

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Monroe Energy, LLC,	:	
Lucknow-Highspire Terminals, LLC,	:	C-2025-3053018
Sheetz, Inc. and PBF Holding Company LLC	:	
	:	
v.	:	
	:	
Laurel Pipe Line Company, L.P.	:	

ORDER REGARDING RESPONDENT’S MOTIONS TO COMPEL - PBF

On May 5, 2025, Laurel Pipe Line Company, L.P. (Laurel) served Set I Discovery on PBF Holding Company LLC (PBF).

On May 15, 2025, PBF timely objected to Set I Discovery Request Nos. 9, 10, 11, 12, 13, 16, 17a, 17b, 18a, 18b, 19a, 20a, 20b, 20c, 21a, 21b, 22a, 22b, 23a, 23b, 23c, 23d, 24, 25, 26a, 26b, 27a, 27b, 28a, 28b, 29a, 29b, 29c, 29d, 30, 34 (all parts), 35, 36 (all parts), 37 (all parts), 38, 39, 40, 41 (all parts), 42, 43 (all parts), 44, 45 (all parts), 46 (all parts), and 47.

Counsel for Laurel and PBF met and conferred regarding possible resolution of the objections on May 27, 2025.

On May 27, 2025, PBF provided responses subject to and notwithstanding its objections to Request Nos. 9, 10, 11, 12, 13, 16, 17a, 17b, 18a, 18b, 19a, 20a, 20b, 20c, 21a, 21b, 22a, 22b, 23a, 23b, 23c, 23d, 24, 25, 26a, 26b, 27a, 27b, 28a, 28b, 29a, 29b, 29c, 29d, 30, 34 (all parts), 35, 36 (all parts), 37 (all parts), 38, 39, 40, 41 (all parts), 42, 43 (all parts), 44, 45 (all parts), 46 (all parts), and 47. PBF also responded to certain of the Set I Discovery request by indicating it will address those questions in the Complainants’ written direct testimony.

PBF maintained its objections to Request Nos. 16, 20-22, 38-40, 41a and 44.

On May 30, 2025, Laurel filed Motion to Compel PBF to respond to Set I, 9, 10, 11, 12, 13, 16, 17a, 17b, 18a, 18b, 19a, 20a, 20b, 20c, 21a, 21b, 22a, 22b, 23a, 23b, 23c, 23d, 24, 25, 26a, 26b, 27a, 27b, 28a, 28b, 29a, 29b, 29c, 29d, 30, 34 (all parts), 35, 36 (all parts), 37 (all parts), 38, 39, 40, 41 (all parts), 42, 43 (all parts), 44, 45 (all parts), 46 (all parts), and 47.

On June 4, 2025, Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc. and PBF Holding Company LLC (Complainants¹) filed a Joint Answer (Answer) to Laurel's Motions to Compel. In their Answer, Complainants admitted that they responded to the Set I interrogatories as indicated by Laurel in its Motion. Answer ¶ 7.

The Motion to Compel is ready for ruling.

Laurel -Set I, Request Nos. 9, 10, 12, and 13

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

9. Please identify the sentence(s), phrase(s), or word(s) in Laurel's certificate of public convenience that PBF believes prohibits Laurel from providing intrastate service in any direction other than east-to-west in Pennsylvania.

PBF objects to Request No. 9 to the extent it seeks information that is subject to privilege under Sections 5.323 of the Commission's regulations. 52 Pa. Code § 5.323(a). Section 5.323(a) of the Commission's regulations reads,

(a) *Generally*. Subject to this subchapter and consistent with Pa. R.C.P. 4003.3 (relating to scope of discovery trial preparation material generally), a party may obtain discovery of any matter

¹ Because Laurel served motions to compel responses to each of the Complainant companies in this matter, while the Complainants chose to submit one Joint Answer to all the Motions to Compel filed by Laurel, this Order will refer to Complainants and PBF interchangeably.

discoverable under § 5.321(b) (relating to scope) even though prepared in anticipation of litigation or hearing by or for another party or by or for that other party's representative, including his attorney, consultant, surety, indemnitor, insurer or agent. The discovery may not include disclosure of the mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories. With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his 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, whether or not final versions of the testimony or exhibits are offered into evidence.

52 Pa. Code § 5.323(a). (Emphasis added).

In the Answer, PBF explained 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. To draw a distinction between the two, they provide the following 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."

Answer at 3. (Emphasis in the original). According to PBF, the question seeking pursuing "understandings" or "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. *Id.*

In its Motion, Laurel explains that it is not seeking the mental impressions of counsel or experts but instead the facts or information PBF possesses that form the basis for its allegations as set forth in the Complaint. Laurel correctly avers that such information and materials would not be exempt from discovery under Sections 5.323(a), and goes so far as to

propose that, if PBF is asserting that their allegations are only based on legal conclusions, then PBF should be required to supply a verified response from a company representative, other than counsel, indicating that PBF has no facts within its possession or control related to the request and that the sole basis for their position on the issue identified is a legal conclusion. If, however, PBF's allegation is based upon non-privileged, non-opinion facts and information within its possession, Laurel argues that it is entitled to probe and understand those facts and information through discovery. Motion to Compel ¶ 11. Laurel correctly points out that pursuant to 52 Pa. Code § 5.342(c)(5) objections are 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 law to fact." Motion to Compel ¶ 12.

Unfortunate for Lauren, the language of Request No. 9, as written by Lauren, is seeking a legal opinion, and only a legal opinion, on the issue of permissibility of bi-directional service on the Laurel Pipe Line. Not even in its explanation of its intentions behind the language of Request No. 9 is Laurel able to successfully specify what facts or information it is seeking in this discovery request -- as it is unable to state the basis of which of PBF's allegations it is seeking in Request No. 9.² In view of this, Laurel's Motion to Compel is denied as to Request No. 9. However, Laurel is allowed to propound a revised interrogatory to the Complainants now that it is better able to explain its intentions behind it.

For the same reasons, Laurel's Motion to Compel is denied as to Request Nos. 10, 12, and 13.

Laurel – Set I, Request No. 11

Laurel – Set I, Request No. 11 provides as follows:

11. Has capacity on Laurel's pipeline system been used to provide service in a direction other than east-to-west since 2019? Fully explain any answer other than an unqualified affirmative.

² The Complaint contains no allegations regarding the permissibility of bi-directional service in the context of Laurel's certificate of public convenience.

PBF objects to Request No. 11 on the grounds that the term “capacity on Laurel’s pipeline system” is undefined and therefore vague. It further objects on the grounds that this information is in Laurel’s possession.

In its Motion to Compel, Laurel argues that it’s the Complainants’ objections to Request No. 11 that are vague. Further, Laurel points out that the Attachments on the Complaint use the phrase “capacity on the Laurel Pipeline” 12 times. According to Laurel, the Complainants have an understanding of the term “capacity” as they use the term to advance their own claims. Motion to Compel ¶ 20.

In the Answer to the Motion, PBF argues that the term “capacity” is not explained in the question and is capable of multiple interpretations, each of which would produce a different result.

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.

Answer ¶ 19.

I agree with PBF that the term “capacity” as used in Request No. 11 is vague. Consequently, Laurel’s Motion to Compel is denied as to Request No. 11. Laurel can propound a revised interrogatory to the Complainants with a better explanation of the term.

Laurel – Set I, Request Nos. 16 and 41a

Laurel – Set I, Request No. 16 provides as follows:

16. Reference Complaint ¶ 1, where the Complainants allege that “Buckeye’s proposal would require a partial abandonment, by Laurel, of east-to-west petroleum products pipeline transportation service that Laurel has been providing exclusively on this segment of the Laurel pipeline, Sinking Spring to Eldorado, since 1957.” Please explain in detail:

- a. Please define the phrase “partial abandonment” as PBF understands this term to be used in Complaint ¶ 1.
- b. Provide all Documents relied upon to provide the definition requested in subpart (a).

PBF objects to Request No. 16 to the extent it seeks information that is subject to privilege under Sections 5.323 of the Commission’s regulations. 52 Pa. Code §§ 5.323(a). PBF indicates in its objection that it relies on the “broadest possible” interpretation of the term in the Code “and decisions interpreting and applying” 66 Pa. C.S. §1102(a)(2). (Objections at 10).

In its Motion, Laurel adopts and incorporates its arguments with respect to Request No. 9 and argues and Shetz answer to Request No. 16 is not responsive to the question. According to Laurel, defining the term “partial abandonment” is directly relevant to the claims asserted in the Complaint.

I agree with PBF that Request No. 16 seeks disclosure of the mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories. As such, PBF’s objection is sustained, and Laurel’s Motion is denied with regard to Request No. 16.

The same reasoning and outcome apply to Request 41a.

Laurel – Set I, Request Nos. 17 and 18

Laurel – Set I, Request No. 17 provides as follows:

17. Reference Complaint ¶ 2 where the Complainants allege that “Buckeye has not provided, or even endeavored to provide, firm assurances or guarantees to the Complainants or other users of the Laurel pipeline that the current levels of east-to-west intrastate pipeline service will be maintained after the expiration of the Settlement condition that currently prohibits Laurel from reducing east-to-west capacity until after 2026.”

a) Is it PBF’s position that Buckeye must provide “firm assurances or guarantees to the Complainants or other users of the Laurel pipeline that the current levels of east to-west intrastate pipeline service will be maintained after the expiration of the Settlement condition that currently prohibits Laurel from reducing east-to-west capacity until after 2026”? Fully explain any response.

b) What “firm assurances or guarantees to the Complainants or other users of the Laurel pipeline that the current levels of east-to-west intrastate pipeline service will be maintained after the expiration of the Settlement condition that currently prohibits Laurel from reducing east-to-west capacity until after 2026” does PBF believe Buckeye must provide in order for Laurel to avoid providing unreasonable and inadequate service? Fully explain any response.

PBF initially objected to Request No. 17a and b to the extent they seek information that is subject to privilege under Sections 5.323 of the Commission’s regulations. 52 Pa. Code §§ 5.323(a). On May 27, 2025, PBF responded to Request No. 17a effectively stating its position as follows:

a) ...[N]o, rather the statement is clear that neither Laurel nor Buckeye have made any firm assurances that the east to west capacity levels will be maintained, thus making the proposed extension of bi-directional service even more economically disadvantageous for PBF. The moratoria agreed to in the Settlement will soon expire, and without any assurances, there is no basis to conclude that Laurel and Buckeye will not seek a full reversal of the Laurel pipeline under Buckeye’s interstate tariff rates as opposed to Laurel’s intrastate tariff.

By providing a full response to Request No. 17a, PBF has rendered its objection to same moot, and because PBF has responded to Request No. 17a, Laurel's Motion to Compel is denied as to this discovery request.

Also on May 27, 2025, PBF responded to Request No. 17b stating that it will address this question in its pre-served written direct testimony.

In its Motion to Compel, Laurel adopts and incorporates its arguments concerning Request No. 9 as they pertain to Complainant's objection on the grounds that the information sought calls for the disclosure of the mental impressions and opinions or conclusions of PBF's attorneys and the specificity of the objections.

In its Answer, PBF explained this type of response as follows:

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).

Answer at 3-4.

Section 5.324(a)(2) of the Commission's regulations states,

(2) If the party against whom discovery is sought, under paragraph (1)(ii), responds by the filing of written direct testimony, the response shall be considered timely, regardless of § 5.342 (relating to answers or objections to written interrogatories by a party), if the written direct testimony is served on all parties at least 20 days prior to the date on which the expert is scheduled to testify or in

accordance with the schedule for the submission of written testimony established by the presiding officer. However, the party shall still comply with paragraph (1)(i) within the time otherwise applicable.

Upon consideration of the language of Request No. 17b, I find that it is seeking that Complainants produce projections/analyses/conclusion/opinions that can be introduced through pre-served written direct testimony of its expert witnesses. Complainants' direct testimony is due July 15, 2025, which is well over 20 days prior to the due date for Respondent's rebuttal testimony and the evidentiary hearings scheduled for September 9-12, 2025. Laurel's Motion to Compel is denied as to Request No. 17b.

For the same reasons, Laurel's Motion to Compel is denied as to Request No. 18.

Laurel – Set I, Request No. 20

Laurel – Set I, Request No. 20 provides as follows,

20. Reference Complaint ¶ 23 where the Complainants allege that "the circumstances suggest Buckeye made this change in preparation to ready the system for bi-directional flow, the feasibility of which remains untested."

a) Please identify "the circumstances" that PBF believes "suggest Buckeye made this change in preparation to ready the system for bi-directional flow". Provide all Documents relied upon to support this belief.

b) Please define "feasibility" as PBF understands that term to be used in Complaint ¶ 23. Provide all Documents relied upon by PBF to provide this definition.

c) Please identify and explain the basis for PBF's belief that the feasibility of bidirectional flow on the Laurel pipe line system "remains untested." Provide all Documents relied upon to support this belief.

PBF objects to this discovery request on the grounds that the response calls for the disclosure of the mental impressions and legal theories of PBF's attorneys and/or experts. 52 Pa. Code § 5.323(a).

In its Motion to Compel Laurel argues that if PBF is asserting that their allegations are only based on legal conclusions, then PBF should be required to supply a verified response from a company representative, other than counsel, indicating that PBF has no facts within its possession or control related to the request and that the sole basis for their position on the issue identified is a legal conclusion. Motion to Compel ¶¶ 11, 41.

Laurel's suggestion is creative and reasonable. PBF can choose to follow Laurel's suggestion or respond to the Request No. 20 reworded in accordance with PBF's own suggestion³ as follows,

20. Reference Complaint ¶ 23 where the Complainants allege that "the circumstances suggest Buckeye made this change in preparation to ready the system for bi-directional flow, the feasibility of which remains untested."

a) Please state all facts that support Complainants' statement that "Buckeye made this change in preparation to ready the system for bi-directional flow". Provide all Documents relied upon to support this statement.

b) Please define "feasibility" as that term is used in Complaint ¶ 23. Provide all Documents relied upon by PBF to provide this definition.

c) Please state all facts that support Complainants' statement that the feasibility of bidirectional flow on the Laurel pipe line system "remains untested." Provide all Documents relied upon to support this statement.

Either way, Laurel is entitled to discovery of the non-privileged, non-opinion facts and information within PBF's possession that form the basis of its allegations. PBF's response to Request No. 20 is due within 10 days of the service of this Order. Consequently, Laurel's Motion to Compel a response to Request No. 20 is granted and PBF's objection to same is denied.

³ See Answer to Motion to Compel at 3.

Laurel – Set I, Request No. 21

Laurel – Set I, Request No. 21 provides as follows,

21. Reference Complaint ¶ 23 where the Complainants allege that "Buckeye's actions are a violation of its duty to provide reasonable service under Section 1501 of the Code."

a) Identify and explain why PBF believes that Buckeye has a "duty to provide reasonable service under Section 1501 of the Code, and provide all Documents relied upon by PBF to form the basis for this belief.

b) Fully identify and explain why PBF believes "Buckeye's actions are a violation of its duty to provide reasonable service under Section 1501 of the Code," and provide all Documents relied upon by PBF to form the basis for this belief.

PBF objects to this discovery request on the grounds that the response calls for the disclosure of the mental impressions and legal theories of PBF's attorneys and/or experts. 52 Pa. Code § 5.323(a).

In its Motion to Compel Laurel argues that if PBF is asserting that their allegations are only based on legal conclusions, then PBF should be required to supply a verified response from a company representative, other than counsel, indicating that PBF has no facts within its possession or control related to the request and that the sole basis for their position on the issue identified is a legal conclusion. Motion to Compel ¶¶ 11, 44.

Similar to Request No. 20, *supra*, PBF can choose to follow Laurel's suggestion or respond to the Request No. 21 reworded in accordance with PBF's own suggestion⁴ as follows,

21. Reference Complaint ¶ 23 where the Complainants allege that "Buckeye's actions are a violation of its duty to provide reasonable service under Section 1501 of the Code."

⁴ See Answer to Motion to Compel at 3.

a) State all facts that support Complainants' statement that Buckeye has a "duty to provide reasonable service under Section 1501 of the Code," and provide all Documents relied upon by PBF to form the basis for this belief.

b) State all facts that support Complainants' statement "Buckeye's actions are a violation of its duty to provide reasonable service under Section 1501 of the Code," and provide all Documents relied upon by PBF to form the basis for this belief.

Laurel is entitled to discovery of the non-privileged, non-opinion facts and information within PBF's possession that form the basis of its allegations. PBF's response to Request No. 21 is due within 10 days of the service of this Order. Consequently, Laurel's Motion to Compel a response to Request No. 21 is granted and PBF's objection to same is denied.

Laurel – Set I, Request No. 22a and b

Laurel – Set I, Request No. 22a and b provide as follows:

22. Reference Complaint ¶ 23 where the Complainants allege that "Buckeye's actions are...discriminatory in that Laurel/Buckeye is unreasonably favoring hypothetical future west-to-east customers over existing east-to-west shippers, in violation of Section 1502 of the Code..."

a) Identify and explain why PBF believes that Buckeye is subject to Section 1502 of the Public Utility Code, 66 Pa.C.S. § 1502, and provide all Documents relied upon by PBF to form the basis for this belief.

b) Fully identify and explain why PBF believes "Buckeye's actions are...discriminatory in that Laurel/Buckeye is unreasonably favoring hypothetical future west-to-east customers over existing east-to-west shippers, in violation of Section 1502 of the Code..." and provide all Documents relied upon by PBF to form the basis for this belief.

PBF objects to this discovery request on the grounds that the response calls for the disclosure of the mental impressions and legal theories of PBF's attorneys and/or experts. 52 Pa. Code § 5.323(a).

In its Motion to Compel Laurel argues that if PBF is asserting that their allegations are only based on legal conclusions, then PBF should be required to supply a verified response from a company representative, other than counsel, indicating that PBF has no facts within its possession or control related to the request and that the sole basis for their position on the issue identified is a legal conclusion. Motion to Compel ¶¶ 11, 47.

Like Request Nos. 20 and 21, *supra*, PBF can choose to follow Laurel's suggestion or respond to the Request No. 22 reworded in accordance with PBF's own suggestion⁵ as follows,

22. Reference Complaint ¶ 23 where the Complainants allege that "Buckeye's actions are...discriminatory in that Laurel/Buckeye is unreasonably favoring hypothetical future west-to-east customers over existing east-to-west shippers, in violation of Section 1502 of the Code..."

a) State all facts that support Complainants' statement that Buckeye is subject to Section 1502 of the Public Utility Code, 66 Pa.C.S. § 1502, and provide all Documents relied upon by PBF to form the basis for this statement.

b) State all facts that support Complainants' statement that "Buckeye's actions are...discriminatory in that Laurel/Buckeye is unreasonably favoring hypothetical future west-to-east customers over existing east-to-west shippers, in violation of Section 1502 of the Code..." and provide all Documents relied upon by PBF to form the basis for this assertion.

Laurel is entitled to discovery of the non-privileged, non-opinion facts and information within PBF's possession that form the basis of its allegations. PBF's response to Request No. 22a and b is due within 10 days of the service of this Order. Consequently, Laurel's Motion to Compel a response to Request No. 22a and b is granted and PBF's objection to same is denied.

⁵ See Answer to Motion to Compel at 3.

Laurel – Set I, Request Nos. 23, 24 and 25

Laurel – Set I, Request No. 23 provides as follows:

23. Reference Complaint ¶ 23 where the Complainants allege that “Buckeye continues to make changes to the schedule that will impact shippers and thus further reduce operational certainty and increase costs.”

- a) Identify and explain all impacts to shippers that PBF believes will occur, and provide all Documents relied upon by PBF to form the basis for this belief.
- b) Please define “operational certainty” as PBF understands that phrase to be used in Complaint ¶ 24, and provide all Documents relied upon by PBF to provide this definition.
- c) Identify, explain and quantify all reductions to “operational certainty” that PBF believes will occur, and provide all Documents relied upon by PBF to form the basis for this belief.
- d) Identify, explain and quantify all increases to costs that PBF believes will occur, and provide all Documents relied upon by PBF to form the basis for this belief.

In its Answer, PBF stated,

- a) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.
- b) Operational certainty is the state of a system operating as, in this case, PBF expects it to operate based on the tariffs, procedures, experience and reasonable needs of its ratepaying customers. Without Operational Certainty it is riskier to send barrels of product westward because of concerns about Laurel’s ability to move the product in a timely fashion to the point of delivery.
- c) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.
- d) PBF will address this question in its pre-served written direct testimony. At a minimum PBF’s costs of transportation will increase as it may need to seek other modalities to reliably transport its product to markets west of Sinking Spring. Product

that is not delivered on time also imposes costs on PBF in terms of relationships with its customers.

I find that PBF has responded to Request No. 23b, therefore Laurel's Motion to Compel is denied with regard to this subsection. Laurel's Motion to Compel is also denied as to Request 23d as PBF is allowed to respond in accordance with 52 Pa. Code § 5.324(a)(2). Upon review of subsections a and c, PBF's objections are overruled but it is allowed to respond in accordance with 52 Pa. Code § 5.324(a)(2).

The same reasoning and outcome apply to Request Nos. 24 and 25.

Laurel – Set I, Request Nos. 26a, b, 28a, b, 29a, b, and 35, 36, 37 and 41b, 42, 43, 45, 46

Laurel's Request No. 26 reads,

26. Reference Complaint ¶ 24 where the Complainants allege that "Under the present limited bidirectional operation of the Laurel pipeline there have been operational challenges for shippers;"

a) Please define "operational challenges" as PBF understands that phrase to be used in Complaint ¶ 24, and provide all Documents relied upon by PBF to provide this definition.

b) Identify and explain the basis for PBF's belief regarding this allegation, and provide all Documents relied upon by PBF to form the basis for this belief.

PBF objected to the discovery request on the grounds that the response calls for the disclosure of the mental impressions and legal theories of PBF's attorneys and/or experts. 52 Pa. Code § 5.323 (a). On its May 27, 2025, Answer, PBF responded as follows,

a) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.

b) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.

Laurel's Motion seeks to compel responses to Request No. 26a and b. Upon consideration, I shall deny Laurel's Motion. PBF is instructed to respond to Request No. 26a and b in accordance with 52 Pa. Code § 5.324(a)(2) to the extent that these discovery requests do not seek disclosure that are prohibited by the provisions of 52 Pa. Code § 5.323(a).

The same reasoning and outcome apply to Request Nos. 28a, b, 29a, b, 35, 36, 37, 41b, 42, 43, 45, and 46.

Laurel – Set I, Request Nos. 27a, b and 32

Laurel's Request No. 27 reads,

27. Reference Complaint ¶ 24 where the Complainants allege that "transit times have increased;..."

- a) Please define "increased" as PBF understands that term to be used in Complaint ¶ 24, and provide all Documents relied upon by PBF to provide this definition.
- b) Identify and explain the basis for PBF's belief regarding this allegation, and provide all Documents relied upon by PBF to form the basis for this belief.
- c) Identify all instances where PBF communicated that transit times have "increased" related to existing bidirectional service to the "escalation" contact under Settlement ¶ 3 prior to the filing of the Complaint, and provide copies of any such communication(s).
- d) Identify all instances where PBF communicated that transit times have "increased" related to existing bidirectional service to any individual responsible for the operations of the Laurel pipe line system prior to the filing of the Complaint, and provide copies of any such communication(s).

On May 27, 2025, PBF responded as follows,

- a) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.
- b) Without waiving the prior objections, PBF will address this question in its pre-served written direct testimony.

Laurel's Motion seeks to compel responses to Request No. 27a and b. Upon consideration, I shall grant Laurel's Motion and deny PBF's objections. Unlike Request No. 26a and b *supra*, I am hard pressed to interpret these requests as seeking the disclosure of information that is protected under 52 Pa. Code § 5.323(a). As such, PBF is instructed to respond fully to Request No. 27a and b in accordance with 52 Pa. Code § 5.324(a)(2).

The same reasoning and outcome apply to Request No. 34.

Laurel – Set I Request No. 30

Laurel's Request No. 30 reads,

30. Identify all instances where PBF communicated any concerns, issues, problems or questions related to the existing bidirectional operation of Laurel's pipe line system to the "escalation" contact under Settlement ¶ 3 prior to the filing of the Complaint and provide copies of any such communication(s).

On May 27, 2025, PBF responded as follows,

Without waiving the prior objections, PBF is in the process of extracting and reviewing documents. If and when PBF identifies any such communications, and subject to the terms of a Protective Order and execution of the necessary Non-Disclosure Certificates, PBF will provide the requested information.

Like with Laurel's Request Nos. 27a, b and 34a, b, c, I am hard pressed to interpret Request No. 30 as seeking the disclosure of information that is protected under 52 Pa. Code § 5.323(a). As such, Laurel's Motion to Compel is granted and PBF is instructed to respond fully to Request No. 30 within 10 days from the day of this Order.⁶

⁶ While the Complainants are not required to have the entire case ready when the Complaint was filed, see Answer to Laurel's Motion to Compel at 1-2, Laurel is entitled to begin discovery the moment the Complaint is filed against them, see 52 Pa. Code § 5.331(b), and to expect responses to discoveries within 20 days from the day they were propounded, unless objections are filed in a timely manner, see 52 Pa. Code § 5.342. If the Complainants feel that they are not ready to meet their obligation in good faith, then they can withdraw the Complaint and refile at a later date when they are better ready to litigate their case.

Laurel – Set I, Request No. 38 and 44

Laurel – Set I, Request No. 38 provides as follows:

38. Reference Complaint ¶ 29. Identify and explain all forms of relief that PBF is seeking under Count No. 1 of the Complaint.

PBF objects to Request No. 38 on the grounds that it calls for the disclosure of the mental impressions and opinions or conclusions of PBF's attorneys and/or experts. 52 Pa. Code § 5.323(a).

Upon careful consideration, I shall grant Laurel Motion to Compel a response to this discovery request, noting that the relief requested is left out of the list of information protected by 52 Pa. Code § 5.323(a). Consequently, PBF is instructed to respond to Request No. 38 within 10 days from the day of this Order.

The same reasoning and outcome apply to Laurel's Request No. 44.

Laurel – Set I, Request No. 39 and 40

Laurel – Set I, Request No. 39 provides as follows:

39. Reference Complaint ¶ 33. Identify and explain all "written assurances and guarantees in any tariffs, agreements, shipper manuals or other legally binding documents" that PBF is seeking as relief in this proceeding.

PBF objects to Request No. 39 on the grounds that it calls for the disclosure of the mental impressions and opinions or conclusions of PBF's attorneys and/or experts. 52 Pa. Code § 5.323(a).

Like Request No. 38 and for the same reasons, I shall grant Laurel Motion to Compel a response to this discovery request and overrule PBF's objections to same. PBF is instructed to address this question in its pre-served written direct testimony.

The same reasoning and outcome apply to Laurel's Request No. 340.

Laurel – Set I, Request No. 47

Laurel – Set I, Request No. 47 provides as follows:

47. Reference Response to POs ¶ 33 where the Complainants state “Complainants claim that Laurel's expansion of bi-directional service conflicts with the 40,000 to 60,000 bpd of capacity allocated to Buckeye under the Capacity Use Agreement, which is a contract related to rates, raises an inconsistency between the proposed expansion of bi-directional service and Laurel's tariff.” Identify the specific paragraph of the Complaint that alleges “Laurel's expansion of bi-directional service conflicts with the 40,000 to 60,000 bpd of capacity allocated to Buckeye under the Capacity Use Agreement.”

On May 27, 2025, PBF responded as follows,

Without waiving the prior objections, see Complaint ¶ 28 referencing Laurel's failure to obtain requisite Commission authorizations.

Laurel's Motion seeks to compel full responses to Request No. 47. Upon consideration, I shall deny Laurel's Motion as I find that PBF has responded to the discovery request.

C-2025-3053018 - MONROE ENERGY LLC, LUCKNOW-HIGHSPIRE TERMINALS LLC, SHEETZ INC, AND PBF HOLDING COMPANY LLC v. LAUREL PIPE LINE COMPANY, L.P.

Revised May 5, 2025

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