

17 North Second Street 12th Floor Harrisburg, PA 17101-1601 717-731-1970 Main 717-731-1985 Main Fax www.postschell.com

Anthony D. Kanagy

akanagy@postschell.com 717-612-6034 Direct 717-731-1985 Direct Fax File #: 162860

April 25, 2017

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: Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania

Docket No. A-2016-2575829

Laurel Pipe Line Company, L.P. - Pipeline Capacity Agreement with Buckeye Pipe Line Company, L.P. Docket No. G-2017-2587567

Dear Secretary Chiavetta:

Enclosed please find the Motion for Protective Order of Laurel Pipe Line Company, L.P. in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Anthony D. Kanagy

ADK/skr 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).

VIA E-MAIL AND FIRST CLASS MAIL

Adam D. Young, Esquire
Michael L. Swindler, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Robert A. Weishaar, Jr., Esquire McNees Wallace & Nurick LLC 1200 G Street, NW Suite 800 Washington, DC 20005 Counsel for Gulf Operating, LLC and Sheetz, Inc.

Susan E. Bruce, Esquire
Adeolu A. Bakare, Esquire
Kenneth R. Stark, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Counsel for Gulf Operating, LLC
and Sheetz, Inc.

Alan M. Seltzer, Esquire John F. Povilaitis, Esquire Buchanan Ingersoll & Rooney, PC 409 N. Second Street, Suite 500 Harrisburg, PA 17101-1357 Counsel for PESRM Karen O. Moury, Esquire Carl R. Shultz, Esquire Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 Counsel for Husky Marketing and Supply Company

Jonathan D. Marcus, Esquire Daniel J. Stuart, Esquire Marcus & Shapira LLP One Oxford Centre, 35th Floor 301 Grant Street Pittsburgh, PA 15219-6401 Counsel for Giant Eagle, Inc.

Andrew S. Levine, Esquire Stradley, Ronon, Stevens & Young, LP 2600 One Commerce Square Philadelphia, PA 19103 Counsel for Sunoco, LLC

Kevin J. McKeon, Esquire Todd S. Stewart, Esquire Whitney E. Snyder, Esquire Hawke McKeon & Sniscak LLP 100 North Tenth Street Harrisburg, PA 17101 Counsel for Monroe Energy, LLC Christopher A. Ruggiero, Esquire Vice President, General Counsel & Secretary Monroe Energy, LLC 4101 Post Road Trainer, PA 19061 Counsel for Monroe Energy, LLC Richard E. Powers, Jr., Esquire Joseph R. Hicks, Esquire Venable LLP 575 7th Street, NW Washington, DC 20004 Counsel for Monroe Energy, LLC

VIA E-MAIL ONLY:

Joseph Otis Minott, Esquire Ernest Logan Welde, Esquire Clean Air Council 135 S. 19th Street, Suite 300 Philadelphia, PA 19103 Counsel for Clean Air Council

Date: April 25, 2017

Anthony D. Kanagy

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products

Docket No. A-2016-2575829

Transportation Service to Delivery Points West

of Eldorado, Pennsylvania

Laurel Pipe Line Company, L.P. - Pipeline

Docket No. G-2017-2587567

Capacity Agreement with Buckeye Pipe Line Company, L.P.

MOTION FOR PROTECTIVE ORDER

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Laurel Pipe Line Company, L.P. ("Laurel") hereby requests that the Honorable Administrative Law Judge Vero (the "ALJ") enter a Protective Order in this proceeding pursuant to the provisions of 52 Pa. Code §§ 5.362(a)(7) and 5.365(a), and in support thereof represents as follows:

1. On November 14, 2016, Laurel filed the Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience to Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado Pennsylvania at Docket No. A-2016-2575829 ("Application") with the Pennsylvania Public Utility Commission ("Commission"). In the Application, Laurel requested any and all approvals that the Commission deemed necessary to change the direction of flow on the western portion of Laurel's petroleum products pipeline system.

- 2. From the date of the filing until February 1, 2017, Protests and Petitions to Intervene were filed in accordance with the Commission's December 6, 2016 Secretarial Letter.
- 3. On February 7, 2017, Laurel served its Direct Testimony and Exhibits in support of the Application. The contested Application has been assigned to Your Honor for disposition.
- 4. On February 6, 2017, Laurel filed a new Pipeline Capacity Agreement between Buckeye Pipe Line Company, L.P., which is pending at Docket No. G-2017-2587567 ("Capacity Agreement Proceeding"). On February 7, 2017, Laurel filed a motion to consolidate the Capacity Agreement Proceeding with the Application proceeding which was granted by the ALJ in Prehearing Order #2 dated March 2, 2017. Therefore, the Protective Order issued pursuant to the motion will apply to the consolidated proceedings
- 5. Proprietary Information within the definition of 52 Pa. Code § 5.365 has been requested during the course of this proceeding, which justifies the issuance of a Protective Order. For example, parties have sought information that is customarily treated as sensitive, proprietary, or highly confidential. Treatment of such information as set forth in the attached proposed Protective Order is justified because unrestricted disclosure of such information would not be in the public interest. These considerations constitute cause for the restrictions specified in 52 Pa. Code § 5.365 and in Administrative Law Judge or Commission Orders granting relief pursuant to said regulation.
- 6. Under 52 Pa. Code §§ 5.362(a)(7) and 5.365, the Office of Administrative Law Judge or the Commission may issue a Protective Order to limit or prohibit disclosure of confidential commercial information where the potential harm to a participant would be substantial and outweighs the public's interest in having access to the confidential information. In applying this standard, relevant factors to be considered include: the extent to which

disclosure would cause unfair economic or competitive damage; the extent to which the information is known by others and used in similar activities; and the worth or value of the information to the party and to the party's competitors. 52 Pa. Code § 5.365(a)(1)-(3).

7. The attached proposed Protective Order defines two categories of protected information. The first is "CONFIDENTIAL," which is defined in Paragraph 3 of the attached proposed Protective Order as "those materials that customarily are treated by that party as sensitive or proprietary, that are not available to the public, and that, if disclosed freely, would subject that party or its clients to risk of competitive disadvantage or other business injury." The second is "HIGHLY CONFIDENTIAL PROTECTED MATERIAL," which is also defined in Paragraph 3 of the attached proposed Protective Order as "those materials that are of such a commercially sensitive nature or of such a private, personal nature that the producing party is able to justify a heightened level of confidential protection with respect to those materials." Moreover, Paragraph 3 of the attached proposed Protective Order also defines "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" as including "information subject to the restrictions of 49 U.S.C.A. App. Section 15(13)." 49 U.S.C.A. App. Section 15(13) states, in pertinent part:

It shall be unlawful for any common carrier subject to the provisions of this part, or any officer, agent, or employee of such common carrier, or for any other person or corporation lawfully authorized by such common carrier to receive information therefrom, knowingly to disclose to or permit to be acquired by any person or corporation other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for the interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person or corporation to solicit or knowingly receive any such information which may be so used: *Provided*, That nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any State or Federal court, or to any officer

or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime; or information given by a common carrier to another carrier or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

- 8. Since "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" is intended to be distributed only to a small group of persons who are not directly employed by the parties in this proceeding, the attached Protective Order reflects the parties' commitment to reduce the amount and type of information that is provided with the "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" designation and to not identify, by way of example, the names of shippers or customers in response to discovery as a means of avoiding the "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" designation to the extent reasonably possible.
- 9. Paragraph 17 of the attached proposed Protective Order protects against overly broad designations of protected information by giving all parties the right to question or challenge the confidential or proprietary nature of the information deemed "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL."
- 10. Limitation on the disclosure of information deemed "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" will not prejudice the rights of the participants, nor will such limitation frustrate the prompt and fair resolution of this proceeding. The proposed Protective Order balances the interests of the parties, the public, and the Commission.
- 11. The attached Protective Order sought by Laurel will protect the proprietary nature of competitively valuable information while allowing the parties to use such information for purposes of the instant litigation. The proposed Protective Order applies the least restrictive means of limitation that will provide the necessary protections from disclosure.

- 12. The attached Protective Order also addresses the potential that information regarding interstate shipments may be sought that is otherwise discoverable, but is subject to the restrictions of the Interstate Commerce Act, 49 U.S.C.A. App. Section 15(13), and compels discovery of such information subject to the provisions of the Protective Order.
- 13. Laurel has consulted with all other parties to this proceeding including, the Commission's Bureau of Investigation and Enforcement, Gulf Operating, LLC, Monroe Energy LLC, Philadelphia Energy Solutions Refining and Marketing LLC, Sheetz, Inc., Giant Eagle, Inc., Husky Marketing and Supply Company, Sunoco, LLC, and Clean Air Council, and no objections to the granting of this Motion have been stated.

WHEREFORE, for all the reasons set forth above, Laurel Pipe Line Company, L.P.

respectfully requests that Your Honor issue the attached Protective Order.

Respectfully submitted,

David B. MacGregor (ID # 28804)

Post & Schell, P.C. Four Penn Center

1600 John F. Kennedy Blvd. Philadelphia, PA 19103-2808

Phone: (215) 587-1197 Fax: (215) 320-4879

E-mail: dmacgregor@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: April 25, 2017

Anthony D. Kanagy (ID #85522)

Garrett P. Lent (ID # 321566)

Post & Schell, P.C.

17 North Second Street, 12th Floor

Harrisburg, PA 17101-1601

Phone: (717) 612-6034 Fax: (717) 731-1985

E-mail: akanagy@postschell.com E-mail: glent@postschell.com

Attorneys for Laurel Pipe Line Company, L.P.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals,

and Certificates of Public Convenience To Change the Direction of Petroleum Products

Transportation Service to Delivery Points West

of Eldorado, Pennsylvania

:

Laurel Pipe Line Company, L.P. - Pipeline Capacity Agreement with Buckeye Pipe Line

Company, L.P.

Docket No. G-2017-2587567

Docket No. A-2016-2575829

PROTECTIVE ORDER

Upon consideration of the Motion for a Protective Order that was filed by Laurel Pipe Line Company, L.P. on April 25, 2017;

IT IS ORDERED THAT:

- 1. The Motion is hereby granted with respect to all materials and information identified in Paragraphs 2-3 below.
- 2. The information subject to this Protective Order is all correspondence, documents, data, information, studies, methodologies and other materials, furnished in this proceeding, that are reasonably believed by the producing party to be of a proprietary or confidential nature and that are so designated by being marked "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL." Such materials will be referred to below as "Proprietary Information." When a statement or exhibit is identified for the record, the portions thereof that constitute Proprietary Information shall be designated as such for the record.
- 3. This Protective Order applies to the following categories of materials: (a) the parties may designate as "CONFIDENTIAL" those materials that customarily are treated by that

party as sensitive or proprietary, that are not available to the public, and that, if disclosed freely, would subject that party or its clients to risk of competitive disadvantage or other business injury; (b) the parties may designate as "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" those materials that are of such a commercially sensitive nature or of such a private, personal nature that the producing party is able to justify a heightened level of confidential protection with respect to those materials; moreover, information subject to the restrictions of 49 U.S.C.A. App. Section 15(13) will be designated as "HIGHLY CONFIDENTIAL PROTECTED MATERIAL." Given the limited distribution afforded to "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" under the terms of this Protective Order, the parties shall endeavor to limit their designation of information as HIGHLY CONFIDENTIAL PROTECTED MATERIAL. The parties shall also redact or take other steps reasonably necessary to eliminate from any discovery responses the names, addresses or any other information that could reveal the identity of shippers or customers, whose actual names shall be replaced by a letter or numerical designation.

4. Proprietary Information shall be made available to counsel for a party, subject to the terms of this Protective Order. Such counsel shall use or disclose the Proprietary Information only for purposes of preparing or presenting evidence, cross examination, argument, or settlement in this proceeding. No person who may be entitled to receive, or who is afforded access to any CONFIDENTIAL or HIGHLY CONFIDENTIAL PROTECTED MATERIAL shall use or disclose such information for purposes of business or competition, or any purpose other than the preparation for and conduct of this proceeding or any administrative or judicial review thereof. To the extent required for participation in this proceeding, counsel for a party

may afford access to Proprietary Information subject to the conditions set forth in this Protective Order.

- 5. Information deemed as "CONFIDENTIAL" shall be made available to a "Reviewing Representative" who is a person that has signed a Non-Disclosure Certificate attached as Appendix A, and who is:
 - (i) An attorney who has entered an appearance in this proceeding for a party or who serves as the General Counsel or Assistant General Counsel for a party;
 - (ii) Attorneys, paralegals, and other employees associated for purposes of this case with an attorney described in Paragraph 5(i);
 - (iii) An expert or an employee of an expert retained by a party for the purpose of advising, preparing for or testifying in this proceeding; or
 - (iv) Employees or other representatives of a party appearing in this proceeding with significant responsibility for this docket.

With regard to Bureau of Investigation and Enforcement ("I&E"), information deemed as "CONFIDENTIAL" shall be made available to I&E Prosecutors subject to the terms of this Protective Order. The I&E Prosecutors shall use or disclose the CONFIDENTIAL information only for purposes of preparing or presenting evidence, cross examination, argument, or settlement in this proceeding. To the extent required for participation in this proceeding, the I&E Prosecutors may afford access to CONFIDENTIAL information only to I&E's experts, without the need for the execution of a Non-Disclosure Certificate, who are full-time employees of the Commission and bound by all the provisions of this Order by virtue of the I&E Prosecutors' execution of a Non-Disclosure Certificate.

6. Information deemed as "HIGHLY CONFIDENTIAL PROTECTED MATERIAL", may be provided to a "Reviewing Representative" who has signed a Non-Disclosure Certificate attached as Appendix A and who is:

- (i) An attorney for a statutory advocate pursuant to 52 Pa. Code §1.8, or an outside attorney who has entered an appearance in this proceeding for a party;
- (ii) An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in Paragraph 6(i);
- (iii) An outside expert or an employee of an outside expert retained by a party for the purposes of advising, preparing for or testifying in this proceeding; or
- (iv) A person designated as a Reviewing Representative for purposes of HIGHLY CONFIDENTIAL PROTECTED MATERIAL, provided that a Reviewing Representative for purposes of HIGHLY CONFIDENTIAL PROTECTED MATERIAL shall not include an officer, director, stockholder, partner, or owner of any competitor of the parties, or of any shipper, customer or consignee on Laurel, or of any affiliate of any competitor of the parties, or shipper, customer or consignee on Laurel, or any employee of any such entity, if that person's duties involve marketing or pricing responsibilities, or any responsibility for marketing or pricing with respect to the transportation or commodity sales and/or exchanges of refined petroleum products.

With regard to I&E, information deemed as "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" shall be made available to the I&E Prosecutors subject to the terms of this Protective Order. The I&E Prosecutors shall use or disclose the HIGHLY CONFIDENTIAL PROTECTED MATERIAL only for purposes of preparing or presenting evidence, cross examination, argument, or settlement in this proceeding. To the extent required for participation in this proceeding, the I&E Prosecutors may afford access to HIGHLY CONFIDENTIAL PROTECTED MATERIAL, only to I&E's experts, without the need for the execution of a Non-Disclosure Certificate, who are full-time employees of the Commission and bound by all the provisions of this Protective Order by virtue of the I&E Prosecutors' execution of a Non-Disclosure Certificate.

Provided, further, that in accordance with the provisions of Sections 5.362 and 5.365(e) of the Commission's Rules of Practice and Procedure, 52 Pa. Code §§ 5.362, 5.365(e), any party

may, by subsequent objection or motion, seek further protection with respect to HIGHLY CONFIDENTIAL PROTECTED MATERIAL, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

- 7. For purposes of this Protective Order, a Reviewing Representative may not be a "Restricted Person."
- A "Restricted Person" shall mean: (i) an officer, director, stockholder, (a) partner, or owner of any competitor of the parties or an employee of such an entity if the employee's duties involve marketing or pricing of the competitor's products or services; (ii) an officer, director, stockholder, partner, or owner of any affiliate of a competitor of the parties (including any association of competitors of the parties) or an employee of such an entity if the employee's duties involve marketing or pricing of the competitor's products or services; (iii) an officer, director, stockholder, owner or employee of a competitor of a customer of the parties if the Proprietary Information concerns a specific, identifiable customer of the parties; and (iv) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of the parties if the Proprietary Information concerns a specific, identifiable customer of the parties; provided, however, that no expert shall be disqualified on account of being a stockholder, partner, or owner unless that expert's interest in the business would provide a significant motive for violation of the limitations of permissible use of the Proprietary Information. For purposes of this Stipulated Protective Agreement, stocks, partnership or other ownership interests valued at more than \$100,000 or constituting more than a 1% interest in a business establishes a significant motive for violation.
- (b) If an expert for a party, another member of the expert's firm or the expert's firm generally also serves as an expert for, or as a consultant or advisor to, a Restricted

Person with respect to the marketing or pricing of the competitor's products or services, said expert must: (i) identify for the parties each Restricted Person and each expert or consultant; (ii) make reasonable attempts to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a Restricted Person; and (iii) if segregation of such personnel is impractical the expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of the parties or their customers. The parties retain the right to challenge the adequacy of the written assurances that the parties' or their customers' interests will not be jeopardized. No other persons may have access to the Proprietary Information except as authorized by order of the Commission.

- 8. A qualified "Reviewing Representative" for "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" may review and discuss "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" with their client or with the entity with which they are employed or associated, to the extent that the client or entity is not a "Restricted Person", but may not share with or permit the client or entity to review the "HIGHLY CONFIDENTIAL PROTECTED MATERIAL". Such discussions must be general in nature and not disclose specific "HIGHLY CONFIDENTIAL PROTECTED MATERIAL," provided however that counsel for I&E may share proprietary information with the I&E Director, without obtaining a Non-Disclosure Certificate from these individuals, provided however, that this individual otherwise abide by the terms of the Protective Order.
- 9. Information deemed Proprietary Information shall not be used except as necessary for the conduct of this proceeding, nor shall it be disclosed in any manner to any person except a Reviewing Representative who is engaged in the conduct of this proceeding and who needs to know the information in order to carry out that person's responsibilities in this proceeding.

- 10. Reviewing Representatives may not use information contained in any Proprietary Information obtained through this proceeding to give any party or any competitor or customer or consignee of any party a commercial advantage. In the event that a party wishes to designate as a Reviewing Representative a person not described in Paragraphs 5(i) through 5(iv) or 6(i) through 6(iii) above, the party shall seek agreement from the party providing the Proprietary Information. If an agreement is reached, that person shall be a Reviewing Representative pursuant to Paragraph 6(iv) above with respect to those materials. If no agreement is reached, the party shall submit the disputed designation to the presiding Administrative Law Judge for resolution.
- 11. (a) A Reviewing Representative shall not be permitted to inspect, participate in discussions regarding, or otherwise be permitted access to Proprietary Information pursuant to this Protective Order unless that Reviewing Representative has first executed a Non-Disclosure Certificate provided that if an attorney qualified as a Reviewing Representative has executed such a certificate, the paralegals, secretarial and clerical personnel under the attorney's instruction, supervision or control need not do so, nor do Commission employees assisting I&E as noted above in Paragraphs 5 and 6. A copy of each Non-Disclosure Certificate shall be provided to counsel for the parties asserting confidentiality prior to disclosure of any Proprietary Information to that Reviewing Representative.
- (b) Attorneys and outside experts qualified as Reviewing Representatives are responsible for ensuring that persons under their supervision or control comply with the Protective Order.

- 12. None of the parties waive their right to pursue any other legal or equitable remedies that may be available in the event of actual or anticipated disclosure of Proprietary Information.
- The parties shall designate data or documents as constituting or containing 13. Proprietary Information by marking the documents "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL." Where only part of data compilations or multipage documents constitutes or contains Proprietary Information, the parties, insofar as reasonably practicable within discovery and other time constraints imposed in this proceeding, shall designate only the specific data or pages of documents that constitute or contain Proprietary Information. The Proprietary Information shall be served upon the parties hereto only in an envelope separate from the nonproprietary materials, and the envelope shall be conspicuously marked "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL." Notwithstanding the above, since "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" is intended to be distributed only to a small group of persons who are not directly employed by the parties in this proceeding, the parties shall use their best reasonable efforts to reduce the amount and type of information that is provided with the "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" designation and to not identify the names, addresses or any other information that could reveal the identity of shippers or customers in response to discovery.
- 14. The parties will consider and treat the Proprietary Information as within the exemptions from disclosure provided in Section 335(d) of the Public Utility Code, 66 Pa. C.S. § 335(d), and the Pennsylvania Right-to-Know Act, 65 P.S. §§ 67.101 *et seq.*, until such time as the information is found to be non-proprietary. In the event that any person or entity seeks to compel the disclosure of Proprietary Information, the non-producing party shall promptly notify

the producing party in order to provide the producing party an opportunity to oppose or limit such disclosure.

- 15. Any public reference to Proprietary Information by a party or its Reviewing Representatives shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand fully the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.
- 16. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument, and responses to discovery, and including reference thereto as mentioned in Paragraph 15 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Protective Order, either through the agreement of the parties to this proceeding or pursuant to an order of the Commission.
- 17. The parties shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information including, without limitation, the identity of shippers and/or customers, and to question or challenge the admissibility of Proprietary Information. In the event of a question or challenge to the confidential or proprietary nature of Proprietary Information, the parties shall make a good faith effort to redact or modify the Proprietary Information so that it is no longer "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL PROTECTED MATERIAL". If a party challenges the designation of a document or information as proprietary, the party providing the information retains the burden of demonstrating that the designation is appropriate.

- 18. The parties shall retain the right to question or challenge the admissibility of Proprietary Information; to object to the production of Proprietary Information on any proper ground; and to refuse to produce Proprietary Information pending the adjudication of the objection.
- 19. Within 30 days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within thirty days after appeals are finally decided, the parties, upon request, shall either destroy or return to the parties all copies of all documents and other materials not entered into the record, including notes, which contain any Proprietary Information. In the event that a party elects to destroy all copies of documents and other materials containing Proprietary Information instead of returning the copies of documents and other materials containing Proprietary Information to the parties, the party shall certify in writing to the other producing party that the Proprietary Information has been destroyed.
- 20. In addition, in light of the fact that documents requested in this proceeding may contain information concerning interstate shipments that may be subject to the restrictions contained in the Interstate Commerce Act ("ICA"), 49 U.S.C.A. App. Section 15(13), the undersigned finds that an order compelling disclosure of information and materials, which disclosure in the absence of such an order might be deemed to violate the provisions of the Interstate Commerce Act, would facilitate discovery in this matter, and be in the public interest. The undersigned also finds that, consistent with the purpose and intent of Section 15(13) of the ICA—*i.e.* to preclude disclosure of competitively sensitive information that could be used to the detriment of a shipper—such disclosure should be made contingent upon and subject to a protective order that will adequately protect shipper interests. Accordingly, it is hereby ordered

that such information and materials sha	ll be disclosed in accordance with, and subject to, the
terms and conditions of this Protective C	rder.
Dated:	The Hon, Administrative Law Judge Eranda Vero

APPENDIX A

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Laurel Pipe Line Company, L.P. for All Necessary Authority, Approvals, and Certificates of Public Convenience To Change the Direction of Petroleum Products Transportation Service to Delivery Points West of Eldorado, Pennsylvania	: : Docket No. A-2016-2575829 : :
Laurel Pipe Line Company, L.P Pipeline Capacity Agreement with Buckeye Pipe Line Company, L.P.	: Docket No. G-2017-2587567
NON-DISCLOSUR	E CERTIFICATE
TO WHOM IT MAY CONCERN:	
The undersigned is the (the retaining party). The undersigned has read a the treatment of Proprietary Information, and the	
☐ Reviewing Representative for CON	NFIDENTIAL information.
☐ Reviewing Representative for CO information.	NFIDENTIAL & HIGHLY CONFIDENTIAL
The undersigned agrees to be bound by and c Protective Order.	omply with the terms and conditions of said
	Name
	Signature
	Address
	Employer