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November 19, 2018

VIA ELECTRONIC FILING

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

Re: Giant Eagle, Inc., et al. v. Laurel Pipe Line Company, L.P.
Docket No. C-2018-3003365

Dear Secretary Chiavetta:

Enclosed please find the Answer of Laurel Pipe Line Company, L.P. to the Complainant's Second Motion to Compel dated November 13, 2018, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service. Please note that the HIGHLY CONFIDENTIAL version of Appendix E will be provided in the hard copy.

Sincerely,



Garrett P. Lent

GPL/kl
Enclosure

cc: Certificate of Service
Honorable Eranda Vero

CERTIFICATE OF SERVICE

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

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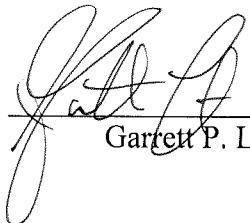
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Date: November 19, 2018



Garrett P. Lent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Giant Eagle, Inc.; Guttman Energy, Inc.;	:	
Lucknow-Highspire Terminals, LLC;	:	
Monroe Energy, LLC; Philadelphia Energy	:	Docket No. C-2018-3003365
Solutions Refining and Marketing, LLC;	:	
and Sheetz, Inc.	:	
	:	
Complainants,	:	
	:	
v.	:	
	:	
Laurel Pipe Line Company, L.P.	:	
	:	
Respondent.	:	

**ANSWER OF LAUREL PIPE LINE COMPANY, L.P.
TO THE MOTION TO SECOND COMPEL RESPONSES TO COMPLAINANTS' SET I**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Laurel Pipe Line Company, L.P. ("Laurel" or the "Company") hereby files this Answer, pursuant to Section 5.101 of the Pennsylvania Public Utility Commission's ("Commission") regulations, 52 Pa. Code § 5.101, to the Motion to Compel and Request for Shortened Response Period ("Second Motion") filed by Giant Eagle, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc. ("Complainants") on November 13, 2018.

The Second Motion seeks to compel complete disclosure of the same seven documents disputed in the Complainants Motion to Compel dated October 13, 2018, that contain privileged attorney-client communications and/or privileged party representative work product related to the development of Laurel's litigation position set forth in the Affidavit of Michael J. Kelly,

which was incorporated into Laurel's Answer to the Petition for Interim Emergency Relief at Docket No. P-2018-3003368. On October 25, 2018, the Administrative Law Judge Eranda Vero (the "ALJ") issued an order that granted in part and denied in part the Complainants' First Motion ("Order"), and ordered Laurel to produce the documents identified as Item Nos. 1 and 4 through 7, with redactions of the material Laurel claimed as privileged party representative work product. Order, at p. 3. The Order further concluded that Item No. 2 constituted privileged work product and denied Complainants' First Motion with respect to Item No. 2 and further permitted Laurel to withhold from production Item No. 3 if it was the "electronic mail through which Items No. 4 and 5 were transmitted to Mr. Arnold, Mr. Kelly, Mr. Johnson and Mr. Ernst." Order, at p. 3. Laurel complied with the ALJ's Order and produced Item Nos. 1 and 4-7 with appropriate redactions of the information claimed as privileged party representative work product on October 31, 2018.

As explained below, Complainants' Second Motion, which seeks complete disclosure of the privileged information in Item Nos. 1 and 4 through 7 and attempts to re-litigate the ALJ's ruling with respect to Item Nos. 2 and 3, should be denied because Laurel has demonstrated that the disputed information is privileged and exempt from discovery. Specifically, Laurel fully complied with the Order and produced appropriately redacted versions of the documents identified as Item Nos. 1 and 4-7. Laurel's redactions to Item Nos. 1 and 4-7 properly shield the work product of its party representatives. Laurel's redactions in no way have frustrated the Complainants' efforts to engage in meaningful discovery in this proceeding, because Laurel has provided, and will provide, answers and documents responding to Complainants' relevant and non-privileged discovery requests. Furthermore, the Complainants' inaccurate claims that Laurel

has mischaracterized or otherwise withheld responsive documents related to Item Nos. 1 and 6-7 are unfounded and should be rejected.

In support thereof, Laurel states as follows:

I. INTRODUCTION

1. Laurel is a Delaware Limited Partnership formed for the purpose of transporting petroleum and petroleum products through pipelines. Laurel owns and operates pipelines in Pennsylvania and New Jersey that form a single pipeline system extending from Eagle Point, New Jersey to Midland, Pennsylvania. Current Pennsylvania operations consist of owning and operating approximately 350 miles of 12-inch to 24-inch pipeline and related facilities for the transportation of petroleum products to 24 customers at 14 delivery points. Under this current configuration, Laurel already provides both intrastate and interstate service on its pipeline in Pennsylvania; Laurel provides intrastate service pursuant to its Commission-approved tariff, and Laurel provides interstate service pursuant to the existing, Commission approved capacity agreement with its affiliate, Buckeye.

2. As stated in the Motion, Complainants are major petroleum products retailers and shippers that are either a shipper of record for petroleum products movements on Laurel's pipeline or the entity that injects product into the pipeline. By way of its participation in the prior Laurel Application proceeding at Docket Nos. A-2016-2575829 and G-2017-2587567 and role as a petroleum products pipeline, Laurel is generally aware of the nature of each of the Complainants' businesses.

3. Laurel and its affiliate, Buckeye Pipe Line Company, L.P. ("Buckeye"), filed a Petition for Declaratory Order at the Federal Energy Regulatory Commission ("FERC") at

Docket No. OR18-22-000 seeking certain approvals of certain contract rates, terms and conditions of the eastbound interstate aspect of the bidirectional service that Laurel intends to provide over its facilities. The bidirectional proposal will allow Laurel to efficiently accommodate both the flow of lower-cost Midwestern petroleum products to Pittsburgh and Central Pennsylvania, as well as the flow of East Coast petroleum products to Pittsburgh.

Contrary to Complainants' continued and unsupported representations in the Motion, Laurel's proposal to initiate bidirectional service is not in any respect an abandonment of westbound intrastate service requiring authorization by this Commission. Under the bidirectional proposal, both westbound intrastate service and eastbound interstate service will be provided; Laurel will not abandon, *i.e.* permanently cease to provide, westbound intrastate petroleum products service. Indeed, the continued provision of westbound service is inherent in the term "bidirectional."¹ Plainly, Laurel's proposal to initiate bidirectional service does not involve a permanent cessation (*i.e.* abandonment) of westbound intrastate service; Laurel will continue to provide westbound intrastate service at volume levels equaling at least the peak use of the system during the past ten years.²

¹ "Bidirectional" is defined in Merriam-Webster's dictionary as "involving, moving, or taking place in two usually opposite directions," for example "bidirectional flow." <https://www.merriam-webster.com/dictionary/bidirectional>. Although it is accurate to describe the affected segment of Laurel as providing a "bi-directional" service under the proposal, from the perspective of the FERC, and under the Public Utility Code, Laurel will be concurrently providing two different services, the west-to-east interstate service, and the east-to-west intrastate (and, separately, interstate) service.

² Complainants also ignore the fact that continuous service is never provided over oil pipelines. Petroleum products are shipped over pipelines in "batches." This standard procedure results in a shipping "cycle," where movements are conducted on a periodic, rather than continuous, basis.

Bidirectional service will not deprive the Commission of jurisdiction over Laurel's intrastate service; however, the Commission does not have jurisdiction over interstate service. *See* 66 Pa. C.S. § 104.³ It is also denied that Laurel is required to provide "firm assurances and guarantees" to the Complainants and other intrastate pipeline shippers that their historic service will not be diminished. Laurel fully explained in the Docket No. OR18-22-000 proceeding before the FERC that Complainants' westbound intrastate service was not being abandoned, and that Laurel could continue to accommodate historical peak volumes for westbound intrastate service, after initiating the provision of eastbound interstate service.

II. BACKGROUND

4. The above-captioned Complaint was filed on July 12, 2018. Laurel filed Preliminary Objections to the Complaint on August 1, 2018. The Complainants filed an Amended Complaint on August 8, 2018 and Laurel filed Preliminary Objections and an Answer and New Matter to the Amended Complaint on August 28, 2018.

5. The ALJ issued an Order denying Laurel's Preliminary Objections and setting the Complaint for hearings on October 9, 2018.

³ Pursuant to *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411 (1964), Laurel reserves its right to seek adjudication of the following federal claims in federal court, should state tribunals hold against Laurel on questions of state law, including: (1) the ICA and PHMSA requirements preempt the Commission's ability to preclude Laurel from conducting hydrostatic testing for the provision of interstate pipeline service; (2) the ICA preempts the Commission's ability to preclude Laurel from providing interstate pipeline service; and (3) a decision by the Commission that would effectively preclude Laurel from providing interstate pipeline service violates the dormant Commerce Clause of the United States Constitution and the ICA.

6. A telephonic Prehearing Conference was held on October 16, 2018. As of the date of filing this Answer, no deadlines for testimony and/or hearings have been established in this proceeding.

7. Complainants filed Set I Interrogatories (“Discovery”) on August 17, 2018. A true and correct copy of the Discovery is attached hereto as **Appendix A**.

8. Laurel provided its initial answers to the Discovery on September 12, 2018. A true and correct copy of Laurel’s September 12, 2018 responses and the associated Privilege Log is attached hereto as **Appendix B**.

9. Laurel provided a supplemental response to Question No. 1 on September 21, 2018, which provided Complainants with additional responsive, non-privileged documents. A true and correct copy of Laurel’s September 21, 2018 supplemental response to Question No. 1 is attached hereto as **Appendix C**.

10. Laurel also supplemented its response to Question No. 2 on October 5, 2018, by providing an updated privilege log that conformed to the format and substance of a privilege log requested by Complainants’ counsel. A true and correct copy of Laurel’s October 5, 2018 supplemental privilege log in response to Question No. 2 (“Updated Privilege Log”) is attached hereto as **Appendix D**. Importantly, Laurel notes that the Complainants have attempted to mischaracterize the documents identified in the Updated Privilege Log in Paragraph 10 of the Second Motion, which omits the native titles of each of these documents that were provided in the Updated Privilege Log pursuant to the Complainants’ own instruction. *See Appendix D*.

11. On October 13, 2018, the Complainants filed the First Motion. Laurel submitted a timely Answer to the First Motion on October 19, 2018.

12. On October 25, 2018, the ALJ issued an Order granting in part and denying in part the First Motion, and ordered Laurel to produce the documents identified as Item Nos. 1 and 4 through 7 with redactions of “any portion of the documents that include privileged information.” Order p. 3. The Order also concluded that Item No. 2 constituted privileged work product and denied Complainants’ First Motion regarding Item No. 2. Order, p. 3. The Order further conditionally denied Complainants’ First Motion with respect to Item No. 3 and permitted Laurel to withhold from production Item No. 3 if it was the “electronic mail through which Items No. 4 and 5 were transmitted to Mr. Arnold, Mr. Kelly, Mr. Johnson and Mr. Ernst.” Order, at p. 3.

13. Laurel complied fully with the ALJ’s Order and produced Item Nos. 1 and 4-7 with appropriate redactions of the information claimed as privileged party representative work product on October 31, 2018. A true and correct copy of the produced Item Nos. 1 and 4-7, including Laurel’s redactions, is attached hereto as **HIGHLY CONFIDENTIAL Appendix E**. Laurel did not produce Item No. 3 because it was the “electronic mail through which Items No. 4 and 5 were transmitted to Mr. Arnold, Mr. Kelly, Mr. Johnson and Mr. Ernst.” Order, at p. 3.

14. The Complainants filed the instant Second Motion on November 13, 2018.

III. SUMMARY OF ARGUMENT

Contrary to the Complainants’ representations in their Second Motion, Laurel’s October 31, 2018 production of Item Nos. 1 and 4-7 fully complied with Your Honor’s Order, and properly redacted privileged party representative work product. Laurel’s redactions in no way have frustrated the Complainants’ efforts to engage in meaningful discovery in this proceeding. Importantly, Laurel has responded to and provided the Complainants associated documents in

response to, or is continuing to respond and provide associated documents in response to, every interrogatory and request for production of documents served by the Complainants, with the exception of Set IV Number 8, as of the filing of this Answer.⁴ Complainants have consistently been provided the requested non-privileged facts and information regarding Laurel's proposed implementation of bidirectional service. In this regard, the Complainants' attempts to decry the discovery in this proceeding as insufficient are unfounded and should be rejected.

Moreover, each of the Complainants' three arguments seeking complete disclosure of Item Nos. 1 through 7 are incorrect and, at times, mischaracterize Laurel's efforts to comply with the Complainants' expectations regarding the preparation of a privilege log. First, the scope and extent of Laurel's redactions to Item Nos. 1 and 4-7 are reasonable and consistent with the ALJ's prior Order and the law applicable to claims of party representative work product privilege. While the Complainants argue that neither the attorney-client or work product privilege provides "unbounded protection," they have failed to even attempt to demonstrate they do not have access to sufficient non-privileged information to prosecute the above-captioned Complaint. Second, the Complainants argument that Item Nos. 5 and 7 were not labeled as privileged at the time of their creation and, therefore are not privileged, ignores the fact that the native title of Item No. 5 (which was set forth in Laurel's October 5, 2018 Updated Privilege Log) contained the phrase "PRIVILEGED AND CONFIDENTIAL." In addition, if adopted, the Complainants' position

⁴ Complainants conferred over the telephone on November 8, 2018, and, pursuant to those discussions, Laurel proposed alternative language for Number 8 on November 9, 2018. Laurel's alternative language remains under review by counsel for the Complainants at this time. Subject to the agreement of the parties regarding this proposed language, Laurel intends to respond to Set IV, Number 8.

would produce absurd results that are contrary to the law applicable to privilege claims. Third, and finally, the Complainants' argument that Laurel has withheld e-mail communications transmitting Item Nos. 1, 6 and 7, because Laurel designated the individuals who reviewed or otherwise received these documents to develop the privileged analyses as "Recipients" is unsupported.

For these reasons, and the reasons more fully explained below, the Complainants' Second Motion should be denied.

IV. LAUREL'S REDACTIONS UNDER THE CLAIM OF PARTY REPRESENTATIVE WORK PRODUCT PRIVILEGE ARE APPROPRIATE AND FULLY COMPLY WITH THE PRIOR ORDER

15. In the Order, Your Honor concluded:

Based on the descriptions provided, I am hard pressed to find that these documents [Item Nos. 1, 4-7] contain only "the mental impressions of Laurel's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories" or "the mental impressions, conclusions or opinions of a Laurel employee respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits." 52 Pa.Code § 5.323(a). In view of the above, I shall order Laurel to produce these documents to the Complainants by no later than October 31, 2018 but will allow Laurel to redact any portion of the documents that include privileged information in accordance with section 5.323(a) of Commission regulation.

Order, at p. 3 (emphasis added).

16. Section 5.323(a) of the Commission's regulations states:

Subject to this subchapter and consistent with Pa. R.C.P. 4003.3 (relating to scope of discovery trial preparation material generally), a party may obtain discovery of any matter discoverable under § 5.321(b) (relating to scope) even though prepared in anticipation of litigation or hearing by or for another party or by or for that

other party's representative, including his attorney, consultant, surety, indemnitor, insurer or agent...With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his 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, whether or not final versions of the testimony or exhibits are offered into evidence.

52 Pa. Code § 5.323(a) (emphasis added).

17. Consistent with Section 5.323(a) of the Commission's regulations, Pennsylvania Rule of Civil Procedure 4003.3 and Your Honor's Order, Pennsylvania appellate courts have confirmed that, under Pennsylvania law, the work product doctrine protects the mental impressions, conclusions and opinions of a party's non-attorney representative respecting the value or merit of a claim or defense or respecting strategy or tactics, regardless of whether or not it was prepared in anticipation of litigation. *See Clemens v. NCAA (In re Estate of Paterno)*, 168 A.3d 187, 199-200 (Pa. Super. 2017); *Bagwell v. Pa. Dep't of Educ.*, 103 A.3d 409, 416-417 (Pa. Cmwlth. 2014) (holding that application of the work-product privilege is not limited to the litigation context). Indeed, the "broader protections" of the work product doctrine are necessary to enable attorneys to prepare case with the assistance of their agents and other party representatives. *See Am. Int'l Specialty Lines Ins. Co. v. Chubb Custom Ins. Co.*, 2011 Phila. Ct. Com. Pl. LEXIS 265 at *6-9 (Ct. of Com. Pleas of Philadelphia Cnty. Sept. 16, 2011) (Mazer Moss, J.). Therefore, pursuant to the Order, Laurel was permitted to redact the "mental impressions, conclusions or opinions respecting the value or merit of a claim or defense" of its party presentative that prepared Item Nos. 1 and 4-7.

18. Laurel's redactions of the privileged party representative work product contained in its October 31, 2018 Supplemental Responses are appropriate and consistent with the Order and Pennsylvania law. As an initial matter, Laurel notes that its redactions to Item Nos. 1 and 4-7 were limited to party representative work product, as Your Honor's Order denied Laurel's claims of privileged attorney-client communication with respect to Item Nos. 4 and 5. The documents produced by Laurel on October 31, 2018, indicate the redactions were limited to privileged work product because the heading of each document contains the phrase "PRIVILEGED WORK PRODUCT REDACTED," as does the cover letter serving the documents.

19. Moreover, each of the redactions applied to Item Nos. 1 and 4-7 was limited to Laurel's party representative's "mental impressions, conclusions or opinions respecting the value or merit" of Laurel's litigation position, *i.e.* "claim or defense," that the initiation of bidirectional service on the segment of the L718 line between Eldorado and Coraopolis would not impair existing east-to-west intrastate service over that segment. Contrary to the Complainants' claims that these documents merely "pertain to a technical analysis," these analysis contained in these documents was undertaken to inform Laurel's litigation position. The native title of the documents identified as Item Nos. 1, 4, 5 and 6 all contain the phrase "PRIVILEGED AND CONFIDENTIAL," as identified in Laurel's Updated Privilege Log.

20. In one regard, however, the Complainants are correct. Item Nos. 1 and 4-7 are not the only analyses and troubleshooting that Laurel conducted in its consideration of the bidirectional proposal. As explained in Section VII, below, Laurel has in fact provided the Complainants with the other non-privileged analyses, evaluations, considerations, reports, etc.

that it conducted in order to evaluate whether and how it would initiate bidirectional service. It is not Laurel that has failed to recognize the distinction between non-privileged facts and privileged party representative mental impressions and conclusions respecting its litigation position, it is the Complainants that have failed to recognize this distinction.⁵ Laurel has not redacted non-privileged facts; it has redacted its party representatives' mental impressions and conclusions respecting its claim or defense that the provision of bidirectional service will not impair existing east-to-west intrastate service.

21. As Laurel has provided non-privileged information and document respecting its analysis of the proposed bidirectional service, *see* Section VII below, the Complainants' further argument that they are entitled to discovery of the redacted party representative work product contained in Item Nos. 1 and 4-7 should also be rejected. The Complainants cannot credibly claim it is impossible for them to analyze the bidirectional proposal without access to privileged work product where Laurel has consistently provided and will continue to provide detailed, non-privileged information regarding the bidirectional proposal in response to the lion's share of the Complainants' discovery requests. In this regard, Complainants' attempts to obtain the

⁵ As an initial matter, Laurel notes that the Complainants have attempted to confuse this inquiry by claiming that the material distinction is between "the *facts* regarding the operation feasibility of the proposed bi-directional service and operations on the Complainants (which is discoverable) with the *legal* issues regarding whether such bi-directional service is jurisdiction to the Commission or otherwise constitutes an abandonment of service." Second Motion ¶ 20 (emphasis in original). Laurel's claimed litigation position, *i.e.* one defense to the Complainants' claims of unreasonable service under Section 1501 of the Public Utility Code, is that the provision of bidirectional service will not impair existing east-to-west intrastate service. As such, the proper inquiry is whether Item Nos. 1 and 4-7 contain the mental impressions and conclusions of Laurel's party representatives with respect to this claim or defense.

privileged information contained in Item Nos. 1 and 4-7 are unreasonable and inappropriate. Therefore, the Complainants' Second Motion should be denied.

V. ITEM NOS. 5 AND 7 CONTAIN PRIVILEGED INFORMATION AND THAT INFORMATION HAS BEEN APPROPRIATELY REDACTED

22. The Complainants' argument that Item Nos. 5-7 are not privileged attempts to misrepresent the content of Laurel's prior submissions, ignores the status of the law and, if accepted, would produce absurd results.

23. Complainants first argue that Item No. 5 "when it was created...had no designation indicating it was considered to be material subject to privilege." Motion ¶ 23. They further argue that Laurel misrepresented the title of this document in its prior submission because it does not contain such a designation. *Id.* However, the Complainants fail to recognize that the title of the document provided in Laurel's updated privilege log is the native title of the document, *i.e.* the title of the document as it appeared having been saved by Laurel's party representative. See **Appendix D** (Item No. 5's Title identified as "Volume Scenarios for Analysis - PRIVILEGED AND CONFIDENTIAL (2018-02-21)."). As such, the Complainants' argument that Item No. 5 was not labeled privileged at the time of creation is incorrect and should be rejected.

24. With respect to Item No. 7, Laurel's Updated Privilege Log and Answer to the First Motion properly set forth the native title of the document. While the document did not include an internal privileged label or designation at the time it was created, that does not mean that the information contained therein cannot be subject to protection by the work product privilege. The Complainants cite no authority for this argument and, indeed, federal courts have

recognized that a document does not have to be labeled “privileged” or “confidential” to be afforded privileged and/or confidential treatment. *See Sabric v. Lockheed Martin*, 2011 U.S. Dist. LEXIS 54626, at *2 (M.D. Pa. May 23, 2011) (“...it is not necessary to so label documents in order to protect them via the work product privilege...”); *SEPTA vs. CaremarkPCS Health, L.P.*, 254 F.R.D. 253, 263 (E.D. Pa. Dec. 9, 2008) (holding that a failure to specifically label a document as “confidential” or “privileged” does not destroy the privilege); *Lifewise Master Funding v. Telebank*, 206 F.R.D. 298, 301 (D. Utah 2002) (“It is not necessary that a document be labeled as privileged in order for it to be subject to an Attorney/Client or work product privilege, if the document otherwise fits within such a privilege.”). Nor does such a requirement that a document be labeled as privileged at the time of its creation in order to receive privileged protections exist under Section 5.323(a) of the Commission’s regulations or Pa. R.C.P. 4003.3. *See* 52 Pa. Code § 5.323(a); *see also* Pa. R.C.P. 4003.3. Rather, the inquiry is whether the document contains the “mental impressions, conclusions or opinions respecting the value or merit of a claim or defense” of a party’s non-attorney representative. Laurel has satisfied this inquiry and the Complainants’ suggested alternative analysis should be denied.

25. Finally, adopting the Complainants’ position, and requiring that any document not labeled as “privileged” or “confidential” *at the time of its creation* cannot be treated as “privileged” or “confidential,” would produce an absurd result—and tellingly, Complainants provide no precedents supporting their novel theory. Indeed, this would subject to discovery any document containing privileged information, *e.g.*, counsel’s handwritten notes and analyses regarding litigation strategy, that does not have a label indicating it is “privileged” or “confidential.” Under this theory, hypothetically, the handwritten notes of Complainants’

counsel taken during phone calls or meetings, including counsel's mental impressions and opinions with respect to the subject litigation, would be subject to discovery if, at the time counsel took these notes, they did not affix a "privileged" or "confidential" label to them. Such a result would eviscerate both the attorney-client privilege and work product privilege and, therefore, must be rejected.

VI. LAUREL APPROPRIATELY PRODUCED ALL RESPONSIVE INFORMATION RELATED TO ITEM NOS. 1 AND 6 THROUGH 7 IN ITS OCTOBER 31 SUPPLEMENTAL RESPONSE

26. The ALJ should reject the Complainants' inaccurate claims that Laurel has made unreliable declarations, or omitted responsive information from its October 31, 2018 Supplemental Response with respect to Item Nos. 1 and 6-7. As explained above, Laurel appropriately designated Item Nos. 5 and 7 as privileged. The native title of Item No. 5 contained a "PRIVILEGED AND CONFIDENTIAL" designator, as noted in the Updated Privilege Log and, therefore, was appropriately designated as privileged at the time of its creation. In addition, Item No. 7 was appropriately claimed as privileged for the reasons explained in Section V, above, and the Complainants' argument that it was not designated as privileged at the time should be rejected.

27. In addition, the Complainants' basis for suggesting that Laurel has omitted responsive e-mails related to Item Nos. 1 and 6-7 is facially incorrect. Complainants argue that "the Updated Privilege Log includes 'from' and 'to' columns showing that Item Nos. 1 and 6-7 were sent from and received by various Laurel personnel." Motion ¶ 29. Complainants omit the fact that the actual title of these columns in the Updated Privilege Log are "From/Author" and "To/Recipient." See **Appendix D** (emphasis added). In order to comply with the format of the

Updated Privilege Log, Laurel identified the author of Item Nos. 1 and 6-7 and the individuals who ultimately received copies of it, regardless of whether it was communicated or shared with those individuals by e-mail. Therefore, the Complainants' mischaracterization of Laurel's steps to fully comply with the privilege log, and identify recipients of the information regardless of whether it was transmitted by e-mail, should be rejected.

28. Furthermore, to the extent that responsive, non-privileged e-mails were the method by which Item Nos. 1 and 6-7 were transmitted between the personnel identified in the Updated Privilege Log, Laurel has provided those emails. Laurel notes that the responsive cover e-mail for Item No. 7, which does not contain privileged work product information, was subsequently produced by Laurel on November 8, 2018, as (HC) LAUB000001256-LAUB000001284, at bates number LAUB000001256. As such, the Complainants have been provided all additional, responsive information related to Item No. 7.

29. For these reasons, and the reasons more fully explained above, the Complainants' Second Motion seeking complete disclosure of the documents identified as Item Nos. 1-7 in Laurel's Updated Privilege Log should be denied.

VII. THE COMPLAINANTS HAVE BEEN PROVIDED ADEQUATE AND MEANINGFUL DISCOVERY AND ARE NOT ENTITLED TO DISCLOSURE OF PRIVILEGED WORK PRODUCT

30. Laurel further submits that it has consistently responded to the Complainants' discovery requests without unreasonable objection or delay. Indeed, as of the time of filing this Answer Laurel has responded to and, where appropriate, provided the Complainants associated documents to, or is continuing to respond and provide associated documents in response to, every interrogatory and request for production of documents served by the Complainants, with

the exception of Set IV, Number 8.⁶ Specifically, Laurel has provided, or will provide, responses and non-privileged information to ninety (90) of the Complainants' ninety-one (91) discovery requests. The Complainants' suggestion that their opportunity to review and analyze Laurel's bidirectional proposal through this discovery process has been limited is unfounded.

31. In addition, the Complainants' representations that Laurel's claims of privilege with respect to Set I, Number 2 have deprived them of sufficient discovery ignores the fact that Set I, Number 2 seeks a specific subset of documents responsive to Set I, Number 1. Both questions seek certain documents created and used by Laurel to analyze the bidirectional proposal. Question No. 1 broadly seeks documents with respect to the bidirectional proposal that were prepared by or for Laurel and/or any of its affiliates in connection with any bidirectional pipeline transportation service along the Coraopolis-Eldorado segment of the Laurel pipeline (L718) within the last five (5) years. Laurel has provided responsive, non-privileged documents in response to Set I, Number 1 after conducting an extension search of thousands of documents to determine which documents were responsive. In sharp contrast, Set I, Number 2 specifically targets a subset of these documents that were prepared by a party representative in anticipation of litigation and that contain this party representative's "mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics."

⁶ See footnote 4 *supra*.

32. By providing and continuing to provide responses and non-privileged documents in response to the Complainants' robust discovery requests in this proceeding, Laurel has provided and will continue to provide the Complainants sufficient opportunity to review and analyze its bidirectional proposal. In light of Laurel's ongoing efforts, the Complainants' attempts to subject privileged party representative work product to disclosure are inappropriate and unreasonable. Therefore, the ALJ should deny the Complainants' Second Motion.

VIII. CONCLUSION

WHEREFORE, Laurel Pipe Line Company, L.P. respectfully requests that Administrative Law Judge Eranda Vero deny the Second Motion to Compel of Giant Eagle, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc. dated November 13, 2018.

Respectfully submitted,

Christopher J. Barr, Esquire (DC ID #375372)
Jessica R. Rogers, Esquire (PA ID #309842)
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E-mail: glent@postschell.com

Date: November 19, 2018

Counsel for Laurel Pipe Line Company, L.P.

Appendix A

John F. Povilaitis

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August 17, 2018

VIA EMAIL AND FIRST CLASS MAIL

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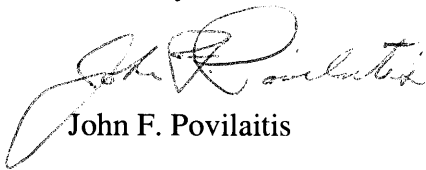
Re: Giant Eagle, Inc.; Guttman Energy, Inc.; Lucknow-Highspire Terminals, LLC;
Monroe Energy, LLC; Philadelphia Energy Solutions Refining and Marketing, LLC;
and Sheetz, Inc. v. Laurel Pipe Line Company, L.P., Docket No. C-2018-3003365

Dear Counsel:

Enclosed please find the Interrogatories and Requests for Production of Documents propounded by Giant Eagle, Inc., Guttman Energy, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc. ("Complainants") on Laurel Pipe Line Company, L.P. – Set I in the above-captioned proceeding.

Copies have been served as indicated in the attached Certificate of Service.

Sincerely,



John F. Povilaitis

JFP/tlg

Enclosure

cc: Secretary Rosemary Chiavetta (letter and Certificate of Service only via efilings)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Giant Eagle, Inc.; Guttman Energy, Inc.;	:	
Lucknow-Highspire Terminals, LLC;	:	
Monroe Energy, LLC; Philadelphia Energy	:	
Solutions Refining and Marketing, LLC;	:	Docket Nos. C-2018-3003365
and Sheetz, Inc.	:	
	:	
Complainants,	:	
	:	
v.	:	
	:	
Laurel Pipe Line Company, L.P.	:	
	:	
Respondent.	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
COMPLAINANTS ON
LAUREL PIPELINE COMPANY, L.P. – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Giant Eagle, Inc.; Guttman Energy, Inc.; Lucknow-Highspire Terminals, LLC; Monroe Energy, LLC; Philadelphia Energy Solutions Refining and Marketing, LLC; and Sheetz, Inc. (“Complainants”) propound the following Interrogatories and Requests for Production of Documents on Laurel Pipeline Company, L.P. (“Laurel” or “Responding Party”) – Set I.

Dated: August 17, 2018

INSTRUCTIONS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES¹

1. Please begin each response on a separate page. This requirement does not apply to subparts of responses.
2. For each Data Request, please identify the preparer or the person under whose direct supervision the response was prepared.
3. Please designate the Data Request(s) or any subpart(s) in response to which any document or narrative response is provided.
4. In producing Documents in response to these Data Requests, please produce Documents within your possession, custody, or control. Possession, custody, or control includes constructive possession such that you need not have actual physical possession.
5. If any document responsive to any of these Data Requests has been destroyed or is otherwise unavailable, please identify and describe (1) the subject matter and content of the document; (2) all persons involved in the destruction or removal of the document; (3) the date of the document's destruction or removal; and (4) the reasons for the destruction or other unavailability of the document.
6. Subject to instruction 7 below, please produce the Documents in single-page format with a unique Bates number for each page. For all electronic Documents with attachments (such as an e-mail with attachments), please electronically associate the attachment with the e-mail, with the attachment following the e-mail sequentially in the production. If You have any questions regarding form of production, please contact the undersigned so that they do not delay your production.
7. Notwithstanding instruction 6 above, for Documents that are in the form of spreadsheets, audio, database, and video files, and any other files that cannot be imaged, please produce them in native form with unique Bates numbers associated with the native Documents.
8. All produced Documents should be organized and labeled to correspond to these Data Requests or as the Documents are kept in the ordinary course of business.
9. Each of these Data Requests shall be considered to be continuing in nature. If You do not now have data or Documents responsive to a particular Data Request, but later obtain possession, custody, or control of such data or documents, please furnish such data and/or Documents immediately thereafter.
10. If You cannot respond to a Data Request completely, please provide the answer to the extent possible, explain why You cannot respond to the Data Request completely, and provide all information and knowledge in your possession, custody, or control regarding the incomplete response.
11. If any data or Document responsive to any Data Request is unavailable, please identify the data or Document, provide an explanation concerning why the data or Document is unavailable, and state where the data or Document can be obtained.

¹ Capitalized terms not otherwise defined shall have the meanings specified in the Definitions Section of these Instructions.

12. If, in the course of responding to these Data Requests, You determine that any instruction, definition, or Data Request is ambiguous, contact counsel for the Complainants for any necessary clarification. In any such case, the response should set forth the language You feel is ambiguous and the interpretation you are using in responding to the Data Request.
13. In addition to the requirements of paragraphs 20 and 21 below, if any Document covered by any Data Request is withheld for whatever reason, including any privilege, please furnish a list identifying the date, type, and nature all each withheld Document and the legal basis and rationale for withholding it from production.
14. If You object to, or otherwise decline to answer all or any portion of any Data Request, please provide all Documents and information called for in that portion of the Data Request to which You do not object or decline to answer. If You object to any request on the ground that it is too broad (i.e., that it calls for Documents that You contend are not relevant to the subject matter of this proceeding), please provide such Documents as you believe to be within the proper scope of discovery. If You object to any Data Request on the ground that it would constitute an undue burden to provide a response, please provide such requested Documents as can be supplied without undertaking such undue burden.
15. For each Data Request, Identify and provide the names, job title and employer of all individuals responsible for providing the response and provide the certification of the response.
16. All Data Requests shall be construed inclusively, rather than exclusively, e.g., the words "and" or "or" shall be construed conjunctively or disjunctively, whichever makes the request more inclusive. The words "and" and "or" should be construed either conjunctively or disjunctively as necessary to include information within the scope of a Request, rather than to exclude information therefrom.
17. The singular form of a word includes the plural and vice versa.
18. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.
19. You shall answer each Data Request separately and fully.
20. If you are unable to answer fully any Interrogatory, answer to the extent possible and specify the reasons for your inability to answer in full.
21. In answering these Data Requests, furnish all information that is available to You, including information in the possession of your attorneys, agents, consultants, or investigators, and not merely such information of your own knowledge. If any of the Data 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 your inability to answer the remainder, and stating whatever information You have concerning the unanswered portions. If your answer is qualified in any particular, please set forth the details of such qualification.
22. For any requests with subparts, please provide a complete separate response to each subpart as if the subpart was propounded separately.

23. If information or documents responsive to any of these Data Requests has previously been provided in this proceeding in response to a discovery request by any participant, please provide a specific cross-reference. There is no need to make a duplicate response.

DEFINITIONS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES

1. "Complaint" means the Amended Complaint filed on August 8, 2018 before the Pennsylvania Public Utility Commission at Docket No. C-2018-3003365.
2. "*Commission*" or "*PUC*" means the Pennsylvania Public Utility Commission.
3. "*Communication*" means the conveyance of information or anything else (whether in the form of facts, ideas, comments, inquiries, or otherwise).
4. "*CPC*" means Certificate of Public Convenience.
5. "*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 emails, 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 You have or have had possession, custody or control, or of which You have knowledge.
6. "*Identify*" when used with regard to a Document means to state the type of Document (e.g., letter, email, memorandum, Tariff provision, report, etc.), its date, its author(s), addressee(s) and recipient(s), and any file number or control number or Bates number assigned to the Document.
7. "*Identify*" when used with regard to a corporation or other form of business organization, means to state the full name of such corporation or business organization.
8. "*Identify*" when used with regard to an individual, means to state the individual's name, present or last known employer or place of business, and position or title of the individual during the relevant time.
9. "*Laurel Pipeline*" means, all pipelines and appurtenances owned or operated by Laurel and subject to the jurisdiction of the Pennsylvania Public Utility Commission.
10. "*Person*" means, without limiting the generality of its meaning, every natural person, partnership, association (whether formally organized or *ad hoc*), corporation, joint venture, or other legal business entity, as well as any governmental entity or agency.
11. "*Western PA Destinations*" means Midland, Coraopolis, Pittsburgh, Neville Island, Tioga Tank Farm, Pittsburgh Airport, Indianola, Delmont, Greensburg, and Eldorado.
12. "*Related to*" or "*relating to*" means relating to, referring to, reflecting, discussing, describing, evidencing, supporting, providing a basis for, or constituting.

13. *"You," "Your,"* or *"Laurel"* means Laurel Pipeline Company, L.P., the Respondent in PUC Docket No. C-2018-3003365, pending before the Commission and Buckeye Pipe Line Company L.P., together with their attorneys, consultants, employees, identified witnesses, agents, representatives, officers and directors, and any other person acting on their behalf, including any affiliate, division, department, predecessor, corporation, general partner, or partnership through which they now conduct or have conducted business affairs.

**Interrogatories and Requests for Production of Documents
to Laurel – Set I**

1. Identify, describe and provide all Documents showing each assessment, analysis, study, and/or investigation (and all conclusions thereof) of various operating scenarios conducted by or for Laurel and any affiliate of Laurel in connection with any bi-directional pipeline transportation service along the Coraopolis-Eldorado segment of the Laurel pipeline (Line 718) within the last five (5) years.
2. Re the July 17, 2018 Answer of Laurel Pipe Line Company, L.P. to the Petition for Interim Emergency Relief, Docket No. P-2018-3003368 (“Answer”): provide the active model, including all inputs, the analysis, and the results for the range of scenarios evaluated by Laurel or any affiliate of Laurel which are referenced in the Affidavit of Mr. Michael J. Kelly at paragraph 22 as part of the FERC Answer, Internal Appendix B, attached to the Answer.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Giant Eagle, Inc.; Guttman Energy, Inc.;	:	
Lucknow-Highspire Terminals, LLC;	:	
Monroe Energy, LLC; Philadelphia Energy	:	
Solutions Refining and Marketing, LLC;	:	Docket No. C-2018-3003365
and Sheetz, Inc.	:	P-2018-3003368
Complainants,	:	
	:	
v.	:	
	:	
Laurel Pipe Line Company, L.P.	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the parties and in the manner listed below:

Via First Class Mail and Email

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jorevan@pa.gov

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Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
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timchugh@pa.gov

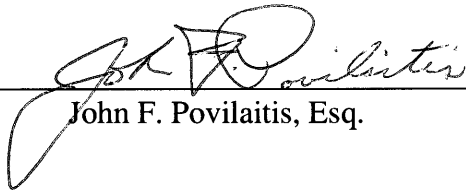
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Laurel Pipe Line Company
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Breinigsville, PA 18031

Dated this 17th day of August, 2018.



John F. Povilaitis, Esq.

Appendix B



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File #: 162860

September 12, 2018

VIA E-MAIL & REGULAR MAIL

Alan M. Seltzer, Esquire
John F. Povilaitis, Esquire
Buchanan Ingersoll & Rooney PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357

Re: Giant Eagle, Inc., et al. v. Laurel Pipe Line Company, L.P.
Docket No. C-2018-3003365

Dear Counsel:

Enclosed please find the responses of Laurel Pipe Line Company, L.P. to Complainants' Set I discovery in the above-referenced proceeding. A privilege log to Complainants' Set I discovery is also enclosed. Copies will be provided as indicated on the Certificate of Service.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Garrett P. Lent', written over a horizontal line.

Garrett P. Lent

GPL/skr
Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

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

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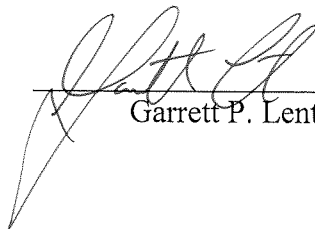
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Date: September 12, 2018



Garrett P. Lent

Laurel Pipe Line Company, L.P.
Response to Complainants' Set I Interrogatories
And Requests for Production of Documents
Dated September 12, 2018
Docket No. C-2018-3003365

D.W. Arnold
Page 1 of 1

- Q. 1. Identify, describe and provide all Documents showing each assessment, analysis, study and/or investigation (and all conclusions thereof) of various operating scenarios conducted by or for Laurel and any affiliate of Laurel in connection with any bi-directional pipeline transportation service along the Coraopolis-Eldorado segment of the Laurel pipeline (Line 718) within the last five (5) years.
- A. 1. Please see Laurel's response to Complainants-LAU-I-2. Laurel is continuing to review its files and will produce additional responsive, non-privileged documents, to the extent they become available.

Laurel Pipe Line Company, L.P.
Response to Complainants' Set I Interrogatories
And Requests for Production of Documents
Dated September 12, 2018
Docket No. C-2018-3003365

M.J. Kelly
Page 1 of 1

- Q. 2. Re the July 17, 2018 Answer of Laurel Pipe Line Company, L.P. to the Petition for Interim Emergency Relief, Docket No. P-2018-3003368 ("Answer"): provide the active model, including all inputs, the analysis, and the results for the range of scenarios evaluated by Laurel or any affiliate of Laurel which are referenced in the Affidavit of Mr. Michael J. Kelly at paragraph 22 as part of the FERC Answer, Internal Appendix B, attached to the Answer.
- A. 2. Paragraph 22 of the Affidavit of Mr. Michael J. Kelly in the FERC Answer, Internal Appendix B attached to the Answer makes no reference to a model. Rather, Mr. Kelly stated that "Buckeye and Laurel have reviewed a range of scenarios, involving high west-to-east deliveries, and high east-to-west deliveries, and have determined that the proposed and existing services can be provided under a wide range of scenarios."

Pursuant to counsel's request and under its direction, Buckeye/Laurel evaluated a range of operating scenarios to determine whether or not bidirectional service could be provided over the segment of the L718 line located between Eldorado, Pennsylvania and Coraopolis, Pennsylvania. These informal evaluations were conducted during in-person meetings and considered the design parameters of existing and new assets. Based off these discussions, Buckeye/Laurel determined that bidirectional service could be provided over the segment of the L718 line located between Eldorado, Pennsylvania and Coraopolis, Pennsylvania.

Please see item numbers 1-7 in the attached privilege log.

Laurel Pipe Line Company, L.P.
Docket Nos. C-2018-3003365
Document Production – Privilege Log
September 12, 2018¹

Doc No.	Date	Summary	Privilege
1.	2/17/2018	Powerpoint prepared under direction of counsel regarding bidirectional.	Work Product
2.	2/17/2018	Powerpoint prepared under direction of counsel regarding bidirectional.	Work Product
3.	2/21/2018	Email and attachments to counsel regarding bidirectional.	Attorney Client Communication Work Product
4.	2/21/2018	Powerpoint attachment to 2/21/2018 email to counsel.	Attorney Client Communication Work Product
5.	2/21/2018	Excel attachment to 2/21/2018 email to counsel.	Attorney Client Communication Work Product
6.	03/2018	Powerpoint prepared under direction of counsel regarding bidirectional.	Work Product
7.	5/24/2017	Power prepared under direction of counsel regarding bidirectional.	Work Product

¹ Laurel is continuing to review the status of the item on this Document Production – Privilege Log. Laurel will supplement and revise this Document Production – Privilege Log as needed.

Appendix C



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Garrett P. Lent

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717-731-1979 Direct Fax
File #: 162860

September 21, 2018

VIA E-MAIL & REGULAR MAIL

Alan M. Seltzer, Esquire
John F. Povilaitis, Esquire
Buchanan Ingersoll & Rooney PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357

**Re: Giant Eagle, Inc., et al. v. Laurel Pipe Line Company, L.P.
Docket No. C-2018-3003365**

Dear Counsel:

Enclosed please find the supplemental response of Laurel Pipe Line Company, L.P. to Complainants' Set I, No. 1 discovery in the above-referenced proceeding. The HIGHLY CONFIDENTIAL attachments are provided on a CD that will be mailed to the parties who have executed a non-disclosure agreement.

Sincerely,



Garrett P. Lent

GPL/skr
Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

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

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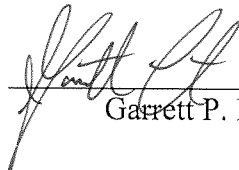
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575 7th Street, NW
Washington, DC 20004

Date: September 21, 2018



Garrett P. Lent

Laurel Pipe Line Company, L.P.
Supplemental Response to Complaints' Set I Interrogatories
And Requests for Production of Documents
Dated September 21, 2018
Docket No. C-2018-3003365

D.W. Arnold
M.J. Kelly
Page 1 of 1

Q. 1. Identify, describe and provide all Documents showing each assessment, analysis, study and/or investigation (and all conclusions thereof) of various operating scenarios conducted by or for Laurel and any affiliate of Laurel in connection with any bi-directional pipeline transportation service along the Coraopolis-Eldorado segment of the Laurel pipeline (Line 718) within the last five (5) years.

A. 1. Laurel hereby supplements its prior response to Complainants-LAU-I-1. Please see HIGHLY CONFIDENTIAL Attachment Complainants-LAU-I-1. The additional documents listed below were not developed specifically to evaluate the provision of bidirectional service, but were used by Laurel to determine whether or not bidirectional service could be provided over L718. Based upon these documents and a general understanding of the operation of its system, Laurel determined that bidirectional service could be provided.

LAUB000000001 – Native excel model to evaluate possible side-stream injection at Midland.

LAUB000000002 – Native excel hydraulics model for Midland-Eldorado segment.

LAUB000000003 – Native excel hydraulics model for Mantua-Eldorado segment.

LAUB000000004 – Native excel hydraulics model for entirety of Laurel, updated as bidirectional project developed.

LAUB000000005 – Maximum operating pressure (“MOP”) estimate model for reversal.

LAUB000000006 – Elevation profile of Line 718 under reversal scenario using MOP estimate.

LAUB000000007 – Hydraulic gradient estimate Midland-Duncansville.

LAUB000000008 – Hydraulic gradient estimate Midland-Delmont.

LAUB000000009 – Hydraulic profile over the entirety of Laurel.

Laurel is continuing to review its files and will produce additional responsive, non-privileged documents, to the extent they become available.

Appendix D



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Garrett P. Lent

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File #: 162860

October 5, 2018

VIA E-MAIL & REGULAR MAIL

Alan M. Seltzer, Esquire
John F. Povilaitis, Esquire
Buchanan Ingersoll & Rooney PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357

**Re: Giant Eagle, Inc., et al. v. Laurel Pipe Line Company, L.P.
Docket No. C-2018-3003365**

Dear Counsel:

Enclosed please find the supplemental response of Laurel Pipe Line Company, L.P. to Complainants' Set I, No. 2 discovery in the above-referenced proceeding, as well as an updated Privilege Log. Copies will be provided as indicated on the Certificate of Service.

Sincerely,

A handwritten signature in dark ink, appearing to be 'G. Lent', written over a horizontal line.

Garrett P. Lent

GPL/skr
Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

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

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Timothy K. McHugh, Esquire
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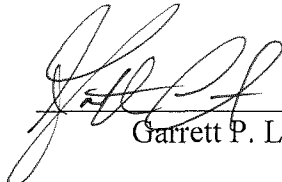
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Date: October 5, 2018


Garrett P. Lent

Laurel Pipe Line Company, L.P.
Supplemental Response to Complainants' Set I Interrogatories
And Requests for Production of Documents
Dated October 5, 2018

M.J. Kelly
Page 1 of 1

Docket No. C-2018-3003365

- Q. 2. Re the July 17, 2018 Answer of Laurel Pipe Line Company, L.P. to the Petition for Interim Emergency Relief, Docket No. P-2018-3003368 ("Answer"): provide the active model, including all inputs, the analysis, and the results for the range of scenarios evaluated by Laurel or any affiliate of Laurel which are referenced in the Affidavit of Mr. Michael J. Kelly at paragraph 22 as part of the FERC Answer, Internal Appendix B, attached to the Answer.
- A. 2. Laurel hereby supplements its September 12, 2018 response to Compl-LAU-I-2 and provides an updated privilege log that conforms to a format agreed upon by the parties. Please see item numbers 1-7 in the attached updated privilege log.

Giant Eagle, Inc.; Guttman Energy, Inc.; Lucknow-Highspire Terminals, LLC; Monroe Energy, LLC; Philadelphia Energy Solutions Refining and Marketing, LLC; and Sheetz, Inc.

v.

Laurel Pipe Line Company, L.P.

Docket No. C-2018-3003365

Complainants' Set I (September 12, 2018)

PRIVILEGE LOG

<u>From/Author</u>	<u>To/Recipients</u>	<u>Document Type</u>	<u>Date</u>	<u>Document Description (Title/Subject, if any, and brief description of the content of the document)</u>	<u>Type of Privilege Asserted</u>
Thomas R. Zeth	David Arnold Michael J. Kelly Mark Johnson Timothy Ernst	Powerpoint	2/17/2018	Title: Laurel Bi-Directional Scheduling Analysis PRIVILEGED AND CONFIDENTIAL Description: Bi-directional scheduling analysis prepared at the request of internal counsel	Work Product
Thomas R. Zeth Michael J. Kelly	David Arnold Mark Johnson Timothy Ernst	Powerpoint	2/17/2018	Title: Laurel Bi-Directional Scheduling Analysis mjk comments PRIVILEGED AND CONFIDENTIAL Description: Bi-directional scheduling analysis prepared at the request of internal counsel	Work Product
Thomas R. Zeth	Patrick Monaghan David Arnold Michael J. Kelly Mark Johnson Timothy Ernst	Email	2/21/2018	Title: Laurel Scheduling Analysis (CONFIDENTIAL - ATTORNEY CLIENT COMMUNICATION) Description: Email to counsel regarding work product and analysis prepared at the request of internal counsel	Attorney Client Communication Work Product
Thomas R. Zeth	Patrick Monaghan David Arnold Michael J. Kelly Mark Johnson Timothy Ernst	Powerpoint	2/21/2018	Title: Laurel Scheduling Analysis (PRIVILEGED AND CONFIDENTIAL) (2018-02) Description: Bi-directional scheduling analysis prepared at the request of internal counsel and attached to communication with internal counsel	Attorney Client Communication Work Product
Thomas R. Zeth	Patrick Monaghan David Arnold Michael J. Kelly Mark Johnson Timothy Ernst	Excel	2/21/2018	Title: Volume Scenarios for Analysis - PRIVILEGED AND CONFIDENTIAL (2018-02-21) Description: Bi-directional volumes analyses prepared at the request of internal counsel and attached to communication with internal counsel	Attorney Client Communication Work Product
Thomas R. Zeth	David Arnold Michael J. Kelly Mark Johnson Timothy Ernst	Powerpoint	3/1/2018	Title: Laurel Scheduling Analysis (PRIVILEGED AND CONFIDENTIAL) (2018-03) Description: Bi-directional scheduling analysis prepared at the request of internal counsel	Work Product

Todd Pyhtila	Michael J. Kelly Mark Johnson Allyson Dodson Dennis Shimer	Powerpoint	5/24/2018	<u>Title:</u> Laurel Bidirectional <u>Description:</u> Bi-directional scheduling anlaysis prepared at the request of internal counsel	Work Product

HIGHLY CONFIDENTIAL
APPENDIX E

(No Public Version Available)