**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 MOTIONS TO COMPEL**

On November 14, 2016, Laurel Pipe Line Company, L.P. (Laurel or Applicant) filed with the Commission the above-captioned Application.

On February 3, 2017, Gulf Operating, LLC (Gulf) served Gulf Set I Interrogatories. On February 13, 2017, Laurel submitted timely Objections to Gulf’s Set I Interrogatories. On February 23, 2017, Gulf filed a Motion to Compel a response to Gulf Set I Interrogatory No. 28, indicating that the rest of the objections raised by Laurel had been resolved by the parties. On February 28, 2017, Laurel filed its Answer to Gulf’s Motion to Compel.

On February 6, 2017, Philadelphia Energy Solutions Refining and Marketing, LLC (PESRM) served Interrogatories and Requests for Production of Documents – Set I. On February 16, 2017, Laurel submitted timely written Objections to several of PESRM Set I Interrogatories. On February 27, 2017, PESRM submitted a Motion to Compel a response to PESRM Set I Interrogatory No. 1, indicating that the rest of the objections raised by Laurel had been resolved by the parties[[1]](#footnote-1). On March 6, 2017, Laurel filed its Answer to PESRM’s Motion to Compel.

PESRM Set I, Interrogatory No. 1 seeks the same information as Gulf Set I, Interrogatory No. 28. Both Interrogatories read as follows:

*Provide all internal or external studies, analyses, reports, etc. prepared by or for Laurel within the last 5 years addressing in any way the possibility of extending the reversal of flow along the Laurel pipeline to any points further east of those described in the Application.*

Laurel objected to these interrogatories on the grounds that the information sought is not relevant to the issues to be addresses in this proceedings, and not likely to lead to the discovery of admissible evidence. Gulf’s and PESRM’s Motions to Compel responses to their respective interrogatory are very similar to each other. In turn, Laurel has filed essentially the same Answer to both Motions.

After carefully considering Gulf’s, PESRM’s and Laurel’s arguments in support of their respective positions, I shall deny the Motions to Compel. The Commission’s Rules of Administrative Practice and Procedure provide at 52 Pa. Code §5.321(c) that:

(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.

52 Pa. Code § 5.321(c) (emphasis added). While the Commission’s regulations permit a broad scope of discovery, the matter to be discovered must be relevant to the subject matter involved in the pending action., in this case to Laurel’s Application for approval to change direction of petroleum products transportation service to delivery points west of Eldorado, Pennsylvania.

In the Application, Laurel requests that the Commission,

…issue an Order determining that the change in direction of service proposed in this Application does not require Commission approval, **or, in the alternative**, grant a Certificate of Public Convenience and all other necessary approvals to effectuate the proposed change in direction of a portion of its intrastate service for points west of Eldorado, and confirm Laurel Pipe Line Company, L.P.’s ability to reinstate service in the original direction in the future without further Commission approval.

Application, page 20 (emphasis added). The first of the two alternative reliefs requested by Laurel in the present Application is a question of law, to the resolution of which the information requested by the two interrogatories in question is irrelevant. As to the second alternative relief, the subject matter of this Application concerns only the proposed change in direction of a portion of the Applicant’s intrastate service for points west of Eldorado. Even the request that the Commission confirm “[Laurel’s] ability to reinstate service in the original direction in the future without further Commission approval” concerns only the portion of the Applicant’s intrastate service for points west of Eldorado, PA. In view of the above, information regarding studies, analyses, reports, etc. addressing the possibility of extending the reversal of flow along the Laurel pipeline to any points further east of those described in the Application falls outside the scope of this proceeding, and consequently, the information irrelevant to it.

THEREFORE,

IT IS ORDERED:

1. That Gulf Operating, LLC’s Motion to Compel a response to Gulf Set I Interrogatory No. 28 is denied.

2. That Philadelphia Energy Solutions Refining and Marketing, LLC’s Motion to Compel a response to PESRM Set I Interrogatory No. 1 is denied.

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| Date: | March 8, 2017 |  |  |
|  |  |  | Eranda Vero  Administrative Law Judge |

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

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1. By Order dated March 1, 2017, Laurel’s Application at Docket No. A-2016-2575829,was consolidated with the Affiliated Interest Agreement at Docket No. G-2017-2587567. [↑](#footnote-ref-1)