



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Adeolu A. Bakare
Direct Dial: 717.237.5290
Direct Fax: 717.260.1712
abakare@mcneeslaw.com

April 30, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

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

Dear Secretary Chiavetta:

Attached please find for filing the Third Prehearing Memorandum of Giant Eagle, Inc., Guttman Energy, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', is written over a horizontal line.

Adeolu A. Bakare

Enclosure

c: Administrative Law Judge Eranda Vero (via E-Mail and First-Class Mail)
Certificate of Service

www.McNeesLaw.com

Harrisburg, PA • Lancaster, PA • Scranton, PA • State College, PA • Columbus, OH • Frederick, MD • Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST-CLASS MAIL

John R. Evans
Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
jorevan@pa.gov

Stephanie M. Wimer, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov

Tanya J. McCloskey, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
tmccloskey@paoca.org

Alan M. Seltzer, Esq.
John F. Povilaitis, Esq.
Buchanan Ingersoll & Rooney, PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357
Alan.Seltzer@BIPC.com
John.Povilaitis@BIPC.com
*Counsel for Philadelphia Energy Solutions
Refining and Marketing, LLC*

Jonathan D. Marcus, Esq.
Daniel J. Stuart, Esq.
Scott Livingston, Esq.
Marcus & Shapira LLP
One Oxford Centre, 35th Floor
301 Grant Street
Pittsburgh, PA 15219-6401
jmarcus@marcus-shapira.com
stuart@marcus-shapira.com
Livingston@marcus-shapira.com
Counsel for Giant Eagle, Inc.

Kevin J. McKeon, Esq.
Todd S. Stewart, Esq.
Whitney E. Snyder, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
kjmckeon@hmslegal.com
tsstewart@hmslegal.com
wesnyder@hmslegal.com

Richard E. Powers, Jr., Esq.
Joseph R. Hicks, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004
repowers@venable.com
jrhicks@venable.com
Counsel for Monroe Energy, LLC

David B. MacGregor, Esq.
Anthony D. Kanagy, Esq.
Garrett P. Lent, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dmacgregor@postschell.com
akanagy@postschell.com
glent@postschell.com
Laurel Pipe Line Company LP

Christopher J. Barr, Esq.
Jessica R. Rogers, Esq.
Post & Schell, P.C.
607 14th Street NW, Suite 600
Washington, DC 20005-2006
cbarr@postschell.com
jrogers@postschell.com
Laurel Pipe Line Company LP

VIA FIRST-CLASS MAIL

Laurel Pipe Line Company LP
Five TEK Park
9999 Hamilton Boulevard
Breinigsville, PA 18031



Adeolu A. Bakare

Dated this 30th day of April, 2019, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**THIRD PREHEARING MEMORANDUM OF
GIANT EAGLE, INC; GUTTMAN ENERGY, INC.; LUCKNOW-HIGHSPIRE TERMINALS,
LLC; MONROE ENERGY, LLC; PHILADELPHIA ENERGY SOLUTIONS REFINING AND
MARKETING, LLC; AND SHEETZ, INC.**

Pursuant to the March 13, 2019, Order issued by Administrative Law Judge ("ALJ") Eranda Vero ("February 28 Order") and the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations at 52 Pa. Code § 5.222(d)(1), Giant Eagle, Inc. ("Giant Eagle"); Guttman Energy, Inc. ("Guttman"); Lucknow-Highspire Terminals, LLC ("LHT"); Monroe Energy, LLC ("Monroe"); Philadelphia Energy Solutions Refining and Marketing, LLC ("PESRM"); and Sheetz, Inc. ("Sheetz") (collectively, "Complainants") hereby submit this Third Prehearing Memorandum in the above-captioned proceeding.

I. BACKGROUND

The Complainants filed a Complaint ("Original Complaint") and a Petition for Interim Emergency Relief before the PUC on July 12, 2018, in Docket Nos. C-2018-3003365 and P-2018-3003368, respectively. On July 18, 2018, the Commission's Bureau of Investigation and Enforcement ("I&E") filed a Notice of Appearance in this proceeding. The Original Complaint and Petition for Interim Emergency Relief filed with the PUC arose from Laurel Pipeline Company, LP's ("Laurel") Petition to the Federal Energy Regulatory Commission ("FERC") to operate a portion of the Laurel

pipeline bi-directionally (*i.e.*, petroleum products flow, at different times, from both east to west and west to east). The Complainants additionally filed an Amended Complaint on August 8, 2018.

On October 16, 2018, ALJ Vero held a telephonic prehearing conference and granted the parties¹ request to pursue further discovery, conduct a Technical Conference on or before January 14, 2019, and provide a status update by February 4, 2019.

On February 12, 2019, the Parties participated in a Technical Conference.

On February 28, 2019, ALJ Vero issued an Order directing the Parties to submit status updates and file Prehearing Memoranda proposing a litigation schedule no later than 4:30 pm on March 5, 2019.²

On March 5, 2019, Complainants and Laurel submitted status updates and Prehearing Memoranda to the ALJ proposing to conduct a Settlement Conference on April 19, 2019.

On March 13, 2019, ALJ Vero issued a Prehearing Order directing the Parties convene a Settlement Conference on or before April and provide a further status update and additional Prehearing Memoranda no later than April 30, 2019.

Complainants, I&E, and Laurel participated in a Settlement Conference on April 12, 2019. This Settlement Conference has led to the Parties scheduling additional settlement meetings to discuss both legal and technical issues associated with the Amended Complaint.

Consistent with the ALJ's directives in the March 13 Prehearing Order, Complainants submit this Prehearing Memorandum proposing to continue settlement discussions and submit a further status report on or before June 1, 2019, approximately 30 days from the date of this filing.

¹ The Complainants, Laurel and I&E are collectively referred to as the "Parties."

² This Third Prehearing Memorandum is limited in scope and addresses only the scheduling issues raised in the February 28 Order. The non-scheduling matters noted in 52 Pa. Code § 222(d)(1) were addressed in the Complainants' Prehearing Memorandum filed on October 15, 2018 and are herein incorporated by reference.

II. PROPOSED SCHEDULE

As noted above, the Parties participated in a Technical Conference on February 12, 2019 and a Settlement Conference on April 12, 2019. Additionally, the Parties conducted separate legal and technical teleconferences on April 26, 2019 and April 30, 2019, respectively, to further discuss issues raised in the initial Settlement Conference. Because all Parties in this proceeding are currently engaged in active settlement discussions, the Complainants and Laurel jointly propose that the ALJ authorize the continuation of those settlement discussions and direct the Parties to provide a further status update to Your Honor on or before June 1, 2019.³

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Robert A. Weishaar, Jr. (Pa. I.D. No. 74678)
1200 G Street, NW, Suite 800
Washington, DC 20005
Phone: (202) 898-0688
Fax: (717) 260-1765
bweishaar@mcneeslaw.com

Adeolu A. Bakare (Pa. I.D. No. 208541)
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
Fax: (717) 237-5300
abakare@mcneeslaw.com

Counsel to Lucknow-Highspire Terminals, LLC; Guttman Energy, Inc.; and Sheetz, Inc.

³ The Complainants understand that Laurel will file a separate Prehearing Memorandum proposing the same procedural schedule. I&E filed a Prehearing Memorandum indicating it will defer scheduling matters to the Complainants and Laurel. In separate correspondence, I&E directly authorized the Complainants to represent I&E's non-opposition to the above proposal.

/s/ Alan M. Seltzer

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

Counsel for Philadelphia Energy Solutions Refining and Marketing, LLC.

/s/ Daniel J. Stuart

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

Counsel for Giant Eagle, Inc.

/s/ Todd S. Stewart

Kevin J. McKeon
Todd S. Stewart
Whitney E. Snyder
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101

Richard E. Powers, Jr.
Joseph R. Hicks
Venable LLP
575 7th Street, NW
Washington, DC 20004

Counsel for Monroe Energy, LLC

Dated: April 30, 2019