monroe filed a Petition to Withdraw its Motion for Extension of Time to Comply with Order Compelling Response to Laurel Pipe Line Company, L.P.’s Set III Discovery. In its Petition, Monroe states that, as of October 23, 2017, it has completed producing the documents required in the October 10, 2017, Order. As such, Monroe avers that it does not oppose Laurel’s request to file Supplemental Written Rejoinder as to any documents produced after October 19, 2017, but it does oppose any supplemental rejoinder testimony addressing documents it produced on October 19, 2017, in compliance with the Order.

Laurel does not object to the Petition.

I note that pursuant to the March 1, 2017 Prehearing Order # 2, Ordering Paragraph # 8, parties may serve documents electronically by 4:30 p.m. to meet any required due date, with hard copy to follow by regular first class mail. Service after 4:30 p.m. on the due date is considered untimely.

In view of the above, I shall grant Monroe’s Petition to Withdraw its Motion for Extension of Time to Comply with the October 10, 2017, Order. In addition, Laurel shall be permitted to file Supplemental Written Rejoinder testimony as to any documents produced by Monroe after the deadline of October 19, 2017. Any Supplemental Written Rejoinder must be filed by Laurel by no later than November 1, 2017.

THEREFORE,

IT IS ORDERED:

1. That Monroe’s Petition to Withdraw its Motion for Extension of Time to Comply with the October 10, 2017, Order is granted.
2. That Laurel may file Supplemental Written Rejoinder Testimony as to any documents produced by Monroe after the deadline of October 19, 2017.
3. That any Supplemental Written Rejoinder Testimony must be filed by Laurel by no later than November 1, 2017.

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| --- | --- | --- | --- |
| Date: | October 25, 2017 |  |  |
|  |  |  | Eranda Vero  Administrative Law Judge |

**A-2016-2575829 - APPLICATION OF LAUREL PIPE LINE COMPANY, L.P.**

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1. The Order was served in two versions. The PUBLIC version had the confidential information redacted and was e-served upon the parties, whereas the HIGHLY CONFIDENTIAL version was served upon the parties via first class mail. [↑](#footnote-ref-1)