

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Monroe Energy, LLC	:	
Lucknow-Highspire Terminals, LLC,	:	
Sheetz, Inc. and PBF Holding Company	:	
LLC.	:	C-2023-3053018
	:	
v.	:	
	:	
Laurel Pipe Line Company, L.P.	:	

**ORDER REGARDING COMPLAINANTS’ PETITION FOR EXPEDITED  
INTERLOCUTORY REVIEW AND ANSWER TO A MATERIAL QUESTION**

On January 21, 2025, Monroe Energy, LLC (Monroe), Lucknow Highspire Terminals, LLC (LHT), Sheetz, Inc. (Sheetz), and PBF Holding Company LLC (PBF) (collectively, Complainants) filed a Formal Complaint (Complaint) against Laurel Pipe Line Company, L.P. (Laurel or Respondent) before the Pennsylvania Public Utility Commission (Commission) alleging that Laurel is: 1) providing the Complainants with unreasonable service in violation of 66 Pa.C.S. § 1501 and its Commission-approved tariff; and 2) circumventing Commission jurisdiction in violation of 66 Pa.C.S. §§ 1102 and 1302.

As relief, the Complainants request that the Commission find that Laurel's proposed bi-directional service on the 720 pipeline segment violates (i) Laurel’s existing Certificate of Public Convenience (CPC) and 66 Pa.C.S. § 1501, which requires jurisdictional public utilities like Laurel to provide service that is reasonably continuous and without unreasonable interruptions or delay, (ii) 66 Pa.C.S. §§ 1302 and 1303, which require public utilities like Laurel to maintain, file and adhere to tariffs that reflect service offerings and rules associated with service and are modified pursuant to the tariff review process when service is changed; and (iii) Chapter 11 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 101 *et seq.* (the Code) because Laurel must make the appropriate filings with and obtain the approval of this Commission to implement bi-directional transportation on the 720 pipeline segment because

such proposal constitutes a partial abandonment of Laurel's existing east-to-west tariffed intrastate petroleum products transportation service between Sinking Spring and Eldorado, Pennsylvania.

On February 11, 2025, Laurel filed an Answer and New Matter to the Complaint as well as Preliminary Objections thereto.

On February 21, 2025, Complainants filed their Response to the Preliminary Objections.

On March 3, 2025, Complainants filed their Answer to New Matter.

By Motion Judge Assignment Notice dated March 12, 2025, the matter was assigned to me.

By Order dated April 21, 2025, the Preliminary Objections were overruled and the Complaint was set for a hearing.

A Hearing Notice dated April 23, 2025, notified the parties that an initial call-in telephonic hearing was scheduled for June 12, 2025, at 10:00 a.m.

On May 1, 2025, I circulated an email proposing to conduct a Prehearing Conference on May 9, 2025, at 10:00 am.

On May 2, 2025, Complainants filed a letter with the Commission arguing that the hearing scheduled for June 12, 2025, is premature considering the breadth of the facts at issue in this Complaint and seeking to propose a litigation schedule with a different hearing date(s). Complainant argued that with the evidentiary hearing scheduled for June 12, 2025, “there is simply not enough time for the gathering of information and the development of positions and the preparation of expert testimony that will be crucial to gain a complete understanding of the issues.” Complainants’ May 2, 2025, letter, at p. 1.

A Telephonic Prehearing Conference Notice dated May 5, 2025, notified the parties that a prehearing conference was scheduled for May 9, 2025, at 10:00 a.m.

On May 5, 2025, Respondent filed a letter with the Commission opposing what Laurel interpreted as Complainants' request to convert the June 12, 2025 hearing into a Prehearing Conference. In its letter, Laurel clarified that it was prepared to proceed to on hearing on June 12, 2025, and submitted that the Complainants' request only sought to delay the resolution of this matter by the Commission. Laurel noted that despite initiating this proceeding on January 21, 2025, the Complainants had yet to issue a single discovery request. As a result, Laurel reasoned that Complainants' request for additional time, which was premised in part upon the purported need for time to gather information lacked merit.

On May 8, 2025, the parties submitted Prehearing Memoranda ahead of the prehearing conference.

In their respective Prehearing Conference Memoranda, the parties proposed different hearing schedules:

	<b>Laurel's Proposal</b>	<b>Complainants' Proposal</b>
Direct pre-served written testimony	---	August 15, 2025
Rebuttal pre-served written testimony	---	September 26, 2025
Surrebuttal pre-served written testimony	---	October 17, 2025
<b>Evidentiary Hearings</b>	<b>June 12-13, 16, 2025</b> (Oral testimony only)	<b>November 4-6, 2025</b>
Main Briefs	June 25, 2025	December 5, 2025
Reply Briefs	July 3, 2025	December 23, 2025

At the May 9 Conference, I directed the parties to attempt to reconcile the disputes over the proposed schedule and inform me of their progress by May 14, 2025. Tr. 41-42.

By email dated May 14, 2025, counsel informed me that the parties were unable to agree on a litigation schedule and, instead, proposed to submit new proposed schedules by May 16, 2025, along with any supporting rationale for the proposal. By email dated May 14, 2025, I granted the parties' request.

On May 16, 2025, Laurel and the Complainants each submitted the following proposed schedules:

	<b>Laurel's Proposal</b>	<b>Complainants' Proposal</b>
Complainants' Direct	June 11, 2025	July 22, 2025
Laurel's Rebuttal	July 1, 2025	August 29, 2025
Complainants' Surrebuttal	(none)	September 12, 2025
<b>Evidentiary Hearings</b>	<b>July 7-9, 2025</b>	<b>September 30-October 3, 2025</b>
Main Briefs	July 23, 2025	October 24, 2025
Reply Briefs	July 31, 2025	November 14, 2025

By Order issued May 21, 2025, I established the following litigation schedule:

Complainants' Direct Testimony	July 15, 2025
Respondent's Rebuttal Testimony	August 29, 2025
Witness Matrix	September 4, 2025
Evidentiary Hearings (In Person in Philadelphia)	September 9-12, 2025
Main Briefs	October 3, 2025
Reply Briefs	October 17, 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, and I have issued several discovery Orders addressing Laurel's Motions to Compel responses to its interrogatories. In four of these Orders, all dated June 10, 2025, I denied

Laurel's ability to obtain discovery on Monroe's, LHT's, Sheetz' and BPF's projections, analyses, conclusions, and opinions that could be introduced through the pre-served written direct testimony of its expert witnesses pursuant to 52 Pa. Code § 5.324(a)(2). No party filed a timely request for review of these orders.

On July 15, 2025, the Complainants submitted their written direct testimony.<sup>1</sup> Laurel issued additional discovery upon the Complainants with respect to the specific information and conclusions presented in the Complainants' written direct testimony.

On August 5, 2025, the Complainants filed a Motion to Modify the Procedural Schedule. Mere hours later, Complainants advised me that this motion was filed in error and the next day, on August 6, 2025, the Complainants filed a Petition to Withdraw the Motion.

On August 15, 2025, the Complainants re-filed the Motion to Modify the Procedural Schedule (Motion to Modify) after the parties conferred and could not reach an agreement. In the Motion to Modify the procedural schedule, the Complainants proposed to move the start date for evidentiary hearings to no earlier than October 7, 2025 – a date close to the one rejected by the May 21, 2025, Order.

On August 20, 2025, Laurel filed an Answer opposing the Motion to Modify.

On August 25, 2025, I held a telephonic conference to address the Motion to Modify with the parties. After hearing from all the parties, I decided to modify the litigation schedule cancelling the September 9 hearing date and adding September 15. I also modified the discovery rules to allow the Complainants to conduct discovery on Respondent's Rebuttal

---

<sup>1</sup> Additionally, on July 30, 2025, LHT and Sheetz filed a Petition for Interim Emergency Relief against Laurel at Docket No. P-2025-3056566. The July 30, 2025, Petition was made in the course of the present Complaint proceeding filed against Laurel. Monroe and PBF were not parties to the Petition for Interim Emergency Relief. On July 31, 2025, the Commission issued a Hearing Notice informing the parties that a hearing on the Petition for Interim Emergency Relief was scheduled for Wednesday, August 6, 2025, and assigned the matter to me. On August 8, 2025, LHT, Sheetz and Laurel submitted a written Joint Stipulation and Settlement. LHT and Sheetz filed a Petition for Leave to Withdraw their Petition for Interim Emergency Relief in accordance with 52 Pa. Code § 5.94. By Order dated August 11, 2025, I granted the Petition for Leave to Withdraw the Petition at Docket No. P-2025-3056566.

Testimony which was due to be filed on August 29, 2025. Pursuant to these modifications, Complainants' discovery requests, if any, were due by no later than noon on September 2, 2025. Laurel's Objections to Discovery Requests were due on September 3, 2025, but could be submitted even after 4:30 p.m. Complainants' motion to compel was due September 5, 2025, and Laurel's answer to motion to compel is due September 8, 2025. Laurel's responses to Complainants' discovery requests are due on September 9, 2025. Tr. 102-103. Lastly, I made allowances for adding additional hearing dates to the calendar if the progress of the evidentiary hearings required that. Tr. 99.

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

The proposed Material Question is as follows:

*[W]hether the ALJ's refusal to allow an appropriate amount of time for Complainants, who bear the burden of proof, to conduct meaningful discovery in response to defendant Laurel Pipeline Company, L.P.'s ("Laurel") written rebuttal testimony, is a denial of procedural due process, which cannot be remedied by subsequent proceedings or appeal because the denial will result in the inability of Complainants to appropriately and fairly present their case at hearings in this matter that are currently scheduled for September 10-15, 2025.*

On September 3, 2025, the Complainants filed their Brief in support of the Petition. Also on September 3, 2025, Respondent filed a Brief in opposition to the Petition.

Legal Standard

The present Petition for Interlocutory Review stems directly from my partial denial of Complainants' Motion to Modify the litigation schedule to allow for more time to conduct discovery.

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. Notwithstanding the presiding officer's certification, the commission shall have the authority to dismiss summarily the interlocutory appeal if it should appear that the certification was improvident. 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). In addition, section 5.304 of the Commission's regulations regarding interlocutory review of discovery matters states that:

(a) *General*. Rulings of presiding officers on discovery are not subject to interlocutory review unless one or more of the following apply:

- (1) Interlocutory review is ordered by the Commission.
- (2) Interlocutory review is certified by the presiding officer.
- (3) The ruling has as its subject matter the deposing of a Commissioner or Commission employee.

(b) *Standard for certification*. A presiding officer may certify that a discovery ruling is appropriate for interlocutory review when the ruling involves an important question of law or policy that should be resolved immediately by the Commission.

52 Pa. Code § 5.304.

Interlocutory reviews of discovery orders are generally disfavored and are only permitted in limited circumstances. *See MCI WorldCom Communications, Inc. v. Verizon Pennsylvania Inc.*, Docket No. C-00015149, at pp. 14-15 (Order entered Nov. 13, 2001) (“*MCI WorldCom*”). Important questions of law or policy are not implicated by routine discovery rulings that deem information outside the scope of a case to be irrelevant. *See Whemco-Steel Castings, Inc. v. Duquesne Light Company*, Docket No. C-2014-2459527, at pp. 4-5 (Interim Order issued by Administrative Law Judge Jeffrey A. Watson Aug. 27, 2015) (“*Whemco-Steel*”); *see also Pa. Pub. Util. Comm’n v. Dauphin Consolidated Water Supply Co.*, 1987 Pa. PUC LEXIS 215, at \*9 (Opinion and order entered Aug. 21, 1987) (“*Dauphin Consolidated*”) (“there is nothing exceptional about disputes over the scope of discovery...”).

In the present case, the litigation schedule which is at the crux of Petition was set by me on May 21, 2025. Although it did not adopt either one of the very different the litigation schedules proposed by the parties, the May 21 Order adopted parts of Complainants’ and Respondent’s respective proposals. It essentially granted the Complainants’ request to proceed through the filing of written pre-served testimony and adopted Respondent’s proposal to proceed through Direct Testimony from the Complainants and Rebuttal Testimony from the Respondent in conjunction with four days of evidentiary hearings. As mentioned above, the Complainants’ Direct Testimony was due on July 15, 2025, the Respondent’s Rebuttal Testimony was due on August 29, 2025, and the first day of the evidentiary hearings was set for September 9, 2025.

This litigation schedule was accepted by the parties without objections or requests for modification until August 15, 2025, when the Complainants filed their Motion to Modify it. It was in this Motion to Modify that the Complainant first noted the following,

Between the filing of Complainants' direct testimony and the start of evidentiary hearings, Laurel will have had nearly two months to conduct discovery of Complainants' positions. Laurel's opportunity to conduct discovery stands in sharp contrast to Complainants' right to conduct discovery of the testimony and exhibits that Laurel is scheduled to file on August 29, 2025, which will be the first manifestation of Laurel's positions on the many issues in this proceeding.

Motion to Modify at 3. This alleged discrepancy appears to have become a problem for

Complainants after Laurel propounded 15 Sets of Interrogatories spread among the four Complainants, both separately and jointly, following the filing of Complainants' Direct Testimony on July 15, 2025. See Motion to Modify at 2-3. It was then that the Complainants first argued that they "should rightfully be entitled to the same discovery period for Laurel's case in chief that Laurel received to conduct discovery of the Complainants' case in chief." Motion to Modify at 4.

During the August 25, 2025, conference, counsel for Complainants explained the timing of the Motion to Modify as follows:

[I]t did occur to us earlier that we would have no discovery. So we were not - we did not become terribly concerned until the volume of the discovery from Laurel got to 15 sets of discovery. And that led us to the conclusion that that would result in a substantial amount of rebuttal testimony.

Tr. 73. (Emphasis added). Another counsel for Complainants added,

[W]e agreed to the schedule that [the ALJ] set. I understand, but we did, at the time, we clearly did not consider that we would not have sufficient time to - to file discovery on their testimony."

Tr. 75. (Emphasis added).

According to the Complainants the source of this miscalculation on their part was Laurel's statements during the Prehearing Conference on May 9, 2025, "the representation from Laura (sic) was that this case was not going to be anywhere near as substantial as the initial complaint case in 2018<sup>2</sup>." Tr. 77.

For its part, Laurel explained its timing and volume of post-testimony discovery as follows,

[W]e attempted prior to the Complainants submitting their written direct testimony to obtain information related to the opinions and conclusions and positions that they would ultimately be presenting as a part of their case in chief. The Complainants objected based upon a provision of the Commission's regulations under 5.324(a) that allowed them to provide opinions, conclusions, and the like in

---

<sup>2</sup> Docket No. C-2018-3003365.

written testimony. And we were told in response to a motion to compel that we had to wait on much of those requests, and we had to wait for that testimony to come in before we could actually seek to obtain information related to those opinions and conclusions. The volume of discovery here and the timing of that volume being after the Complainant's direct testimony is an outgrowth of those procedural developments.

Tr. 78-79.

It is clear that any claimed exigency or alleged prejudice is a direct consequence of Complainants' discovery strategy and choices. After filing the Complaint on January 22, 2025, the Complainants had over eight months to conduct discovery. To claim that this time was insufficient to afford the Complainants "adequate time to conduct any meaningful discovery"<sup>3</sup> is unreasonable, especially when one considers that the present action is in essence a customer complaint. In addition, the broader legal and factual issues raised in the present Complaint have been addressed to a certain extent during the previous proceedings at Docket Nos. A-2016-2575829<sup>4</sup> and C-2018-3003365, both of which involved the same parties although in different roles.

After the May 21, 2025, Order established the litigation schedule, the Complainants had almost three months to raise the issue of what the Complainants characterize as insufficient time to conduct "post-testimony discovery." It was the Complainants' decision to raise this issue at the 11<sup>th</sup> hour before the scheduled hearings, as evidenced by their filing of the Motion to Modify on August 5, 2025, its withdrawal on the same day, and its re-filing on August 15, 2025. When the Motion to Modify was re-filed it sought to continue the evidentiary hearings until October 7, 2025, a proposal very similar to the ones that had been rejected by me in the May 21, 2025, Order. As I explained to the parties during the Prehearing Conference on May 9, 2025, the litigation schedule needed to balance the Complainants' need to conduct meaningful discovery with the Respondent's need for a timely resolution of the matter. For this reason, the established litigation schedule rejected Laurel's proposed hearing dates of July 7-9

---

<sup>3</sup> Petition at p. 2.

<sup>4</sup> *Application of Laurel Pipe Line Company, L.P.*, Docket Nos. A-2016-2575829 and G-2017-2587567 (Opinion and Order entered July 12, 2018).

(originally, June 12, 13 and 16) and Complainants' proposed hearing dates of September 30 to October 3 (originally, November 4-6), in favor of hearing dates September 9-12.

Despite this, my oral ruling at the August 25, 2025, conference did not deny Complainants' Motion to Modify in its entirety. Instead, it modified the litigation schedule by postponing evidentiary hearings by one day and modified the discovery rules to allow the Complainants to propound discovery on Laurel on its Rebuttal Testimony. The ruling also included provisions for adding additional hearing dates to the calendar if the progress of the evidentiary hearings required that.<sup>5</sup> Tr. 99.

Upon careful consideration, I find that the Petition does not raise any issue that cannot be satisfactorily cured during the normal Commission review process, see *Application of Rasier-PA, LLC*, PUC Docket No. P-2014-2431743 (Opinion and Order entered July 24, 2014), or even during the normal discovery process. At its heart lies a discovery issue of Complainants' own making, which I find to be neither novel nor of such importance that it merits expedited interlocutory review by the Commission.

The Material Question presented in the Petition does not involve important issues of law or policy that should be resolved immediately by the Commission. The Petition is denied.

---

<sup>5</sup> I note that in accordance with the modified litigations schedule and discovery rules, on September 2, 2025, the Complainants propounded two sets (Sets IV and V) of interrogatories to Laurel. On September 4, 2025, Laurel served upon the Complainants its objections to certain interrogatories and request for production of documents (Sets IV and V).



**C-2025-3053018, P-2025-3056566 - MONROE ENERGY LLC; LUCKNOW-HIGHSPIRE  
TERMINALS LLC; SHEETZ INC; AND PBF HOLDING COMPANY LLC v. LAUREL  
PIPE LINE COMPANY, L.P.**

*Revised July 31, 2025*

TODD S. STEWART ESQUIRE  
HMS LEGAL LLP F/K/A HAWKE MCKEON AND SNISCAK LLP  
501 CORPORATE CIRCLE, SUITE 302  
HARRISBURG PA 17110

**717.236.1300**

**717.236.4841**

[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

Served via eService September 8, 2025

*(Counsel for Monroe Energy, LLC)*

ROBERT A. WEISHAAR, JR. ESQUIRE  
MCNEES WALLACE AND NURICK LLC  
1200 G STREET NW, SUITE 800  
WASHINGTON DC 20005

**202.898.5700**

[rweishaa@mwn.com](mailto:rweishaa@mwn.com)

Served via eService September 8, 2025

*(Counsel for Lucknow Highspire Terminals, LLC and Sheetz, Inc.)*

ADEOLU A. BAKARE ESQUIRE  
MCNEES WALLACE AND NURICK LLC  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108

**717.232.8000**

**717.260.1744**

[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

Served via eService September 8, 2025

RANDALL S. RICH ESQUIRE  
PIERCE ATWOOD LLP  
1875 K STREET NW, SUITE 700  
WASHINGTON DC 20006  
**703.309.6448**  
**202.530.6424**  
[r-rich@pierceatwood.com](mailto:r-rich@pierceatwood.com)  
Served via eService September 8, 2025  
(*Counsel for PBF Holding Company LLC*  
)

CARLISLE SEWELL  
LAUREL PIPE LINE COMPANY LP  
5 TEK PARK  
9999 HAMILTON BOULEVARD  
BREINIGSVILLE PA 18031  
**610.904.4000**  
Served via USPS First Class Mail September 8, 2025

CHRISTOPHER BARR ESQUIRE  
POST AND SCHELL PC  
607 14<sup>TH</sup> ST. NW, SUITE 600  
WASHINGTON DC 20005  
**202.661.6950**  
**202.661.6951**  
[cbarr@postschell.com](mailto:cbarr@postschell.com)  
Served via Email September 8, 2025

DAVID MACGREGOR ESQUIRE  
POST AND SCHELL PC  
17TH NORTH 2<sup>ND</sup> ST., 12<sup>TH</sup> FLOOR  
HARRISBURG PA 17101  
**215.587.1197**  
**215.320.4879**  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
Served via Email September 8, 2025  
(*Counsel for Laurel Pipe Line Company, L.P.*)

ANTHONY D. KANAGY ESQUIRE  
GARRETT P. LENT ESQUIRE  
POST AND SCHELL PC  
17 NORTH 2<sup>ND</sup> ST., 12<sup>TH</sup> FLOOR  
HARRISBURG PA 17101  
**717.612.6034**  
**717.612.6032**  
[akanagy@postschell.com](mailto:akanagy@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)  
Served via eService September 8, 2025  
(*Counsel for Laurel Pipe Line Company, L.P.*)

ALICE A. WADE ESQUIRE  
POST AND SCHELL PC  
ONE OXFORD CENTRE  
301 GRANT STREET, SUITE 3010  
PITTSBURGH PA 15219  
**412.506.6364**  
[alice.wade@postschell.com](mailto:alice.wade@postschell.com)  
Served via eService September 8, 2025

REBECCA KIMMEL ESQUIRE  
MCNEES WALLACE AND NURICK LLC  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108  
**717.237.5426**  
**717.232.8000**  
[rkimmel@mcneeslaw.com](mailto:rkimmel@mcneeslaw.com)  
Served via eService September 8, 2025