



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

February 12, 2025

By Electronic Filing

Honorable Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Motion To Hold In Abeyance of the Pennsylvania Public Utility  
Commission; Docket No. OR25-6**

Dear Acting Secretary Reese:

Please find for e-filing the Pennsylvania Public Utility Commission's Motion To Hold In Abeyance in the above-referenced proceeding.

Copies of this document have been served upon all parties designated on the Commission's official service list, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure.

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

Respectfully submitted,

*Elizabeth H. Barnes*

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**BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**

**Buckeye Pipeline Company, L.P. :                      Docket No. OR25-6-000**

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**MOTION TO HOLD IN ABEYANCE OF THE PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

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Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),<sup>1</sup> The Pennsylvania Public Utility Commission (“PA PUC”) respectfully moves to hold the above-captioned proceeding concerning Buckeye Pipeline Company, L.P.’s (Buckeye) Petition for Declaratory Order (Petition), filed on December 20, 2024, in abeyance until the conclusion of a concurrent and related proceeding pending before the PA PUC.<sup>2</sup> The Comment deadline was January 21, 2025; however, it was not until that date that Monroe Energy, LLC (Monroe), Lucknow-Highspire Terminals, LLC (LHT), Sheetz, Inc. (Sheetz) and PBF Holding Company LLC (PBF) (collectively “Indicated Parties”) filed a Joint Protest and Motion to Dismiss at OR25-6-000 and concurrently filed a joint formal complaint at PA PUC Docket No. C-2025-3053018 against Laurel Pipe Line, L.P., a subsidiary of Buckeye, regarding service between the intrastate points of Eldorado and

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<sup>1</sup> 18 C.F.R. § 385.212.

<sup>2</sup> The parties that support the relief requested include Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc., and PBF Holding Company LLC.

Sinking Springs, Pennsylvania. As Buckeye's Petition is now contested before FERC and there is a pending complaint proceeding regarding the intrastate service of Laurel Pipe Line regarding the same segment of pipeline, the PA PUC seeks to preserve its jurisdiction to decide complaints about Laurel Pipe Line, L.P.'s intrastate utility service in Pennsylvania in the instant proceeding. PA PUC previously filed a doc-less motion to intervene out of time on January 29, 2025, in this proceeding. Buckeye requests that FERC act on the Petition no later than July 31, 2025, so that Buckeye may timely move forward in offering its expanded transportation services. The PA PUC's Motion is not so untimely as to delay any decision in advance of the requested deadline of July 31, 2025. This Motion is well in advance of Buckeye's expected project completion date.

## **I. DESCRIPTION OF MOVANT**

The PA PUC is the state agency with the responsibility for ensuring the provision of safe, adequate and reliable utility service in the Commonwealth of Pennsylvania including the provision of intrastate transport of petroleum products.<sup>3</sup> The PA PUC exercises jurisdiction over the intrastate transportation of petroleum products for public utilities that are certificated by the PA PUC.

Pursuant to Rule 2010 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure,<sup>4</sup> the names and mailing addresses of the persons

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<sup>3</sup> 66 Pa. C.S. §§ 102; 1501.

designated to receive service and to whom correspondence and communications concerning this proceeding should be addressed are as follows:

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## II. THE BUCKEYE PETITION

Buckeye filed a Petition for Declaratory Order with FERC on December 20, 2024 requesting that FERC issue a declaratory order finding that Buckeye’s planned implementation of the next phase—Phase 3—of its Michigan/Ohio Pipeline Expansion Project (Broadway Project) is consistent with FERC practice as to the interstate rates and terms of service for shippers utilizing the Phase 3 capacity and with the settlement approved by FERC on September 26, 2019, in resolution of Docket No. OR18-22, *et al.*<sup>5</sup>, under the terms of which the earlier phases of the Broadway Project were successfully

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<sup>5</sup> 168 FERC ¶ 61,198 (2019).

implemented, and, if FERC so finds, affirm that Buckeye may, upon filing its tariff with 30 days' notice, bring the Phase 3 capacity into interstate transportation service and the related FERC tariff promptly into effect.

Buckeye, with its affiliates, currently owns and operates the Broadway project pipeline, which is an approximately 396-mile refined petroleum products pipeline system that extends from points in the U.S. Midwest to Altoona, Pennsylvania.<sup>6</sup> The system is comprised of multiple pipelines ranging in diameter up to 18 inches that extend from Detroit and Woodhaven in Michigan as well as from Toledo and Lima in Ohio.<sup>7</sup> Buckeye avers that the Phase 3 project will involve the use of an existing pipeline between Altoona and Sinking Spring in Pennsylvania, to extend service from the Midwest origins into eastern Pennsylvania and Upstate New York.<sup>8</sup>

Specifically, in its Petition, Buckeye intends to extend bi-directional service eastward past Altoona by removing existing check valves, installing new isolation valves, and modifying existing pump stations to accommodate eastbound and westbound flow in the pipeline segments (LS 720 and 724) between Altoona and Sinking Spring (Reading, PA market).<sup>9</sup> Buckeye contends that at Sinking Spring, shippers on the Phase 3 capacity will have access to the existing bi-directional pipeline segment (LS 714) connecting to Macungie station on Buckeye's Eastern Products System. Via that connection, Buckeye

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<sup>6</sup> Buckeye Petition at 4.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 5.

asserts that Phase 3 shippers will have access to the New York Harbor and Upstate New York markets, physically or through swaps.<sup>10</sup>

### **III. JOINT MOTION TO INTERVENE, PROTEST AND REQUEST FOR DISMISSAL OF MONROE ENERGY, LLC, LUCKNOW-HIGHSPIRE TERMINALS, LLC, SHEETZ, INC. AND PBF HOLDING COMPANY, LLC**

On January 21, 2025, Monroe Energy, LLC (Monroe), Lucknow-Highspire Terminals, LLC (LHT), Sheetz, Inc. (Sheetz) and PBF Holding Company LLC (PBF) (together, the Indicated Parties) moved to intervene in this proceeding and protest the Petition. Indicated Parties averred that if the Commission determines that the Petition should be considered, the Commission should convene appropriate procedures, including settlement and/or hearing procedures, and should conform those procedures to any parallel findings and determinations made by the state regulator, the PA PUC.

Specifically, they stated:

Contemporaneously with this pleading, the Indicated Parties are initiating a formal complaint process before the PaPUC contending that: (1) the proposed bi-directional service violates Laurel Pipeline's certificate of public convenience, (2) the proposed service violates the Pennsylvania Public Utility Code which requires that utilities file tariffs and adhere to those tariffs until those tariffs are changed, and (3) the proposed service will constitute a partial abandonment of the current east-to-west service on the Laurel Pipeline and thus violates provisions of the Pennsylvania Public Utility Code that require a certificate of public convenience before being permitted to abandon service.

Joint Motion to Intervene, Protest and Request for Dismissal of Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc. and PBF Holding Company, LLC filed January 21, 2025, at 6.

### **IV. MOTION TO HOLD IN ABEYANCE OF THE PAPUC**

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<sup>10</sup> *Id.*

The PA PUC herein moves to hold in abeyance the consideration of the Petition of Buckeye for a Declaratory Order, filed December 20, 2024, until the conclusion of a concurrent and related proceeding before the PA PUC. In so moving, the PA PUC seeks to preserve its jurisdiction over the specific aspects of service relating to Buckeye's existing east-to-west service from certain refiners in eastern Pennsylvania to delivery points located at and between Eldorado and Sinking Springs, Pennsylvania. The PA PUC is not opposed to Buckeye Petition for a Declaratory Order with reference to approval of rate structure and tariffs for interstate aspects of service.

The PAPUC notes that on January 21, 2025, the same Indicated Parties to this proceeding, filed a separate and concurrent Formal Complaint (Complaint) before the PA PUC in accordance with Section 701 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 701 and 52 Pa. Code § 5.21(a) at Docket No. C-2025-3053018.<sup>11</sup> The Complaint concerns the intrastate transportation service of Buckeye's subsidiary company, Laurel Pipe Line, L.P., a public utility under the jurisdiction of the PA PUC. It alleges that Buckeye's and Laurel's proposed extension of bi-directional transport of petroleum products past Eldorado (it's current terminus) to Sinking Spring, Pennsylvania, using what historically has been east-to-west intrastate transportation capacity on the Laurel pipeline, without PA PUC review or approval is unreasonable and in violation of 66 PA C.S. § 1501 as well as outside the scope of its PA PUC Certificate of Public Convenience (CPC). This Complaint is in the early phase of litigation before the PA PUC.

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<sup>11</sup> Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc., and PBF Holding Company LLC v. Laurel Pipe Line Company, L.P., PA PUC Docket No. C-2025-3053018.

Specifically, Complainants allege that Buckeye’s proposal would require a partial abandonment by Laurel, of east-to-west petroleum products pipeline transportation service that Laurel has been providing exclusively on this segment of the Laurel pipeline, Sinking Spring to Eldorado, since 1957. Complainants aver that the effect of Buckeye’s proposal and the filing at the FERC is to deprive the PA PUC of its lawful jurisdiction over a regulated utility and its lawful jurisdiction over a proposed abandonment of a portion of Laurel's existing certificated Pennsylvania intrastate public utility service. Complainants allege that they are willing and able to demonstrate that the current east-to-west capacity on Laurel's pipeline will be diminished by the initiation of west-to-east service on the same pipeline. Complainants further allege that Buckeye has not provided firm assurances or guarantees to the Complainants or other users of the Laurel Pipeline that the current levels of east-to-west intrastate pipeline service will be maintained after the expiration of the Settlement condition that currently prohibits Laurel from reducing east-to-west capacity until after 2026.

Moreover, Complainants allege that Laurel is now providing unreasonable and inadequate service to the Complainants that will materially and adversely impact their businesses and operations. The relief requested includes findings and an order from the PA PUC that Laurel's proposed bi-directional service on the Eldorado – Sinking Springs pipeline segment violates (i) Laurel’s existing CPC and Code Section 1501; which requires jurisdictional public utilities like Laurel to provide service that is “reasonably continuous and without unreasonable interruptions or delay”; (ii) Code Sections 1302 and 1303, which require public utilities like Laurel to maintain, file and adhere to tariffs that

reflect service offerings and rules associated with service and are modified pursuant to the tariff review process when service is changed; and (iii) Code Chapter 11 because Laurel must make the appropriate filings with and obtain the approval of the PA PUC to implement bi-directional transportation on the pipeline segment as such proposal constitutes a partial abandonment of Laurel's existing east-to-west tariffed intrastate petroleum products transportation service between Sinking Spring and Eldorado, Pennsylvania.

On February 12, 2025, Buckeye filed Preliminary Objections and an Answer to the Complaint. The PA PUC, without opining on the ultimate merits of the proceeding currently before it, contends that it possesses the subject matter jurisdiction and authority under Sections 102, 701 and 1501 of the Pennsylvania Public Utility Code to address the issues raised in the PA PUC Complaint.<sup>12</sup> Section 102 specifically confers the PA PUC with jurisdiction over the “transporting or conveying ... crude oil, gasoline or petroleum products ... by pipeline or conduit for the public for compensation.” FERC should be aware of Complainants’ ongoing proceeding against Laurel Pipe Line, L.P. before the PA PUC regarding the terms and conditions of its intrastate service as it considers Buckeye’s current request. The PA PUC has jurisdiction over the intrastate transportation of petroleum products of certificated public utilities and should have the opportunity to conclude its consideration of Complainants’ pending matter. Additionally, FERC approval of bi-directional service on portions of the proposed Buckeye/Laurel Project

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<sup>12</sup> 66 Pa. C.S. §§ 102, 701, 1501.

would not apply to Laurel's intrastate service and whether that service is reasonable and in compliance with Laurel's CPC.

#### IV. CONCLUSION

For all the foregoing reasons, the PA PUC respectfully requests FERC grant abeyance of the above-captioned Petition for Declaratory Order until the PA PUC issues a final determination regarding a concurrent and related proceeding at Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc., and PBF Holding Company LLC v. Laurel Pipe Line Company, L.P., PA PUC Docket No. C-2025-3053018.

Respectfully submitted,

Elizabeth H. Barnes

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Pennsylvania Public Utility Commission

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Dated: February 12, 2025

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am on this date serving a copy of the foregoing document upon each person designated on the official service list compiled by the Federal Energy Regulatory Commission in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Respectfully submitted,

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