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August 10, 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 to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. on Giant Eagle, Inc., Set II in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Garrett P. Lent
GPL/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

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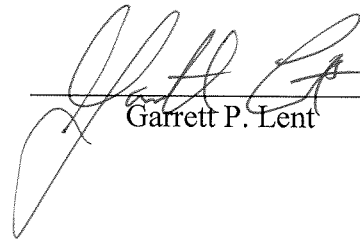
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Date: August 10, 2017


Garrett P. Lent

**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	:	Docket No. A-2016-2575829
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	:	Docket No. G-2017-2587567
Company, L.P.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: August 10, 2017

Counsel 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	:	Docket No. A-2016-2575829
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	:	Docket No. G-2017-2587567
Company, L.P.	:	

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY LAUREL PIPE LINE COMPANY, L.P.
ON GIANT EAGLE, INC., SET II**

TO ADMINISTRATIVE LAW JUDGE ERANDA VERO:

Laurel Pipe Line Company, L.P. (“Laurel” or the “Company”) hereby files, pursuant to 52 Pa. Code § 5.342, this Motion to Compel Answers to its Second Set of Interrogatories and Requests for Production of Documents (“Set II Discovery”) directed to Giant Eagle, Inc. (“Giant Eagle”). The Motion to Compel requests that Administrative Law Judge Eranda Vero (the “ALJ”) direct Giant Eagle to provide full and complete responses to Request Nos. 3(b), 4, and 7(b) of the Set II Discovery as is required by 52 Pa. Code § 5.342(a)(4). In support of this Motion, Laurel states as follows:

I. INTRODUCTION

1. On November 14, 2016, Laurel filed the above-captioned Application with the Pennsylvania Public Utility Commission (“Commission”) at Docket No. A-2016-2575829. The Application sought all necessary, authority, approvals and Certificates of Public Convenience, to the extent required, authorizing Laurel to change the direction of its petroleum products transportation service over a portion of its system west of Eldorado, Pennsylvania, and

confirming that Laurel may, in its discretion, reinstate the current direction of service in the future without further Commission approval.

2. On February 1, 2017, Giant Eagle filed a Petition to Intervene and Protest that contained specific factual allegations about the effects of Laurel's proposal on Giant Eagle and other entities in Pennsylvania.

3. On July 14, 2017, Giant Eagle served Giant Eagle Statement No. 1, the Direct Testimony of Richard Tomnay.

4. On July 21, 2017, Laurel served Set II Discovery on Giant Eagle. A copy of Laurel Set I Discovery to Giant Eagle is provided as Appendix A hereto.

5. Giant Eagle objected to Set I Discovery on July 31, 2017. Giant Eagle objected to Set I Request Nos. 2, 3, 4, 5, 6 and 7(b). A copy of Giant Eagle's Objections is provided as Appendix B hereto.

6. Laurel notes that while Giant Eagle has objected to Request Nos. 2, 3(a), 5, 6, Giant Eagle has agreed to answer these questions. Laurel disagrees with Giant Eagle's objections to these questions, but is not filing a Motion to Compel as to these questions because Giant Eagle has agreed to answer them.

7. Laurel contacted counsel for Giant Eagle on August 3, 2017, by e-mail to consider whether the parties could resolve any of the objections to Request Nos. 3(b), 4, and 7(b). Counsel for Laurel and Giant Eagle discussed objections by telephone on August 7, 2017. However, the parties were not able to resolve their issues with respect to objections to Request Nos. 3(b), 4, and 7(b).

8. Laurel hereby files its Motion to Compel Giant Eagle to respond to Set II, objections to Request Nos. 3(b), 4, and 7(b).

II. ARGUMENT

A. **GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 3(B) OF THE SET II DISCOVERY.**

9. Laurel – Set II, Request No. 3 provides as follows:

3. Regarding Mr. Tomnay’s statement at p. 3, lines 20 through 22 that a “majority of the fuel sold in Pittsburgh-area GetGo Stations originates from East Coast sources and is shipped westward via the Laurel Pipeline [*sic*],” please provide a detailed explanation of how Mr. Tomnay is aware of the origin of the volumes, and provide supporting documents.

a) Provide a list of all Pittsburgh-area GetGo stations, including the street address and town/city etc. for each station.

b) For each month since January 2012 through July 2017,

i) Provide the number of gallons of each type of petroleum product sold by each Pittsburgh-area GetGo station; and

ii) Provide the source – either East Coast or Midwest or other for all gallons identified in subpart (i) above.

10. Giant Eagle objects to subpart (b) of Request No. 3. Giant Eagle argues that the information sought by 3(b)(i) and 3(b)(ii) is not relevant to the issues to be addressed in this proceeding, and is not likely to lead to the discovery of information. Giant Eagle further argues that monthly data relating to each gallon of gasoline sold by Giant Eagle over a 5-year period is well outside the scope of issues in this proceeding. In addition, Giant Eagle argues both subparts 3(b)(i) and 3(b)(ii) would impose an unreasonable burden and require an unreasonable investigation. Giant Eagle further specifically argues that it does not maintain the information requested in 3(b)(ii).

11. Giant Eagle's relevance arguments are unsupported and contradicted by the specific statements and allegations made in Giant Eagle Statement No. 1. Pursuant to Section 5.321(c), discovery is permitted when the information sought relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c).

12. The information sought by Request No. 3(b), regarding the volumes, types, and sources of petroleum products sold each month at GetGo stations in the Pittsburgh-area is directly related to Giant Eagle's claims in its testimony.

13. For example, Mr. Tomnay specifically calls into question the sources of petroleum products sold at GetGo stations when he testifies—as noted in Request No. 3—that the “majority of fuel sold in Pittsburgh-area GetGo stations originates from East Coast sources and is shipped westward via the Laurel Pipeline [*sic*]...” *See Id.*, page 3, lines 20-22. Mr. Tomnay also puts at issue the volumes and types of petroleum products sold at GetGo stores when he concludes that both wholesale and retail prices are likely to increase as a result of the reversal. *See Indicated Parties Stmt. No. 2*, page 5, lines 11-14 (“...wholesale prices—i.e., the prices Giant Eagle pays to acquire fuel—are likely to increase if the pipeline is reversed. As Giant Eagle's costs of goods sold increase, the retail prices it charges its customers will also increase.”). Laurel cannot adequately evaluate Giant Eagle's claims without the data requested in Request No. 3(b). Mr. Tomnay also implicates the volumes and types of petroleum products sold at GetGo stores when he testifies that the reversal would increase the risk of supply disruptions, and “would increase the risk of a fuel shortage at GetGo stations.” *Id.*, page 6, lines 1-2. It is unquestionable that the information sought by Request No. 3(b), as to the number of gallons of petroleum products sold at GetGo stations and where these gallons originate from, is relevant to evaluate these claims.

14. The above-referenced testimony necessarily implicates the volume, type and source information sought by Request No. 3(b). Giant Eagle cannot testify, as described above, regarding alleged impacts of the proposed reversal on fuel prices, supplies and sources, and subsequently claim that information regarding the type and source of products sold at GetGo stations is needed to evaluate and/or substantiate such testimony is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Therefore, Giant Eagle's objection to Request No. 3(b) on relevance grounds should be denied.

15. Furthermore, Giant Eagle's argument that Request No. 3(b) would impose an unreasonable burden and require an unreasonable investigation is unsupported. Section 5.361(a)(2) of the Commission's regulations only prohibits discovery into matters that would impose an unreasonable burden on a party. 52 Pa. Code § 5.361(a)(2) (emphasis added). Likewise, Section 5.361(a)(4) only prohibits discovery into matters that would require a party to make an unreasonable investigation. 52 Pa. Code § 5.361(a)(4) (emphasis added).

16. Giant Eagle is a sophisticated entity that regularly participates in the petroleum products transportation market. The data requested in Request No. 3(b)—volumes and types of petroleum products, and the source(s) of such products, being sold at Giant Eagle's retail sales outlets—are essential business records for an entity that specializes in sales of petroleum products to consumers. Given the nature of its business operations, it is reasonable to expect Giant Eagle maintains, possesses, or otherwise has access to, such information. Furthermore, as explained above, the requested information is essential to Laurel's analysis of Giant Eagle's claims in its testimony. Therefore, the necessity of this information to Laurel substantially outweighs any burden associated with its production.¹

¹ Section 5.361 of Commission's regulations is substantially similar to Pennsylvania Rule of Civil Procedure Number 4011. See 52 Pa. Code § 5.361; see also Pa. R.C.P. 4011. Pennsylvania courts regulatory interpret Rule

17. With respect to Request No. 3(b)(i), Giant Eagle has offered no support for its argument that the request would impose an unreasonable burden and would require an unreasonable investigation. Therefore, this unsupported objection should be denied.

18. With respect to Request No. 3(b)(ii), Giant also has offered no support for its argument that the request imposes an unreasonable burden and would require an unreasonable investigation, other than to state “Giant Eagle does not maintain the information requested” by 3(b)(ii). Importantly, Giant Eagle does not allege that it cannot access this information or that accessing this information would impose an unreasonable burden or require an unreasonable investigation. Indeed, it is reasonable to expect that Giant Eagle has access to this information through counter-parties to its wholesale purchase contracts. As such, Giant Eagle is best positioned to access and produce this essential information. Therefore, to the extent that Giant Eagle does not maintain this information, but has access to it, its objection to Request No. 3(b)(ii) should be denied.

19. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 3(b) of Set II discovery. Alternatively, should Giant Eagle continue to refuse to provide relevant information that is necessary to evaluate its claims in its direct testimony, such testimony should be stricken and Giant Eagle should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

4011 to require a court to balance the relevance and need for the request information with the burden to produce it, when evaluating an objection that production is unreasonably burdensome or would require an unreasonable investigation. *See, e.g., Braham v. Rohm & Haas Co.*, 19 A.3d 1094, 1110-11 (Pa. Super. Ct. 2011); *Shedlock v. UPMC Presbyterian*, 2004 Pa. Dist. & Cnty. Dec. LEXIS 121, at *7-8 (Pa. C.C.P. Nov. 17, 2004).

B. GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 4 OF THE SET II DISCOVERY.

20. Laurel – Set II, Request No. 4 provides as follows:

4. Given that Giant Eagle is not a shipper, and relies entirely on contracts with marketers that do ship on pipelines such as Laurel, please provide the following:

- a) provide a list of all contracts for wholesale supply of refined products, including gasoline and diesel, serving GetGo's Western Pennsylvania stations between 2012 and July 2017, and in that list include the following information:
 - i) name of the wholesale supplier;
 - ii) volume and identity of products;
 - iii) term of contract; and
 - iv) pricing terms;
- b) provide a copy of each such wholesale contracts.

21. Giant Eagle generally objects to Request No. 4 on the grounds that it is vague, overbroad and unreasonably burdensome, and that the information sought is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence. Giant Eagle presents no explanation as to how the request is vague, overbroad and unreasonably burdensome. And, as to relevance, it argues that its wholesale supply contracts are outside the scope of issues in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

22. Regarding Giant Eagle's objection to Request No. 4 on relevance grounds, Laurel adopts and incorporates its arguments with respect to Request No. 3(b) of the Set II discovery, in paragraphs 11-14 *supra*, as if they were fully stated herein. By way of further response, the existence and provisions of the contracts sought by Request No. 4 are relevant to Giant Eagle's

claims regarding the volumes, types and sources of petroleum products that are sold at its GetGo stations. Moreover, the contract information sought by Request No. 4 is relevant to the existence of alternative methods available for Giant Eagle to supply its GetGo stations. Therefore, Giant Eagle's objection to Request No. 4 on relevance grounds should be denied.

23. Giant Eagle's objection to Request No. 4 on the grounds that it will impose an unreasonable burden or require an unreasonable investigation is also unsupported. Section 5.361(a)(2) of the Commission's regulations only prohibits discovery into matters that would impose an unreasonable burden on a party. 52 Pa. Code § 5.361(a)(2) (emphasis added). Likewise, Section 5.361(a)(4) only prohibits discovery into matters that would require a party to make an unreasonable investigation. 52 Pa. Code § 5.361(a)(4) (emphasis added).

24. As a sophisticated business entity that regularly participates in the petroleum products transportation market, it is reasonable to conclude that Giant Eagle maintains, possesses, and has ready access to copies of its contracts for the wholesale supplies of petroleum products at GetGo stations in Western Pennsylvania. Therefore, Giant Eagle cannot demonstrate that producing such contracts would impose an unreasonable burden or require an unreasonable investigation.

25. Furthermore, this information is essential to Laurel's analysis of Giant Eagle's claims that it lacks alternatives and will experience harm as a result of the reversal. For example, it is reasonable to expect that Giant Eagle's contracts will provide direct evidence of the alternatives available to and being used by Giant Eagle, information that is essential to the evaluation of its claims in this proceeding. As such, the necessity of this information to Laurel

substantially outweighs any burden associated with its production, and demonstrates the absolute necessity of this information to evaluate Giant Eagle's claims.²

26. Giant Eagle's objection that this request is vague, ambiguous, or imprecise should similarly be denied. Beyond providing no support for this objection, Giant Eagle can answer the question by simply producing copies of its contracts for the wholesale supply of refined products to its GetGo stations in Western Pennsylvania between January 2012 and July 2017. Therefore, Giant Eagle's objection should be denied.

27. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 4 of Set II discovery. Alternatively, should Giant Eagle continue to refuse to provide relevant information that is necessary to evaluate its claims in its direct testimony, such testimony should be stricken and Giant Eagle should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

C. GIANT EAGLE SHOULD BE COMPELLED TO PROVIDE A FULL AND COMPLETE RESPONSE WITH RESPECT TO REQUEST NO. 7(B) OF THE SET II DISCOVERY.

28. Laurel – Set II, Request No. 7 provides as follows:

7. Please provide all documents of Giant Eagle during the period 2012 through July 2017:

- a) analyzing, referencing, discussing or addressing the effects on price or supply of refined petroleum products of a potential reversal of the Laurel system, in whole or in part;
- b) all documents of Giant Eagle projecting or discussing future wholesale or retail prices for its Western Pennsylvania operations;
- c) all documents analyzing, referencing, discussing or addressing alternatives that Giant Eagle may have

² See footnote 1 *supra*.

in supplying its Western Pennsylvania retail outlets with refined petroleum products; and

- d) all documents analyzing, referencing, discussing or addressing the effects of the reversal on competition in Western Pennsylvania.

29. Giant Eagle objects to Request No. 7(b). It generally argues that Request No. 7(b) is vague, overbroad, and unreasonably burdensome. Giant Eagle more specifically argues that the information sought by 7(b) is not relevant to the issues to be addressed in this proceeding, and is not likely to lead to the discovery of admissible evidence. It further argues that a request seeking all documents over a 5-year period discussing wholesale or retail prices is well outside the scope of issues in this proceeding.

30. Regarding Giant Eagle's objection on relevance and scope grounds, Laurel adopts and incorporates its arguments with respect to Request No. 3(b) of the Set II discovery, in paragraphs 11-14 *supra*, as if they were fully stated herein. By way of further explanation, information related to Giant Eagle's projections and discussions of future wholesale or retail prices for its Western Pennsylvania operations is relevant to the evaluation of Giant Eagle's claims of harm. Such documents would provide the basis for an alleged status quo (*i.e.*, the wholesale and retail prices expected by Giant Eagle without the reversal), which is necessary to evaluate Giant Eagle's claims regarding the effects wholesale and retail prices if the reversal is approved. It is reasonable to expect that the requested information could: (a) demonstrate the status quo, as calculated by Giant Eagle, would in fact be positively affected by the reversal, which is relevant to the accuracy and credibility Giant Eagle's claims of harm; and (b) demonstrate Giant Eagle's internal projections and discussions of wholesale and retail prices differ from the projections used in the analysis of either or both of the Indicated Parties' witnesses Dr. Arthur and Mr. Schaal, which is relevant to the accuracy and credibility of the

information relied upon by Mr. Tomnay. Therefore, Giant Eagle's objection to Request No. 7(b) on relevance grounds should be denied.

31. Giant Eagle's objection to Request No. 4 on the grounds that it will impose an unreasonable burden or require an unreasonable investigation is also unsupported. Section 5.361(a)(2) of the Commission's regulations only prohibits discovery into matters that would impose an unreasonable burden on a party. 52 Pa. Code § 5.361(a)(2) (emphasis added). Likewise, Section 5.361(a)(4) only prohibits discovery into matters that would require a party to make an unreasonable investigation. 52 Pa. Code § 5.361(a)(4) (emphasis added).

32. As a sophisticated business entity that regularly participates in the petroleum products transportation market, it is reasonable to conclude that Giant Eagle regularly evaluates and assesses wholesale and retail prices for petroleum products in Western Pennsylvania. Therefore, Giant Eagle cannot demonstrate that producing documents containing discussions or projections of wholesale and retail prices for petroleum products in Western Pennsylvania would impose an unreasonable burden or require an unreasonable investigation.

33. In addition, subpart (b) is not vague. It is reasonable to expect that Giant Eagle regularly projects or discusses wholesale and retail prices for petroleum products in Western Pennsylvania. Any documents containing such projections or discussions would be responsive to this request.

34. For the reasons more fully explained above, Giant Eagle should be compelled to provide a full and complete response to Request No. 7(b) of Set II discovery. Alternatively, should Giant Eagle continue to refuse to provide relevant information that is necessary to evaluate its claims in its direct testimony, such testimony should be stricken and Giant Eagle

should be barred from continuing to assert or attempting to prove its claims as a part of this proceeding.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, Laurel Pipe Line Company, L.P. respectfully requests that Administrative Law Judge Eranda Vero grant this Motion to Compel and order Giant Eagle, Inc. to fully Request Nos. 3(b), 4, and 7(b) of the Set II Discovery.

Respectfully submitted,

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Date: August 10, 2017

Counsel for Laurel Pipe Line Company, L.P.

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	:	Docket No. A-2016-2575829
Change the Direction of Petroleum Products	:	
Transportation Service to Delivery Points	:	
West of Eldorado, Pennsylvania	:	
	:	
Pipeline Capacity Agreement Between	:	
Laurel Pipe Line Company, L.P. and	:	Docket No. G-2017-2587567
Buckeye Pipe Line Company, L.P.	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED
BY LAUREL PIPE LINE COMPANY, L.P.
ON GIANT EAGLE, INC. – SET II**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Laurel Pipe Line Company, L.P. (“Laurel”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Giant Eagle, Inc. (“Giant Eagle”) – Set II.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “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 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 the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery 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 the Responding Party's inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Application” means the filing and all supporting data and testimony filed by Laurel on November 14, 2016, at Docket No. A-2016-2575829.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS AND REQUESTS FOR ADMISSION
ON GIANT EAGLE – SET II**

1. Regarding Mr. Tomnay's testimony at p. 3, lines 4 through 5, regarding his responsibilities for "fuel pricing strategy," please answer the following questions:
 - a) please explain in detail the nature and scope of his responsibilities for fuel acquisition and/or pricing, including the scope of his dealings with Laurel or other pipelines, and how he pursues Giant Eagle's fuel acquisition operations; and
 - b) please explain in detail whether, and to what extent, Giant Eagle buys or arranges for any logistical matters upstream of the truck rack or refined products terminals in western or central Pennsylvania;

2. Regarding Mr. Tomnay's testimony at p. 3, lines 13-14 that Giant Eagle is not a shipper on Laurel, please confirm that Mr. Tomnay personally, and Giant Eagle as a company, have no basis for knowing the origin of the fuel that Giant Eagle purchases, other than knowing that a particular terminal at which a truck rack is located may only be attached, at present, to Laurel or to another pipeline. If the answer is anything but an unqualified affirmative, please explain the answer in detail, providing information on the sources of Mr. Tomnay's or Giant Eagle's knowledge, and providing supporting documents.

3. Regarding Mr. Tomnay's statement at p. 3, lines 20 through 22 that a "majority of the fuel sold in Pittsburgh-area GetGo Stations originates from East Coast sources and is shipped westward via the Laurel Pipeline [*sic*]," please provide a detailed explanation of how Mr. Tomnay is aware of the origin of the volumes, and provide supporting documents.
 - a) Provide a list of all Pittsburgh-area GetGo stations, including the street address and town/city etc. for each station.
 - b) For each month since January 2012 through July 2017,
 - i) Provide the number of gallons of each type of petroleum product sold by each Pittsburgh-area GetGo station; and
 - ii) Provide the source – either East Coast or Midwest or other for all gallons identified in subpart (i) above.

4. Given that Giant Eagle is not a shipper, and relies entirely on contracts with marketers that do ship on pipelines such as Laurel, please provide the following:

- a) provide a list of all contracts for wholesale supply of refined products, including gasoline and diesel, serving GetGo's Western Pennsylvania stations between 2012 and July 2017, and in that list include the following information:
 - i) name of the wholesale supplier;
 - ii) volume and identity of products;
 - iii) term of contract; and
 - iv) pricing terms;
 - b) provide a copy of each such wholesale contracts.
5. At page 4, lines 5 through p. 5, line 2, and again at p. 5, lines 11 through 17, Mr. Tomnay describes his review of testimony by other intervenor witnesses, and his reliance on those witnesses, and then at p. 5, lines 8 through 9 states that if approved the reversal would increase retail prices in Western Pennsylvania. Regarding this testimony,
- a) please confirm that Mr. Tomnay's conclusions regarding potential harms from the proposed reversal, including a potential increase in retail prices, stem solely from his acceptance of the conclusions provided by other witnesses, and do not reflect or rely upon Mr. Tomnay's own assessment of the pricing or supply circumstances that would result from the proposed reversal of Laurel;
 - b) if the answer to subpart a. above is anything but an unqualified affirmative, please provide a detailed explanation of Mr. Tomnay's grounds, qualifications to opine, and analyses or other evidence supporting his individual conclusions; and
 - c) in support of any individual conclusions described in response to subpart b above, please provide all documents supporting Mr. Tomnay's individual conclusions, as well as his qualifications to make such conclusions.
6. Regarding Mr. Tomnay's testimony at p. 5, line 20 through p. 6, line 9, he testifies that the reversal could increase risks of supply disruptions, inter alia, based on the testimony of Dr. Arthur and Mr. Schaal. As to that testimony:
- a) please confirm that this testimony and Mr. Tomnay's conclusion, stem solely from his acceptance of the conclusions provided by other witnesses, and do not reflect or rely upon Mr. Tomnay's own assessment of the supply circumstances that would result from the proposed reversal of Laurel;

- b) if the answer to subpart a. above is anything but an unqualified affirmative, please provide a detailed explanation of Mr. Tomnay's grounds, qualifications to opine, and analyses or other evidence supporting his individual conclusions; and
 - c) in support of any individual conclusions described in response to subpart b above, please provide all documents supporting Mr. Tomnay's individual conclusions, as well as his qualifications to make such conclusions.
7. Please provide all documents of Giant Eagle during the period 2012 through July 2017:
- a) analyzing, referencing, discussing or addressing the effects on price or supply of refined petroleum products of a potential reversal of the Laurel system, in whole or in part;
 - b) all documents of Giant Eagle projecting or discussing future wholesale or retail prices for its Western Pennsylvania operations;
 - c) all documents analyzing, referencing, discussing or addressing alternatives that Giant Eagle may have in supplying its Western Pennsylvania retail outlets with refined petroleum products; and
 - d) all documents analyzing, referencing, discussing or addressing the effects of the reversal on competition in Western Pennsylvania.

Appendix

B

**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	:	Docket No. A-2016-2575829
Change the Direction of Petroleum Products	:	
Transportation Service to Delivery Points	:	
West of Eldorado, Pennsylvania	:	
Pipeline Capacity Agreement Between	:	
Laurel Pipe Line Company, L.P. and	:	Docket No. G-2017-2587567
Buckeye Pipe Line Company, L.P.	:	

**OBJECTIONS OF GIANT EAGLE, INC. TO CERTAIN INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY
LAUREL PIPE LINE COMPANY, L.P. - SET II**

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Giant Eagle, Inc. (“Giant Eagle”) hereby objects to certain Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P. (“Laurel” or “Applicant”) on Giant Eagle—Set II on July 21, 2017 (“Discovery Requests”) in connection with 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 (“Application”).

As explained herein, Giant Eagle objects to Laurel’s Discovery Requests, including the Definitions and Instructions, to the extent that they seek production of documents or information covered by the attorney-client privilege, work-product doctrine, or any other applicable privilege or limitation on discovery recognized under law. Giant Eagle objects to the Discovery Requests to the extent that they are overly broad, unduly burdensome, vague, and/or ambiguous. Giant Eagle objects to the Discovery Requests that seek information that is not relevant to any claim or defense in this matter and/or is beyond the scope of this proceeding. Giant Eagle objects to the

extent that individual requests seek production and disclosure of trade secrets, proprietary or confidential information, competitively-sensitive information and/or information protected from disclosure. Giant Eagle further objects to the extent the Discovery Requests calls for or require the production of information from non-parties to this proceeding and/or the production of information not within the possession, custody, and control of Giant Eagle.

SPECIFIC OBJECTIONS TO DISCOVERY REQUESTS

Set II – Request No. 2

Regarding Mr. Tomnay's testimony at p. 3, lines 13-14 that Giant Eagle is not a shipper on Laurel, please confirm that Mr. Tomnay personally, and Giant Eagle as a company, have no basis for knowing the origin of the fuel that Giant Eagle purchases, other than knowing that a particular terminal at which a truck rack is located may only be attached, at present, to Laurel or to another pipeline. If the answer is anything but an unqualified affirmative, please explain the answer in detail, providing information on the sources of Mr. Tomnay's or Giant Eagle's knowledge, and providing supporting documents.

Objection to Set II, Request No. 2

Giant Eagle objects to this Request because it is vague, ambiguous, and imprecise. The Request cites to two lines of testimony and, from that testimony, asks Giant Eagle to confirm a position that is not necessarily supported by the cited testimony. Giant Eagle further objects because it mischaracterizes Mr. Tomnay's testimony and is presented in an argumentative fashion rather than as a single question requesting information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Set II – Request No. 2.

Set II – Request No. 3

Regarding Mr. Tomnay’s statement at p. 3, lines 20 through 22 that a “majority of the fuel sold in Pittsburgh-area GetGo Stations originates from East Coast sources and is shipped westward via the Laurel Pipeline [*sic*],” please provide a detailed explanation of how Mr. Tomnay is aware of the origin of the volumes, and provide supporting documents.

- a) Provide a list of all Pittsburgh-area GetGo stations, including the street address and town/city etc. for each station.
- b) For each month since January 2012 through July 2017,
 - i) Provide the number of gallons of each type of petroleum product sold by each Pittsburgh-area GetGo station; and
 - ii) Provide the source – either East Coast or Midwest or other for all gallons identified in subpart (i) above.

Objection to Set II, Request No. 3

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set II – Request No. 3(b)(i) is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline for points west of Eldorado would serve the public interest. As set forth in Laurel’s Application, the evidentiary issues relevant to Laurel’s proposal include assessments of the impact of Laurel’s proposal in markets across Pennsylvania. A request seeking monthly data relating to every gallon of gasoline sold by Giant Eagle over a 5-year period is well outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Section 5.361(a)(2) of the Commission’s regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden or expense on a party and

Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Giant Eagle further objects to this Request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation.

Giant Eagle further objects to Set II – Request No. 3(b)(ii) because the monthly breakdown of the source of every gallon of gasoline sold at every GetGo over a 5-year period is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline for points west of Eldorado would serve the public interest. As set forth in Laurel’s Application, the evidentiary issues relevant to Laurel’s proposal include assessments of the impact of Laurel’s proposal in markets across Pennsylvania. A request seeking monthly data relating to the source of every gallon of gasoline sold by Giant Eagle over a 5-year period is well outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Section 5.361(a)(2) of the Commission’s regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden or expense on a party and Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Giant Eagle further objects to this Request on the grounds that it would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation. Furthermore, Giant Eagle does not maintain the information requested in Set II – Request No. 3(b)(ii). *See* Giant Eagle Supplemental Responses to Interrogatories, Laurel Set I, Request No. 10(c)(i) and 10(c)(ii).

Subject to and without waiving the foregoing objections, Giant Eagle will respond to the request in the introductory paragraph of Set II – Request No. 3 and Set II – Request No. 3(a).

Set II – Request No. 4

Given that Giant Eagle is not a shipper, and relies entirely on contracts with marketers that do ship on pipelines such as Laurel, please provide the following:

- c) provide a list of all contracts for wholesale supply of refined products, including gasoline and diesel, serving GetGo's Western Pennsylvania stations between 2012 and July 2017, and in that list include the following information:
 - i) name of the wholesale supplier;
 - ii) volume and identity of products;
 - iii) term of contract; and
 - iv) pricing terms;
- d) provide a copy of each such wholesale contracts.

Objection to Set II, Request No. 4

Giant Eagle objects to this Request because it mischaracterizes Mr. Tomnay's testimony and is presented in an argumentative fashion rather than as a single question requesting information. Giant Eagle further objects to this Request as vague, overbroad, and unreasonably burdensome. Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set II – No. 4 is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline for points west of Eldorado would serve the public interest. As set forth in Laurel's Application, the evidentiary issues relevant to Laurel's proposal include assessments of the impact of Laurel's proposal in markets across Pennsylvania. A request seeking one particular retailer's wholesale supply

contracts is outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Set II – Request No. 5

At page 4, lines 5 through p. 5, line 2, and again at p. 5, lines 11 through 17, Mr. Tomnay describes his review of testimony by other intervenor witnesses, and his reliance on those witnesses, and then at p. 5, lines 8 through 9 states that if approved the reversal would increase retail prices in Western Pennsylvania. Regarding this testimony,

- a) please confirm that Mr. Tomnay's conclusions regarding potential harms from the proposed reversal, including a potential increase in retail prices, stem solely from his acceptance of the conclusions provided by other witnesses, and do not reflect or rely upon Mr. Tomnay's own assessment of the pricing or supply circumstances that would result from the proposed reversal of Laurel;
- b) if the answer to subpart a. above is anything but an unqualified affirmative, please provide a detailed explanation of Mr. Tomnay's grounds, qualifications to opine, and analyses or other evidence supporting his individual conclusions; and
- c) in support of any individual conclusions described in response to subpart b above, please provide all documents supporting Mr. Tomnay's individual conclusions, as well as his qualifications to make such conclusions.

Objection to Set II, Request No. 5

Giant Eagle objects to this Request to the extent it refers to only a portion of Mr. Tomnay's testimony, which must be read and interpreted in the context of the entirety of his testimony. Giant Eagle further objects to this Request because it mischaracterizes Mr. Tomnay's testimony and is presented in an argumentative fashion rather than as a single question requesting information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Set II – Request No. 5.

Set II – Request No. 6

Regarding Mr. Tomnay's testimony at p. 5, line 20 through p. 6, line 9, he testifies that the reversal could increase risks of supply disruptions, inter alia, based on the testimony of Dr. Arthur and Mr. Schaal. As to that testimony:

- a) please confirm that this testimony and Mr. Tomnay's conclusion, stem solely from his acceptance of the conclusions provided by other witnesses, and do not reflect or rely upon Mr. Tomnay's own assessment of the supply circumstances that would result from the proposed reversal of Laurel;
- b) if the answer to subpart a. above is anything but an unqualified affirmative, please provide a detailed explanation of Mr. Tomnay's grounds, qualifications to opine, and analyses or other evidence supporting his individual conclusions; and
- c) in support of any individual conclusions described in response to subpart b above, please provide all documents supporting Mr. Tomnay's individual conclusions, as well as his qualifications to make such conclusions.

Objection to Set II, Request No. 6

Giant Eagle objects to this Request to the extent it refers to only a portion of Mr. Tomnay's testimony, which must be read and interpreted in the context of the entirety of his testimony. Giant Eagle further objects to this Request because it mischaracterizes Mr. Tomnay's testimony. Giant Eagle further objects because the Request is presented in an argumentative fashion rather than as a single question requesting information.

Subject to and without waiving the foregoing objections, Giant Eagle will respond to Set II – Request No. 6.

Set II – Request No. 7

Please provide all documents of Giant Eagle during the period 2012 through July 2017:

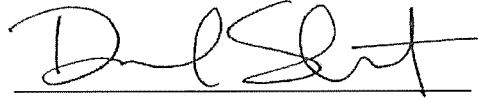
- a) analyzing, referencing, discussing or addressing the effects on price or supply of refined petroleum products of a potential reversal of the Laurel system, in whole or in part;
- b) all documents of Giant Eagle projecting or discussing future wholesale or retail prices for its Western Pennsylvania operations;
- c) all documents analyzing, referencing, discussing or addressing alternatives that Giant Eagle may have in supplying its Western Pennsylvania retail outlets with refined petroleum products; and
- d) all documents analyzing, referencing, discussing or addressing the effects of the reversal on competition in Western Pennsylvania.

Objection to Set II, Request No. 7

Giant Eagle objects to Set II – Request No. 7(b) as vague, overbroad, and unreasonably burdensome. Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The information sought in Laurel Set II – No. 7(b) is not relevant to the issues to be addressed in this proceeding, and not likely to lead to the discovery of admissible evidence. This proceeding concerns whether Laurel has met its burden of proving that the proposal to reverse flows on its jurisdictional pipeline for points west of Eldorado would serve the public interest. As set forth in Laurel’s Application, the evidentiary issues relevant to Laurel’s proposal include assessments of the impact of Laurel’s proposal in markets across Pennsylvania. A request seeking all documents over a 5-year period discussing wholesale or retail prices, regardless of whether those documents have anything to do with Laurel’s proposed reversal, is well outside the scope of issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Section 5.361(a)(2) of the Commission's regulations, 52 Pa. Code § 5.361(a)(2), prohibits discovery into matters that would impose an unreasonable burden or expense on a party and Section 5.361(a)(4) prohibits discovery into matters that would require a party to make an unreasonable investigation. Requiring Giant Eagle to provide all documents over a 5-year period discussing wholesale or retail prices, regardless of whether those documents have anything to do with Laurel's proposed reversal, would impose an unreasonable burden on Giant Eagle and require an unreasonable investigation.

Respectfully submitted,



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Dated: July 31, 2017