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June 4, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

RE: Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc. and PBF Holding Company LLC v. Laurel Pipe Line Company, L.P.; Docket No. C-2025-3053018; **JOINT ANSWER OF MONROE ENERGY, LLC, LUCKNOW-HIGHSPIRE TERMINALS, LLC, SHEETZ, INC. AND PBF HOLDING COMPANY LLC TO LAUREL PIPE LINE COMPANY, L.P.'S MOTION TO COMPEL**

Dear Secretary Homsher:

Enclosed for filing with the Commission is the Joint Answer of Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc. and PBF Holding Company LLC ("Complainants") to Laurel Pipe Line Company, L.P.'s Motion to Compel in the above-captioned matter. Copies have been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. Stewart", is written over the closing text.

Todd S. Stewart
Counsel for Monroe Energy, LLC

TSS/jld
Enclosure

cc: Matthew L. Homsher, Secretary (via electronically file Letter and COS only)
Administrative Law Judge Eranda Vero (via electronical mail – evero@pa.gov)
Per Certificate of Service

CERTIFICATE OF SERVICE

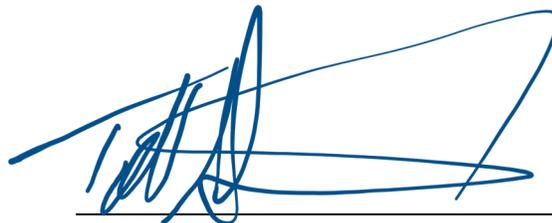
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

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Todd S. Stewart

DATED: June 4, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Monroe Energy, LLC, Lucknow-Highspire :
Terminals, LLC, Sheetz, Inc. and PBF :
Holding Company, LLC, : Docket No. C-2025-3053018
:
Complainants, :
:
v. :
:
Laurel Pipe Line Company, L.P. :
:
Respondent. :

**COMPLAINANTS' ANSWER TO
LAUREL PIPE LINE COMPANY, L.P.'S
MOTION TO COMPEL**

NOW COME Monroe Energy, LLC; Sheetz, Inc. (“Sheetz”); Lucknow-Highspire Terminals, LLC (“LHT”); and PBF Holding Company LLC (“PBF”)(jointly, “Complainants”) and hereby answer the “Motions to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Laurel Pipe Line Company, L.P.” (“Laurel”) on each of the Complainants on or about May 30, 2025. Laurel seeks, through the objected-to interrogatories, information that is not subject to discovery or is not presently subject to discovery under the Commission’s Regulations. The Complainants are not required to have, and did not have, their entire case and the full factual support for that case pre-packaged when the Complaint was filed, as Laurel appears to assume. Complainants continue to gather internal documents, review those documents, gather evidence, prepare testimony, consult with experts, and otherwise assemble a case that will be presented in written direct testimony, in accordance with the procedural schedule

adopted by Your Honor. The Complainants have responded, are responding, and will continue to respond to properly formed and non-objectionable discovery requests, in advance of and following the filing of Complainants' written direct testimony. However, the Complainants will not be painted into a corner by premature, improperly formed, and legitimate objectionable discovery requests.

With that preface, the Complainants jointly answer Laurel by stating and averring as follows:

1. Admitted in part, Denied in Part. It is admitted that, on January 21, 2025, Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC" or "Commission"). It is denied that such filing "initiated" this process; rather it was Laurel's affiliate Buckeye Pipe Line Company, L.P. ("Buckeye") that precipitated the instant matter by filing a Petition for Declaratory Order with the Federal Energy Regulatory Commission ("FERC"), which in turn precipitated the instant Complaint in order to preserve the present intrastate service on the Laurel Pipe Line.

2. Admitted.

3. Admitted. By way of further Answer, Complainants note that Laurel's Preliminary Objections were denied by Order of Presiding Administrative Law Judge Eranda Vero issued April 21, 2025.

4. It is admitted that, on May 5, 2025, Laurel served its Set I Interrogatories and Requests for Production of Documents on each of the Complainants.

5. Admitted.

6. Denied. In the conference with Laurel on May 27, 2025, the Complainants made it clear that questions seeking the Complainant companies' "belief" or "understanding" or similar

questions, do not seek facts, but rather are seeking mental impressions or legal opinions. For example, a question seeking a fact would be phrased, “state all facts that support Complainant’s statement that the Laurel Pipe Line is X”, while a question seeking a legal opinion or mental impression would be “Please identify the sentence(s), phrase(s), or word(s) in Laurel’s certificate of public convenience that [a Complainant company] **believes** prohibit Laurel from providing intrastate service in any direction other than east-to-west in Pennsylvania.” (emphasis added). The question seeking “understandings” and “beliefs” seek a legal opinion on the issue of the permissibility of bi-directional service on the Laurel Pipe Line. There are no external facts sought, merely the words of a legal document that the responding party “believes” stand for its legal position. This same approach is present in each of the objected-to interrogatories. Consistent with its regulations, the Commission has previously determined that its “discovery rules make it clear that the facts and opinions held by an expert are discoverable to the extent that the discovery does not include the disclosure of mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits.” *Pennsylvania Public Utility Commission et al. v. Breezewood Telephone Company*, 1991 Pa. PUC LEXIS 54, *250 (“Breezewood Order”). In the Breezewood Order, the Commission reviewed a discovery question addressed to the Office of Consumer Advocate (“OCA”) identifying a statement and requesting that OCA provide “each and every reason why the OCA disagrees with that conclusion.” Breezewood Order at *251. The Commission agreed with OCA’s objections, finding that responding to “such a question would require the OCA to disclose conclusions or opinions which are not discoverable.” *Id.* This is exactly what Laurel seeks to do through its questions upon Complainants. Laurel is not seeking facts, but is rather seeking to force Complainants into producing the projections, analyses,

conclusions, and opinions that are properly introduced through pre-filed written direct testimony. To clarify, the Complainants appreciate that Laurel has a right to review “the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.” 52 Pa. Code § 5.324(a)(1)(ii). That is precisely why the Commission’s regulations specify that the filing of written direct testimony more than 20 days before a scheduled hearing is considered to be timely for purposes of responding to discovery of the facts and opinions to which a witness will testify. 52 Pa. Code § 5.324(a)(2).

7. Admitted in part. Complainants admit that they responded to the Set I interrogatories as indicated by Laurel in its Motion. Complainants also admit that they responded to a number of requests by stating that the information would be provided in pre-filed written direct testimony.

8. Neither admitted nor denied; Laurel’s pleading speaks for itself.

9. Admitted.

10. Admitted.

11. Denied. Request No. 7 does not seek bare facts, because the facts alone are not at issue. Rather, Laurel directs the responding party to identify the “sentence(s), phrase(s) or word(s) that [it] believes suggest that Laurel’s certificate of public convenience (“CPC”) does not permit anything other than East to West service.” Laurel is asking the responding party to state and explain its legal theory for a certain “belief.” Laurel is well aware of the facts; what Laurel seeks is which of those facts the responding party believes string together to form a legal theory as to why Laurel’s CPC does not authorize bi-directional service. In short, what Laurel seeks is a legal theory – it asks the responding party to identify words in a CPC that the responding party believes form the responding party’s legal theory.

12. Denied. Contrary to Laurel's argument, none of the Complainants is suggesting that its claim that Laurel's CPC does not authorize bi-directional service is based only on legal theories. What Laurel has asked for, however, are not facts, but for each of the Complainants to identify all of the building blocks of a legal theory drawn from the words of Laurel's own CPC. Asking for the parts of a legal theory is the same as asking for the legal theory.

13. Denied. The statements in ¶ 13 are a request for relief to which no response is required.

14. Denied. The statements in ¶ 14 are a request for relief that is neither warranted nor permitted. This response to Laurel Set I, No. 7, and all preliminary arguments, respond to Laurel's requests for relief for the following Request Nos. directed to LHT, Sheetz, and Monroe: 7, 8, 10, 14, 15a, b, 16a, b, 18a, b, c, 19a, b, 20a, b, 21a, b, c, d, 22, 23, 24a, b, 25a, b, 26a, b, 27a, b, 28, 32a, b, c, 33, 34a, b, c, d, e, f, g, 35a, b, c, d, e, f, g, 36, 37, 39a, b, 40, 41a, b, c, d, e, f, g, h, 42, 43a, b, c, 43a, b, c, d, e, 44a, b, c, and 45. The Complainants incorporate the above responses to Set I, No. 7 into the responses to the list of requests above. Please note that requests to PBF included two questions, PBF Request Nos. 4 and 5, that were not addressed to the other Complainants. Consequently, the numbering above for LHT, Sheetz, and Monroe should be increased by 2 to correspond to the numbering of the requests directed to PBF.

15. Admitted.

16. Admitted in part. Each of the Complainants objected on the basis that the request seeks "mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories."

17. Denied. For the reasons stated above, Laurel is requesting that each of the Complainants identify, in Laurel's own tariff, each part of each Complainant's belief (i.e., its legal

theory) that supports a legal conclusion that Laurel's tariff prohibits service in any direction other than east to west. This request clearly falls within the prohibition of 52 Pa. Code § 5.323(a) and does not run afoul of 52 Pa. Code § 5.342(c)(5), as it does not seek the application of a particular fact to a particular law but rather seeks the Complainants' legal theories.

18. Admitted.

19. The term "capacity" is not explained in the question and is capable of multiple interpretations, each of which would produce a different result. Laurel owns the pipeline and therefore all capacity in the pipeline is owned by Laurel. Does the question refer to capacity controlled by Laurel via the capacity agreement, capacity leased by Buckeye, or some other capacity that may be part of the Laurel pipeline system? If Laurel desired to know how the Complainants define "capacity on Laurel's pipeline", Laurel could have asked that question. Instead, Laurel uses that phrase, notwithstanding the objection and without further clarification, in a context where the phrase could have different meanings. Laurel does not identify which definition of capacity it intended, which in turn creates ambiguity, and which in turn renders the question legitimately objectionable.

20. Denied. The Complainants have not claimed that the request seeks the application of law to fact. When used in the Complaint, there was context to identify what capacity was being discussed. Here, there are at least two possible definitions of capacity (and perhaps more), the choice of which would compel different answers. The question cannot be answered fairly without knowing which use was intended and the question is therefore ambiguous to the point of being unanswerable as submitted. The reasons set forth in response to Request No. 8, in paragraphs 19 and 20 above, apply also to Request Nos.: 21a, b, c, d, 22, 23, 24a, b, 25a, b, 26a, b, 27a, b, 28, 32a, b, c, 33, 34a, b, c, d, e, f, g, 35a, b, c, d, e, f, g, 36, 37, 39a, b, 40, 41a, b, c, d, e, f, g, h, 42,

43a, b, c, 43a, b, c, d, e, 44a, b, c, and 45, and the Complainants incorporate these responses into responses to the list of questions. Again, the numbering of the PBF Requests differs by two.

21. Denied.

22. Paragraph 72 of Laurel’s Motion to Compel claims that Complainant’s objection to Request No. 27 is not valid, based on 52 Pa. Code § 5.342(c)(5), which states that an objection “is not valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of the law to fact” and also because the objection fails to include a description of the facts and circumstances purporting to justify the objection. Both of these contentions are without merit. First, the question seeks each of the Complainants’ legal theory, not facts. Again, Laurel asks about the basis of the Complainants’ belief, not if the Complainant has facts to support the claim. Second, the context of the question demands no further explanation as to the circumstances under which the objection was rendered.

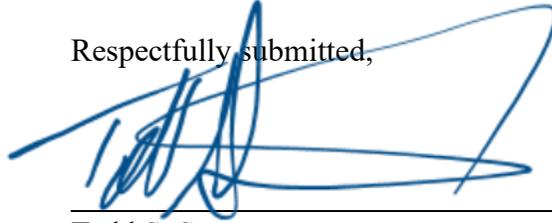
23. Paragraph 89 (addressing Request No. 35) of Laurel’s Motion suggests that there is no explanation as to why the question is vague. Subsection I, for example, requests: Identify, explain and quantify “the nature and level of intrastate pipeline transportation service currently available under Laurel’s existing tariff, that [complainant] *believes will be impacted due to the subject matter of the complaint . . .*” (emphasis added). The highlighted section could not be broader or less descriptive of what information is intended. There is much subject matter in the complaint, and, without further direction or clarity, the question cannot be fairly answered. This same argument applies to similar arguments in the portions of Laurel’s motion that apply to the responses to Request Nos. 41 and 106.

24. Paragraphs 48 and 49 of Laurel’s Motion include an argument that does not appear to be tethered to any particular response. Accordingly, the Complainants respond here. The

argument applies to experts and generally contends that the Commission's Regulations require that discovery be had of the facts and opinions known by experts. Laurel ignores that mental impressions and legal theories are not discoverable. The apparent point of Laurel's argument is that the Complaint is not based on facts, and that is simply and plainly wrong. As Laurel will see when it reviews the discovery that has already been provided and the supplemental productions that will occur as more documents are extracted, reviewed, and produced, there are ample factual bases for the Complaint, including emails to Buckeye employees complaining about the increases in problems on the Laurel pipeline since the pipeline began providing bi-directional service in 2019, albeit for only a distance that is much shorter than what Buckeye revealed to FERC in Buckeye's Petition for Declaratory Order. With regard to operational material, much of the observations are waiting for Laurel's over-due discovery responses so that a complete picture can be painted. There will be fact witnesses that prepare and provide written direct testimony and will be presented at the hearings.

WHEREFORE, Complainants respectfully request that Your Honor deny Laurel's motions to compel as to each of the Complainants.

Respectfully submitted,



Dated: June 4, 2025

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