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September 3, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Monroe Energy, LLC, *et al.* v. Laurel Pipe Line Company, L.P.
Docket No. C-2025-3053018**

Dear Secretary Homsher:

On behalf of Laurel Pipe Line Company, L.P. (“Laurel” or the “Company”), attached for filing in the above-referenced proceeding is Laurel’s Brief in Opposition to the Joint Petition for Expedited Interlocutory Commission Review and Answer to a Material Question filed by Monroe Energy, LLC, Lucknow-Highspire Terminals LLC, Sheetz Inc., and PBF Holding Company LLC dated August 26, 2025. Copies will be provided as indicated on the Certificate of Service. A Word version of Laurel’s Brief in Opposition will be sent to the assigned Administrative Law Judge.

Respectfully submitted,



Garrett P. Lent

GPL/dmc
Attachment

cc: The Honorable Eranda Vero (*via email; w/attachment*)
Certificate of Service

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).

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Date: September 3, 2025



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**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. :

**BRIEF IN OPPOSITION OF LAUREL PIPE LINE COMPANY, L.P. TO
THE COMPLAINANTS' JOINT PETITION FOR EXPEDITED INTERLOCUTORY
COMMISSION REVIEW AND ANSWER TO A MATERIAL QUESTION**

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I. INTRODUCTION

Pursuant to Section 5.302(b) of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5.302(b), Laurel Pipe Line Company, L.P. (“Laurel”) hereby files this Brief in Opposition to Petition for Expedited Interlocutory Commission Review and Answer to a Material Question submitted by Monroe Energy, LLC (“Monroe”), Lucknow-Highspire Terminal, LLC (“LHT”), Sheetz, Inc. (“Sheetz”) and PBF Holding Company LLC (“PBF”) (collectively the “Complainants”) on August 26, 2025.

As explained herein, the Complainants present no important questions; there is nothing exceptional about the Petition other than the fact that the Complainants demand interlocutory review of routine discovery matters 80 days too late. Complainants simply seek to revisit the long-established schedule, to which they filed no timely objections. Complainants’ claims of a denial of due process are meritless. They have had months to prepare their case, and any purported issue is a result of their own strategy rather than a procedural defect. Granting Complainants’ untimely Petition would reward their dilatory tactics and prejudice Laurel and its affiliate.

Indeed, the Petition is the Complainants’ latest attempt to delay this matter. It is just another tactic to obstruct Laurel’s affiliate’s implementation of interstate service, which is beyond the scope of Commission’s jurisdiction. The Commission acknowledged the urgency of this matter, stating in its February 12, 2025 Motion to Hold in Abeyance before the Federal Energy Regulatory Commission (“FERC”) that a decision on the Buckeye Pipe Line Company, L.P. (“Buckeye”) Petition for Declaratory Order (“PDO”) should not be delayed, and the Administrative Law Judge Eranda Vero (the “ALJ”) has similarly noted that this matter should not be delayed at multiple of the Prehearing Conferences.¹ Nevertheless, Complainants now feign

¹ Tr. 30, 31, and 80-82.

unpreparedness to justify postponement properly denied by the ALJ. The Commission must not allow Complainants to use perfunctory claims of due process to mask their true motive: to stall the implementation of bi-directional interstate service for their own competitive benefit and to prejudice Laurel and its affiliates. The Petition should be denied.

II. PROCEDURAL SUMMARY

The above-captioned proceeding was initiated on January 22, 2025 and was set for an initial hearing on June 12, 2025. On May 5, 2025, Complainants propounded Interrogatories and Requests for Production on Laurel. On May 5, 2025, Laurel propounded Interrogatories and Requests for Production on each of the Complainants; then, on May 7, 2025, Laurel propounded Requests for Admission on each of the Complainants.

The ALJ scheduled a Prehearing Conference for May 9, 2025. In the parties’ respective Prehearing Conference Memoranda, the parties proposed different hearing schedules:

	Laurel’s Proposal:	Complainants’ Proposal
Hearing:	June 12-13, 16, 2025	November 4-6, 2025
Main Briefs:	June 25, 2025	December 5, 2025
Reply Briefs:	July 3, 2025	December 23, 2025

Additionally, Complainants demanded to proceed with three rounds of pre-served written testimony, whereas Laurel proposed proceeding with oral testimony. At the May 9 Conference, the ALJ, among other things, directed the parties to attempt to reconcile the disputes over the proposed schedule and update the ALJ. Unable to reach a resolution, Laurel and the Complainants each submitted a proposed schedule to the ALJ as follows:

	Laurel’s Proposal:	Complainants’ Proposal
Complainants’ Direct	June 11, 2025	July 22, 2025
Laurel’s Rebuttal	July 1, 2025	August 29, 2025
Complainants’ Surrebuttal	(none)	September 12, 2025
Hearing:	July 7-9, 2025	September 30-October 3, 2025
Main Briefs:	July 23, 2025	October 24, 2025
Reply Briefs:	July 31, 2025	November 14, 2025

On May 21, 2025, the ALJ issued an Order Establishing a Litigation Schedule (“May 21 Order”), which set deadlines of July 15, 2025 for submission of Complainants’ written direct testimony, and August 29, 2025 for submission of Laurel’s rebuttal testimony, and also scheduled in-person hearings for September 9-12, 2025. No party filed a timely request for review of the May 21 Order.

The Complainants and Laurel have been actively engaged in discovery since May 5, 2025. Laurel specifically notes that the ALJ issued four Orders Regarding Laurel’s Motions to Compel with respect to Laurel’s Set I Discovery on Monroe, LHT, Sheetz and BPF, on June 10, 2025.² In these Orders, the ALJ denied Laurel’s ability to obtain discovery on the Complainants’ projections, analyses, conclusions, and opinions that could be introduced through the pre-served written direct testimony of its expert witnesses.³ No party filed a timely request for review of these orders.

On July 15, 2025, the Complainants submitted their written direct testimony. Laurel has since issued additional discovery upon the Complainants with respect to the specific information and conclusions presented in the Complainants’ written direct testimony in accordance with the Prehearing Order issued in this matter and the Commission’s regulations.

On August 5, 2025, the Complainants filed a Motion to Modify the Procedural Schedule. Then, Complainants advised the ALJ that this motion was filed in error, and filed a Petition to Withdraw on August 6, 2025. On August 15, 2025, the Complainants re-filed the Motion to Modify

² See *Monroe Energy, LLC, et al. v. Laurel Pipe Line Company, L.P.*, Docket No. C-2025-3053018, Order Regarding Respondent’s Motions to Compel – Monroe (dated June 10, 2025) (“Monroe Order”); *Monroe Energy, LLC, et al. v. Laurel Pipe Line Company, L.P.*, Docket No. C-2025-3053018, Order Regarding Respondent’s Motions to Compel – LHT (dated June 10, 2025) (“LHT Order”); *Monroe Energy, LLC, et al. v. Laurel Pipe Line Company, L.P.*, Docket No. C-2025-3053018, Order Regarding Respondent’s Motions to Compel – Sheetz (dated June 10, 2025) (“Sheetz Order”); *Monroe Energy, LLC, et al. v. Laurel Pipe Line Company, L.P.*, Docket No. C-2025-3053018, Order Regarding Respondent’s Motions to Compel – PBF (dated June 10, 2025) (“PBF Order”).

³ Each of the orders specifically cited 52 Pa. Code § 5.324(a)(2), and permitted each of the Complainants to delay responding to Laurel’s discovery requests through the submission of written testimony. See Monroe Order, at pp. 9, 15, 16; LHT Order, at pp. 9, 15, 16; Sheetz Order, at pp. 9, 15, 16; PBF Order, at pp. 9, 15, 16. In each of these orders the ALJ concluded that “[t]he Complaint contains no allegations regarding the permissibility of bi-directional service in the context of Laurel’s certificate of public convenience,” when it denied Laurel’s discovery regarding this issue. Monroe Order, at p. 4, n.1; LHT Order, at p. 4, n.1; Sheetz Order, at p. 4, n.1; PBF Order, at p. 4, n.1.

the Procedural Schedule after the parties conferred and could not reach an agreement. Laurel filed an Answer opposing the Motion to Modify on August 20, 2025. On August 21, 2025, the Complainants filed a Motion for Leave to Answer and Answer to Laurel's Answer.⁴ The ALJ held a telephonic conference with the parties on August 25, 2025, after which the ALJ issued a modified hearing notice, cancelling the September 9 hearing date and adding September 15.

Complainants filed the instant Joint Petition for Expedited Interlocutory Commission Review and Answer to a Material Question on August 26, 2025.

III. LEGAL STANDARD

The Pennsylvania Public Utility Code ("Code") states that:

an interlocutory appeal from a ruling of the presiding officer on discovery shall be allowed only upon certification by the presiding officer that the ruling involves an important question of law or policy which should be resolved at that time.... An interlocutory appeal shall not result in a stay of the proceedings except upon a finding by the presiding officer and the commission that extraordinary circumstances exist.

66 Pa. C.S. § 333(h).⁵ Interlocutory review will not be granted except upon a showing by a petitioner of "extraordinary circumstances" or "compelling reasons" for review exist. *See In re Application of Knights Limousine Service, Inc.*, 59 Pa. PUC 538, 540, 1985 Pa. PUC LEXIS 46, at *4 (Order entered July 11, 1985) ("*Knights Limousine*"). Interlocutory review is appropriate only where an applicant proves "that without interlocutory review some harm would result which would not be reparable through normal avenues, that the relief sought should be granted now rather than later, and that granting interlocutory review would 'prevent substantial prejudice or expedite the proceeding.'" *Pa. PUC v. Philadelphia Gas Works*, R-2022-3034229, 2023 PA. PUC LEXIS 129, *23 (Order entered May 18, 2023) (quoting *Knights Limousine*).

⁴ This is an improper pleading not permitted by the Commission's regulations. *See* 52 Pa. Code § 5.1; Tr. at 65:23-25.

⁵ As set forth in Section IV.A., *infra*, Complainants frame their Petition as a request under 52 Pa. Code § 5.302; however, Complainants are in essence challenging the ALJ's May 21 Order on the scope and timing of discovery.

The Commission has explained:

[T]he correctness or erroneousess of the ALJ's ruling...is not a relevant consideration...The pertinent consideration is whether *interlocutory review is necessary*, in order to prevent substantial prejudice, that is that the error and any prejudice flowing therefrom, could not be satisfactorily cured during the normal Commission review process.

Re Pennsylvania Gas and Water Company, Docket Nos. I-840377 et al, 58 Pa.P.U.C. 411, 415-16 (Order entered June 22, 1984) (emphasis in original). In addition, the “avoidance of reversal and remand is not the type of expedition of the proceeding which our rule contemplates.” *Id.* at 415.

The Commission has made clear that “interlocutory review is disfavored,” especially where “the Material questions pertain to matters within the presiding ALJ’s authority[.]” *Pa. PUC v. Philadelphia Gas Works*, R-2020-3017206, et al., 2020 PA. PUC LEXIS 394, *13 (Order entered Aug. 6, 2020); *Pa. PUC v. Philadelphia Gas Works*, R-2022-3034229, et al., 2023 PA PUC LEXIS 129, *7 (Order entered May 18, 2023). Among the matters within the ALJ’s authority are evidentiary decisions and the power “to schedule and impose reasonable limitations on discovery and to otherwise regulate the course of the proceeding.” 52 Pa. Code § 5.483; *see also* 66 Pa. C.S. § 331(d).

IV. ARGUMENT

Complainants’ Petition is an untimely and inappropriate ploy to circumvent the established litigation schedule. Complainants fall far short of the high standard for interlocutory review; they are unable to show any extraordinary circumstance or compelling reason to justify immediate review of a scheduling matter within the ALJ’s discretion. Nor is there any novel or complex question of law or policy that requires immediate resolution by the Commission. Instead, the Petition is a transparent, latent attempt to challenge a matter of scheduling that falls squarely within the discretion of the ALJ. Any purported exigency or asserted prejudice is a consequence of Complainants’ strategy and choices, having failed to act with required diligence since initiating

this action over seven months ago. Indeed, like the Motion to Modify, Complainants' Petition "looks a whole lot like a ploy" to obtain the hearing date proposed by Complainants, which the ALJ already determined was unacceptable for various reasons. Tr. at 82:18-20.

Initially, the Material Question as framed by Complainants distorts the record. Complainants have had a full and fair opportunity to conduct meaningful discovery for over eight months, and have known about the purported scheduling time constraints for three. The discovery and hearing schedule was appropriately established by the ALJ on May 21 carefully balanced the competing positions of the parties and the needs of this case. Complainants' Petition must be denied.

A. COMPLAINANTS' PETITION IS AN UNTIMELY AND UNWARRANTED PETITION FOR INTERLOCUTORY REVIEW OF THE DISCOVERY TIMEFRAMES SET BY THE ALJ'S MAY 21, 2025 SCHEDULING ORDER

1. The Petition Seeks Untimely Interlocutory Review of a Discovery Order

Petitioner's request for relief is simply a demand to modify the scope and timing of discovery available in this action as set forth in the May 21 Order. *See* Petition, pp. 1 (Complainants demand a schedule "that provides adequate time for discovery"), 2 (the Material Question is whether Complainants have been allowed sufficient time "to conduct meaningful discovery in response to [Laurel's] written rebuttal testimony..." and "Under the current procedural schedule, Complainants are not afforded adequate time to conduct any meaningful discovery...."), 4 ("Complainants request is that a schedule be adopted that allows sufficient time for Complainants to conduct discovery....").

Under the Commission's regulations, Complainants' Petition is over 80 days too late. *See* 52 Pa. Code § 5.304(c)(1) (Petitions for interlocutory review of a discovery ruling must be filed within 3 days). Further, interlocutory review of a discovery dispute is appropriate only where the ruling "involves an important question of law or policy that should be resolved immediately by

the Commission.” 52 Pa. Code § 5.304(b); *see also* 66 Pa. C.S. § 333(h). Important questions of law or policy are **not** implicated by rulings on the scope of discovery. *Whemco-Steel Castings, Inc. v. Duquesne Light Company*, Docket No. C-2014-2459527, at pp. 4-5 (Interim Order Aug. 27, 2015) (“*Whemco-Steel*”). The Commission has previously explained that “there is nothing exceptional about disputes over the scope of discovery in a matter where reasonable persons can disagree.” *Pa. PUC v. Dauphin Consol. Water Supply Co.*, Docket No. R-860350, 1987 Pa. PUC LEXIS 215, at *9 (Order entered Aug. 21, 1987).

Here, the only dispute presented is over the timeframes established by the May 21 Order, and upheld by the ALJ at the August 25, 2025 Prehearing Conference. The question involves a discovery matter (or at worst a routine procedural matter) that is clearly within the discretion of the ALJ to resolve. If this question had any merit—and it does not—then it should have been presented much earlier in this proceeding. The Petition must be denied for this reason alone.

In addition to failing to present to the Commission “an important question of law or policy” requiring immediate review, Complainants cannot present any circumstances that would favor a stay of proceedings during the pendency of Complainants’ Petition. 66 Pa. C.S. § 333(h). Under Sections 333(h) of the Code and 5.304 of the Commission’s regulations, a stay of proceeding is not automatically warranted even if the Commission grants interlocutory review of an important question; rather, a petitioner must show also demonstrate that “extraordinary circumstances” exist that would necessitate a stay of proceedings. *Id.*; *see also* 52 Pa. Code § 5.304(j). Complainants’ decision to wait three months to raise their grievances regarding the May 21 Order is in no way an extraordinary circumstance that would justify a stay.

2. No Extraordinary Circumstances or Denials of Due Process Exist

Further, Petitioners cannot demonstrate compelling reasons to grant interlocutory review and delay the proceedings because they have had a full and fair opportunity to litigate this case all

along. As an administrative body, adversarial proceedings before the Commission must proceed in accordance with the due process provisions of constitutional law and by fundamental principles of fairness. *See Popowsky v. Pa. PUC*, 805 A.2d 637 (Pa. Cmwlth. 2002); *Fusaro v. Pa. PUC*, 382 A.2d 794 (Pa. Cmwlth. 1978). The fundamental requirements of due process are notice and an opportunity to be heard at a meaningful time and in a meaningful manner. *Gombach v. Dep. Of State, Bureau of Com'ns, Elections & Legislation*, 692 A.2d 1127, 1130 (Pa. Cmwlth. 1997).

The ALJ's refusal of Complainants' last-minute demand to modify the schedule was not a denial of procedural due process. The Complainants have had notice and a full, fair opportunity to take discovery and prepare their case. Complainants rely on the notions that discovery has been extensive and that Laurel's rebuttal mandates additional time for discovery. Neither claim justifies upsetting a schedule that has been known to all parties since the May 21 Order. If Complainants believed the schedule was insufficient, they had the opportunity to raise those concerns months ago. Raising these concerns almost three months after the schedule was issued, a week before Laurel's rebuttal was due, and less than three weeks before hearings strongly suggests the Petition is a ploy to delay. Tr. at 80:4-20; 81:4-20. The ALJ's refusal to completely overhaul the schedule preserves, not impairs, the orderly process by which all parties will present and test evidence.⁶

The schedule in this action was the product of deliberate balancing by the presiding ALJ, giving **all** parties to the proceeding a fair opportunity while curtailing unnecessary delay to the initiation of a non-jurisdictional service. As the ALJ explained, "there was nothing that was ambiguous when we set the...litigation schedule. Nothing that was last minute." (Tr. At 74:14-17). Complainants' request seeks to revert to a timetable the ALJ already rejected for good reason.

⁶ The schedule was established by the ALJ to strike a balance between the need to curtail delays of the initiation of a non-jurisdictional service (Tr. 30 ("...I do not see that a lot has changed in the party's position. And with the pipeline being delayed, maybe not a whole lot. I mean, some of it has changed, but not a whole lot. So, we need to curtail that." (emphasis added)) and the Complainants' desire to submit written testimony in this matter (Tr. 31).

(Tr. at 80:4-12). Indeed, on August 25, the ALJ reminded Complainants that a hearing in October “is too far down the road from the filing of the complaint in January.... **It’s unacceptable.**” (Tr. at 81:9-13) (emphasis added). Further, the ALJ’s hearing calendar for October is already booked and unavailable. (Tr. at 85:13-18). Yet, Complainants demand the Commission override the ALJ’s scheduling authority and stall the carefully-balanced procedural schedule, prejudicing not only Laurel and its affiliate, but also third-parties whose hearing schedules may have to be removed.

Furthermore, all parties received equal discovery under the rules. The Complainants’ discovery period was not shorter than Laurel’s. Complainants’ discovery window began on January 22, 2025 when they filed their Complaint and there is no sincere basis upon which to contend that Complainants discovery was curtailed. 52 Pa. Code § 5.331(b) (“A party shall initiate discovery as early in the proceedings as reasonably possible. In a proceeding, the right to discovery commences when a complaint....is filed....”). Complainants’ choice not to commence discovery until May does not amount to a denial of due process; rather, it was an exercise of their due process rights to choose their own litigation strategies.

Further, Complainants’ focus on the volume and timing of Laurel’s discovery requests is likewise a red herring. All parties are entitled to as much or as little discovery is reasonable under the circumstances. As the ALJ explained:

[Laurel] can conduct as much or as little [discovery] as they see fit. That should not have any impact on you, on your discovery, on what you need to find out to make your case. Your case could be very big, could be very little. You might have nothing to do, or have no questions whatsoever after you see their rebuttal.

(Tr. at 74:5-12). In addition, the volume of Laurel’s discovery requests after submission of Complainants’ direct testimony is a product of Complainants’ litigation strategy. Prior to Complainants’ submission of direct testimony, Laurel sought discovery regarding the opinions, conclusions, and positions Complainants would present as a part of their case in chief. Tr. at 78:5-

22. Complainants objected under Section 5.324(a), which allows Complainants to provide those opinions, conclusions, and positions in written testimony. In granting in part and denying in part Laurel's Motions to Compel, the ALJ agreed with Complainants.⁷ Thus, Laurel's discovery on these matters was, in fact, delayed until the Complainants' submission of direct testimony. Complainants cannot now seek to leverage their procedural choices to delay their discovery of Laurel's case **and delay Laurel's discovery of their case** as a basis to give them additional time.

Denying Complainants' Petition would not adversely impact Complainants' rights to due process; however, granting Complainants' Petition would compromise Laurel's. Laurel, its counsel, and its witnesses adjusted their schedules and prepared discovery and testimony consistent with the requirements of the May 21 Order—even while navigating the hurdles that Complainants repeatedly inserted in this litigation. Laurel's witnesses are prepared for the September 10-12 and 15, 2025 hearings.⁸ As Complainants are aware, at least one Laurel witness is unavailable during October due to obligations in another matter. A modification would create immediate conflicts and likely require even further continuances, especially because the ALJ's October hearing schedule is already full. Rather than curtailing delay, the Complainants' proposal would increase it.

Taken together—the untimeliness of the request, the Complainants' ample earlier discovery opportunities, the Complainants' decisions to object to and deny Laurel discovery of their case, and the practical consequences for witness availability—the Petition appears designed to manufacture delay, not to vindicate any real deprivation of process. These tactics should be as

⁷ See generally Monroe Order; LHT Order; Sheetz Order; PBF Order.

⁸ After the August 25, 2025 Prehearing Conference, the ALJ issued a hearing cancellation/reschedule notice that cancelled the September 9, 2025 hearing date and scheduled September 15, 2025 as an additional hearing date.

obvious to the Commission as they were to the ALJ when she explained to Complainants why their request to modify the schedule was unwarranted:

...[Y]ou don't like the way that the case discovery shaped up, but they are within their rights, just as you were within your rights You were within your rights, they were within their rights. **You should have been better prepared.**

...I issued that order on May...21st. You have time to calculate the date from the rebuttal testimony and say this is what you leave me with. You miscalculated, and you assume that they would conduct a certain number of discovery requests or propound a certain number of discovery requests. They did not live up to your expectations.... [I]t's again on you.

You have your case, you have your questions. You should have conducted discovery since January. We should have been towards the end of it. [Now] they are submitting rebuttal testimony and their case in chief. This could have been brought up before.

...I said the October date is too far down the road from the filing of the complaint in January.... It's unacceptable. So was Laurel's proposed date, if you recall. And I left it up to the parties to come up with better options because one was too close and one was too far....If I recall correctly, the parties ended up saying, we cannot agree on a medium, so we'll let you decide. And I decided, there was no pushback, no saying hold on. With that rebuttal date, you leave us zero time for discovery on the rebuttal statement....No pushback.

Not only that, but you filed the motion on August 5th, and then you withdrew it... only to find[sic] it later.... [U]sually when people withdraw motions it's because they solve the issue, not to refile at a later date....

So that was there. That - that never changed. It didn't get pushback...until August 15th. **So do you understand that basically it looks a whole lot like a ploy to actually go to your original hearing date, which I said is unacceptable?**

(Tr. at 80:13-82:20) (emphasis added).

Complainants' request is not compelling, and their assertion that the current litigation schedule somehow implicates their procedural due process rights is wholly unfounded. The ALJ acted squarely within her authority to set and maintain the procedural schedule, striking a balance between the parties' competing requests and the need to move this matter forward without unnecessary delay. Petitioners have had notice of the deadlines since May 21, ample opportunity

to pursue discovery since January, and a clear understanding that Laurel’s case would be presented in rebuttal rather than through simultaneous direct testimony. Their eleventh-hour attempt to reframe the established schedule as a due process problem is nothing more than a litigation tactic designed to delay. Far from demonstrating prejudice that cannot be remedied in the ordinary course of Commission review, Complainants’ Petition reflects only their dissatisfaction with the consequences of their choices and their miscalculation of the time available under the schedule.

For these reasons, the Complainants’ demand for the Commission to intervene and modify the procedural schedule should be denied. Maintaining the schedule preserves fairness to all parties, prevents strategic delay, and upholds the ALJ’s careful balancing of the needs of the case.

B. IF COMPLAINANTS’ REQUEST IS GRANTED, THEN THE COMMISSION MUST TAKE ADDITIONAL ACTION AVOID SUBSTANTIAL PREJUDICE TO LAUREL AND ITS AFFILIATE

The need for a timely resolution of this matter is heightened by FERC’s issuance of an order holding the PDO of Buckeye, FERC Docket No. OR25-6-000, in abeyance at the Commission’s request. *Buckeye Pipe Line Company, LP* 192 FERC ¶ 61,046 (2025). As the Commission is well-aware, the PDO involves Buckeye’s request for approvals related to the terms of its proposed incremental eastbound interstate petroleum products transportation service over the existing segment of the Laurel pipeline system located between Altoona and Sinking Spring in Pennsylvania (i.e., Line 720 and Line 724), while Laurel maintains existing westbound intrastate service over the entirety of the Laurel pipeline system—i.e., the “Bidirectional Service Extension.” In its February 12, 2025 Motion to Hold in Abeyance in the PDO proceedings, the Commission acknowledged and accepted that time is of the essence, expressly emphasizing Buckeye’s request that FERC act on the Petition by July 31, 2025 so that Buckeye could timely implement service and stating that the Commission’s Motion should not “delay any decision in advance of the requested deadline of July 31, 2025.” (PA PUC Feb. 12, 2025 Motion, p. 3.)

For the reasons set forth *supra*, Complainants’ untimely Petition offers no compelling reasons to grant interlocutory review and disrupt the established procedural schedule. Indeed, it appears evident that Complainants’ real objective is to delay the start of the Bidirectional Service Extension. Modifying the currently the procedural schedule will result in further substantial delay of FERC’s determination. Moreover, Complainants’ attempts to slow the proceedings will further frustrate and delay the date for Buckeye to initiate FERC-jurisdictional interstate petroleum products pipeline transportation service. Indeed, Complainants’ habitual procedural maneuvers throughout this proceeding evidently are not aimed at legitimate relief, but rather at forestalling competition and promoting their own economic interests. The Commission cannot countenance Complainants’ “use of legal process as a tactical weapon to coerce a desired result that is not the legitimate object of the process.” *Werner v. Plater-Zyberk*, 799 A.2d 776, 785 (Pa. Super. 2002).

From the outset of this proceeding, Laurel has been clear that no certificate of public convenience and no modifications to its Commission-approved tariff are required for Bidirectional Service Extension. Indeed, it is evident that “[t]he Complaint contains no allegations regarding the permissibility of bi-directional service in the context of Laurel’s certificate of public convenience [‘CPC’].”⁹ This conclusion is consistent with the prior findings and determinations in the *2018 Recommended Decision*¹⁰ and the *2018 Final Order*.¹¹ Nonetheless, FERC has held its ruling of the PDO in abeyance and the Bidirectional Service Extension has been delayed. This determination increases the need to ensure that an order is issued without undue delay in this proceeding.

⁹ Monroe Order, at p. 4, n.1; LHT Order, at p. 4, n.1; Sheetz Order, at p. 4, n.1; PBF Order, at p. 4, n.1.

¹⁰ *Application of Laurel Pipe Line Company, L.P.*, Docket Nos. A-2016-2575829 and G-2017-2587567, Recommended Decision, at p. 50 (dated March 23, 2018) (“*2018 Recommended Decision*”).

¹¹ *Application of Laurel Pipe Line Company, L.P.*, Docket Nos. A-2016-2575829 and G-2017-2587567, Opinion and Order, at pp. 20, 25 (entered July 12, 2018) (“*2018 Final Order*”).

Given the Commission’s representation that its request to hold the FERC proceedings in abeyance would not upset the July 31, 2025 determination timeline, the ALJ struck a balance between developing a fulsome record and expeditiously resolving this proceeding—a balance that Complainants now seek to disrupt by asserting a lack of preparation. If the Commission is inclined to grant interlocutory review despite Complainants’ obvious dilatory tactics, the Commission should also confirm that the Bi-directional Service Extension will not be prohibited from going into service effective November 1, 2025 to ensure that this proceeding does not delay FERC review of the matters within its jurisdiction. The Commission’s confirmation that either (1) the service can go into effect on Nov. 1, 2025, or (2) Laurel’s CPC is not implicated by the Bi-directional Service Extension (i.e. it is not an abandonment) is the only way to ensure that the relief sought by the Complainants is not merely an attempt to disrupt the initiation of interstate service.

In contrast, if the Complainants believe that any of the consequences of the commencement of service result in economic harm, then they could seek a full remedy in civil court for any alleged violation of the Public Utility Code, for intrastate volumes, or of the Interstate Commerce Act,¹² for interstate shipments. Moreover, their claims of unreasonable service (both with respect to existing bi-directional service and the proposed extension) could continue to be litigated before the Commission. Laurel emphasizes that **its primary position is that the instant Petition must be denied and that this proceeding should continue on the schedule established by the ALJ.** This alternative should only be considered if the Commission determines the procedural schedule should be modified. The Complainants’ dilatory tactics make clear their primary objective is to delay the initiation of interstate petroleum products transportation service not subject to the

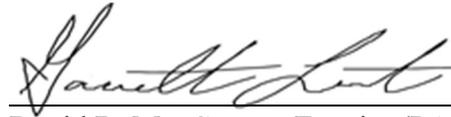
¹²49 U.S.C.A. App Section 13(1) (1976). FERC may award damages, Interstate Commerce Act Section 16(1), and complainants have two years from the alleged violations in which to file a complaint. Interstate Commerce Act Section 16(3)(b). The governing provisions of the Interstate Commerce Act may be found at the FERC’s website: <https://www.ferc.gov/sites/default/files/2020-06/interstate-commerce-act-ica.pdf>.

Commission's jurisdiction, by prolonging the Commission's review of this matter such that FERC's review will not take place. Therefore, Laurel submits that, if and only if the Commission is inclined to prolong this schedule, it should also confirm that the Bi-directional Service Extension will not be prohibited from going into service effective November 1, 2025.

V. CONCLUSION

For the reasons set forth herein, Laurel Pipe Line Company, L.P. respectfully requests that the Commission deny Complainants' Petition for Interlocutory Review and Answer to a Material Question. Alternatively, and only if the Commission is inclined to grant Complainants' Petition, Laurel Pipe Line Company, L.P. respectfully requests that the Commission confirm that the Bi-directional Service Extension will not be prohibited from going into service effective November 1, 2025.

Respectfully submitted,



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