

John F. Povilaitis

717 237 4825
john.povilaitis@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.buchananingersoll.com

July 1, 2019

VIA E-FILING

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

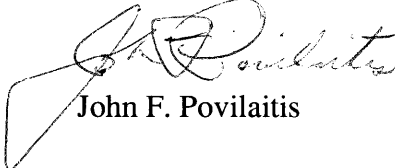
Re: Giant Eagle, Inc.; Guttman Energy, Inc.; Lucknow-Highspire Terminals, LLC;
Monroe Energy, LLC; Philadelphia Energy Solutions Refining and Marketing, LLC;
and Sheetz, Inc. v. Laurel Pipe Line Company, L.P., Docket No. C-2018-3003365

Dear Secretary Chiavetta:

Attached please find for filing the Fifth Prehearing Memorandum and Status Report of Giant Eagle, Inc., Guttman Energy, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc. in the above-captioned proceeding.

Copies of this filing have been served on and all parties as indicated in the attached Certificate of Service.

Very truly yours,


John F. Povilaitis

JFP/tlg

Enclosure

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

**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 :

**FIFTH 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.**

Consistent with the Prehearing Conference Order issued on June 5, 2019, by Administrative Law Judge ("ALJ") Eranda Vero 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 Fifth 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 parties'¹ 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.

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.

On April 30, 2019, Complainants and Laurel submitted status updates and Prehearing Memoranda to the ALJ proposing to provide a further update on or before June 1, 2019.

Complainants and Laurel continued settlement discussions through various correspondence and telephonic conferences in May 2019.

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

² This Fifth 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.

On May 31, 2019, Complainants submitted a status update and Prehearing Memorandum to the ALJ proposing to provide a further update on or before July 1, 2019. Laurel submitted a parallel Prehearing Memorandum on June 1, 2019.

On June 5, 2019, ALJ Vero issued a Prehearing Order directing the Parties convene a Settlement Conference to provide a further status update, with sufficient detail, and additional Prehearing Memoranda no later than July 1, 2019.

Consistent with the Order entered by ALJ Vero on June 5, 2019, Complainants hereby submit this Prehearing Memorandum proposing to continue settlement discussions and submit a further status report on or before August 1, 2019, approximately 30 days from the date of this filing.

II. PROPOSED SCHEDULE

As noted above, the Parties have engaged in active settlement discussions to date. Since filing the Fourth Prehearing Memorandum updating Your Honor on the status settlement discussions as of May 31, 2019, Complainants and Laurel participated in a further in-person settlement conference on June 5, 2019. However, intervening events occurring throughout June have impacted these negotiations and necessitated further discussions among the Parties. As a result, Complainants and Laurel have continued exchanging settlement proposals on a regular basis. In light of these circumstances, Complainants propose to continue settlement discussions and provide a further status update to Your Honor on or before August 1, 2019.

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.

/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: July 1, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the parties and in the manner listed below:

Via Email and First Class Mail

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
evero@pa.gov

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

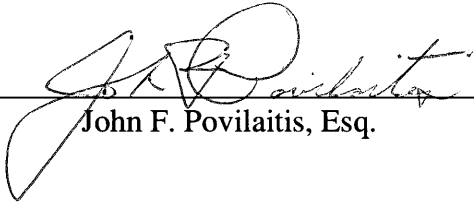
Stephanie M. Wimer
Public Utility Commission
Bureau of Investigation & Enforcement
PO Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov

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

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

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

Dated this 1st day of July, 2019.



John F. Povilaitis, Esq.