

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held September 11, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Monroe Energy, LLC, Lucknow-Highspire
Terminals, LLC, Sheetz, Inc. and
PBF Holding Company LLC

C-2025-3053018

v.

Laurel Pipe Line Company, L.P.

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Expedited Interlocutory Commission Review and Answer to Material Question (Interlocutory Petition) filed by Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc., and PBF Holding Company LLC (Petitioners or Complainants) pursuant to Section 5.302(a) of the Commission's Regulations, 52 Pa. Code § 5.302(a), on August 26, 2025, in the

above-captioned proceeding.¹ The Interlocutory Petition pertains to the ruling of Administrative Law Judge (ALJ) Eranda Vero during the prehearing conference held on August 25, 2025, denying the Complainants' Joint Motion to Modify the Procedural Schedule and Request for Shortened Answer Period (Second Modification Petition) filed on August 15, 2025.²

In its Interlocutory Petition, the Complainants seek Commission review of, and answer to, the following proposed Material Question:

Whether 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 ... 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.

Interlocutory Petition at 2.

On September 3, 2025, the Petitioners filed a brief in support of the Interlocutory Petition. Also, on September 3, 2025, Laurel Pipe Line Company, L.P.

¹ The Interlocutory Petition is over three pages in length and thus does not comply with the page limit requirement set forth in 52 Pa. Code § 5.302(a). In order to ensure a just and speedy determination of the proceeding and there being no indication that the substantive rights of the Parties have been affected by this defect in filing, we shall pursuant to Section 1.2(a) of our Regulations, 52 Pa. Code § 1.2(a), accept the Interlocutory Petition as filed.

² Although the Petitioners describe the ALJ's ruling as denying the Second Modification Petition, it is apparent, as discussed below, that the ALJ has modified the litigation schedule to adjust the hearing dates, in part, and to add additional dates if necessary. Accordingly, it is more accurately stated that the ALJ granted, in part, and denied, in part, the Second Modification Petition.

(Laurel or Respondent) filed a brief in opposition to the Interlocutory Petition. On September 8, 2025, ALJ Vero issued an Order Regarding Complainants' Petition for Expedited Interlocutory Review and Answer to a Material Question (*September 8, 2025 Order*).³

For the reasons discussed below, we shall decline to answer the Material Question.⁴

I. Background and History of the Proceeding

On January 21, 2025, the Petitioners filed a Formal Complaint (Complaint) against Laurel. The Complainants alleged that the Respondent has decided to extend

³ In the *September 8, 2025 Order*, the ALJ stated that the Interlocutory Petition “stems directly from my partial denial” of the Second Modification Petition and treated the Petition as an interlocutory review of discovery matters under 52 Pa. Code § 5.304. *September 8, 2025 Order* at 7. The ALJ denied the Petition stating that the Material Question does not involve important issues of law or policy that should be immediately reviewed by the Commission. *Id.* at 11. Thus, the ALJ did not certify the matter to the Commission for consideration pursuant to 52 Pa. Code § 5.304(b). We note that the Complainants filed their Petition pursuant to 52 Pa. Code § 5.302 and that the Petition remains pending before the Commission. Under the unique circumstances of this proceeding and in light of the ongoing and upcoming evidentiary hearing schedule, we find it appropriate to address the Interlocutory Petition pursuant to Section 5.302 of our Regulations to provide clarity regarding the requested relief.

⁴ We acknowledge that the Complainants submitted their Petition on an expedited basis and requested a Commission decision by September 8, 2025. Petition at 1. However, we find no basis to grant the Complainants' request for such expedited consideration. As discussed below, it is evident that the ALJ has contemplated and built in flexibility to the litigation schedule to ensure the provision of adequate due process. For example, upon review of the transcript of the preconference hearing held on August 25, 2025, the ALJ has provided additional opportunities for the Parties to present their cases via the availability of hearing days extending to September 29-30, 2025, and October 1, 2025, if necessary. *See* Tr. at 98-99. Accordingly, we find that the Petitioners' argument that immediate Commission action and intervention is required by September 8, 2025, lacks merit. Nonetheless, we are acting promptly on the Interlocutory Petition pursuant to 52 Pa. Code § 5.303(b).

bi-directional service on the Laurel Pipeline further east by expanding the interstate west-to-east service of Buckeye Pipe Line Company, L.P., from Midland, Pennsylvania, to Sinking Springs, Pennsylvania, using what has always been east-to-west intrastate capacity on the Laurel pipeline. The Complainants averred that the proposal would require partial abandonment by Laurel of east-to-west petroleum products pipeline transportation service that Laurel has been providing exclusively from Sinking Spring to Eldorado since 1957. According to the Complainants, the proposed partial abandonment without Commission approval constitutes unreasonable service. Complaint at 2.

On February 11, 2025, Laurel filed an Answer and New Matter (Answer) denying the material allegations of the Complaint. The Respondent averred in part that its proposal pertains to interstate service provided by an affiliate of Laurel not under the Commission's jurisdiction and pursuant to rates, terms, and conditions of service subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC). According to Laurel, the proposal to initiate interstate service will not cause a permanent cessation of Commission-jurisdictional intrastate service by Laurel; the Respondent asserted that it will continue to provide westbound intrastate service under the same rates, terms and conditions, and from the same origins to the same destinations across Pennsylvania. Answer at 2-3.

On May 9, 2025, ALJ Vero convened a prehearing conference to address, in part, a proposed litigation schedule. Thereafter, on May 21, 2025, the ALJ issued an Order Establishing Litigation Schedule (*May 2025 Scheduling Order*) as follows:

| | |
|--|----------------------|
| 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 |

On July 15, 2025, the Complainants submitted their direct testimony and filed a Certificate of Service with the Commission.

On August 4, 2025, the Complainants filed a Joint Motion to Modify the Procedural Schedule and Request for Shortened Answer Period (First Modification Petition). However, on August 6, 2025, the Complainants filed a Petition for Leave to Withdraw the First Modification Petition indicating that it was filed in error. No Party opposed the Petition for Leave to Withdraw the First Modification Petition.

On August 15, 2025, the Complainants filed their Second Modification Petition requesting that the ALJ modify the dates for the evidentiary hearing in this proceeding. Laurel filed an Answer in Opposition to the Second Modification Petition (Laurel's Answer to Modification Petition) on August 20, 2025. In response, on August 21, 2025, the Complainants filed a Motion for Leave to Answer and Answer to Laurel's Answer to Modification Petition.

On August 25, 2025, ALJ Vero convened a prehearing conference to address the Second Modification Petition (*August 25, 2025 Hearing*). At the *August 25, 2025 Hearing*, the ALJ agreed to modify the litigation schedule to the extent of cancelling the first day of hearings scheduled for September 9, 2025, retaining the prior scheduled dates of September 10-12, 2025, and adding an additional hearing date of September 15, 2025. The ALJ also stated that additional hearing dates are available on September 28-30, 2025, and October 1, 2025, if deemed necessary, and that she would tentatively reserve those additional dates. Tr. at 98-99. However, the ALJ confirmed that hearings would start on September 10, 2025, but stated that “we will adapt as we see fit once we go to hearing.” Tr. at 103.

Additionally, during the *August 25, 2025 Hearing*, the ALJ stated that due to time constraints, she would not be issuing a written order addressing the Second Modification Petition. Tr. at 115.⁵

As noted above, on August 26, 2025, the Complainants filed their Interlocutory Petition. On September 3, 2025, the Parties filed their respective briefs in support of and in opposition to the Interlocutory Petition. On September 8, 2025, the ALJ issued the *September 8, 2025 Order*.

II. Discussion

A. Legal Standards

As a preliminary matter, we note that any issue we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each

⁵ However, the ALJ indicated that she would provide an email to the Parties with the new dates. Tr. at 115.

contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

During a proceeding, and pursuant to the provisions of 52 Pa. Code § 5.302, a party may seek interlocutory review and answer to a material question which has arisen or is likely to arise. The standards for interlocutory review are well established. *See* 52 Pa. Code § 5.302(a). Section 5.302(a) of the Commission’s Regulations require that the petitioning party “state . . . the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding.” The pertinent consideration is whether interlocutory review is necessary to prevent substantial prejudice – that is, the error and any prejudice flowing therefrom could not be satisfactorily cured during the normal Commission review process.

Joint Application of Bell Atlantic Corp. and GTE Corp., Docket No. A-310200F0002, *et al.* (Opinion and Order entered June 14, 1999) (*Jt. Application of Bell Atlantic Corp.*); *Pa. PUC v. Frontier Communications of Pa. Inc.*, Docket No. R-00984411 (Opinion and Order entered February 11, 1999) (*Pa. PUC v. Frontier*); *In re: Knights Limousine Service, Inc.*, 59 Pa. P.U.C. 538 (1985) (*Knights Limousine*).

Pursuant to 52 Pa. Code § 5.303, the Commission may take one of the following courses of action on requests for interlocutory review and answer to a material question:

- (1) Continue, revoke or grant a stay of proceedings if necessary to protect the substantial rights of the parties.
- (2) Determine that the petition was improper and return the matter to the presiding officer.
- (3) Decline to answer the question.
- (4) Answer the question.

Generally, Petitions for Interlocutory Review are not favored, as the preferred approach is to permit proceedings to move forward in the normal course to provide all parties, the presiding officer, and the Commission with a full opportunity to develop the record, brief issues, and present arguments at each stage. *Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan*, Docket No. M-00072021 (Opinion and Order entered October 23, 2009) at 3 (*Re: Philadelphia Gas Works*).

Under case law construing Section 5.302(a), the “compelling reasons” for interlocutory review are the reasons establishing that such review is necessary to either prevent substantial prejudice or to expedite the conduct of the proceeding. In other words, a petition under Section 5.302(a) must allege compelling reasons why any alleged prejudice flowing therefrom could not be rectified during the normal Commission review process. *Joint Application of Bell Atlantic Corp.; Pa. PUC v. Frontier; Knights Limousine Service, Inc.*

The Commission has stated that it does not routinely grant interlocutory review except upon a showing by the petitioner of extraordinary circumstances or compelling reasons. Such a showing may be made by a petitioner by establishing that, without such 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*, Docket Nos. P-2009-2097639 and R-2009-2139884 (Opinion and Order entered April 15, 2010) (*PGW Order*).

As noted, generally, petitions for interlocutory review regarding evidentiary matters within the ALJ’s authority are not favored. The Commission will generally leave questions regarding the relevance and admission of evidence to the sound discretion of the ALJ to provide all parties, the presiding officer, and the Commission, with a full opportunity to develop the record, brief issues, and present arguments at each stage.

See Re: Philadelphia Gas Works; See also Jo Anna Warren Williamson v. Duquesne Light Company, Docket No. C-2009-2138578 (Opinion and Order entered February 10, 2011) (“[T]he admission of evidence is generally a matter within the sound discretion of the ALJ, and the ALJ’s rulings thereon will not be reversed in the absence of a clear abuse of discretion or error of law.”)

B. Interlocutory Petition

In the Interlocutory Petition, the Complainants argue that under the current procedural hearing schedule of September 10-15, 2025, they will not be afforded adequate time to conduct any meaningful discovery or to prepare for the presentation of their case. Specifically, the Petitioners aver that there are only twelve days between the service of Laurel’s Rebuttal Testimony and the first day of hearings. According to the Complainants, this compressed time frame will result in their inability to appropriately and fairly present their case during the hearing time frame and will result in a denial of their due process. Interlocutory Petition at 2.

The Petitioners contend that under the procedural schedule adopted by the ALJ, the Complainants will have only six business days to propound interrogatories, address any objections by Laurel, receive and process Laurel’s responses, and then prepare for hearings. The Petitioners further contend that, in contrast, Laurel was provided nearly two months in which to conduct extensive discovery of the Complainants’ case in chief. The Complainants argue that if the Commission does not modify the procedural schedule to allow sufficient time for discovery and preparation for hearings, the Petitioners will suffer harm that will not be reparable in later proceedings or on appeal. According to the Complainants, under the current schedule, the record that will be developed will naturally favor the Respondent, which was given nearly two months to conduct discovery of the Complainants case in chief while the Petitioners would only have six business days to do the same. Interlocutory Petition at 3-4.

C. Briefs in Support and Opposition

In their brief in support, the Complainants argue that the current procedural schedule is fundamentally unfair and violates due process by failing to provide adequate time to conduct discovery pertaining to the rebuttal testimony of Laurel’s four witnesses who will testify on behalf of the Respondent. The Complainants assert that they will have to promulgate the questions within mere hours of having received the testimony and will only have the responses to these interrogatories for a single day prior to the commencement of hearings under the ALJ’s order. Complainants’ Brief at 8.

To highlight this alleged problem, the Complainants set forth the current schedule from Rebuttal Testimony through hearings as follows:

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|---|--|
| Laurel’s Rebuttal Testimony | August 29, 2025 |
| Complainants’ Discovery Requests | September 2, 2025, at noon |
| Laurel’s Objections to Discovery Requests | September 3, 2025, but may come in after 4:30 p.m. |
| Complainants’ Motions to Compel | September 5, 2025 |
| Laurel’s Answer to Motion to Compel | September 8, 2025 |
| Laurel’s Responses to Complainants’ Discovery | September 9, 2025 |
| Evidentiary Hearings | September 10, 2025 |

Complainants’ Brief at 6. The Complainants argue that additional time is required prior to the evidentiary hearings to ensure the provision of adequate due process. *Id.* at 8 (citing *Friends of Devito v. Wolf*, 227 A.3d 872, 897 (Pa. 2020) (*Friends of Devito*)).⁶

⁶ The Complainants argue that the amount of process that is due is determined by applying the following three-part balancing test: (1) the private interest affected by the governmental action; (2) the risk of an erroneous deprivation together with the value of additional or substitute safeguards; and (3) the state interest involved,

In applying the balancing test from *Friends of Devito* to this case, the Complainants argue that the private interests involve the interest of Laurel to implement bi-directional service on a substantially larger section of the Laurel Pipeline, and for the Complainants it is the desire to ensure that any such change complies with the law because they believe that such bi-directional service has been and will be detrimental to their legitimate business interests. According to the Petitioners, the act of not providing adequate time to prepare their case has a high degree of probability of causing harm to the Complainants that cannot be subsequently remedied. The Complainants contend that the only way to ensure that due process is provided and Complainants do not suffer substantial prejudice is to allow sufficient time as the Complainants requested in their Second Modification Petition. Complainants' Brief at 8-9.

The Petitioners submit that for Laurel the cost of modifying the schedule is the passage of a few additional weeks before an Initial Decision in this matter is rendered that could fundamentally and perhaps permanently alter the operation of Laurel's Commission-regulated pipeline. Finally, the Complainants proffer that the state's interest is nominal. In support, the Complainants allege at the time the ALJ rejected the request to extend the schedule, there were available dates in the ALJ's schedule that would have allowed the Complainants sufficient time, with a minor disruption. However, the Complainants claim that the ALJ was unwilling to provide any relief beyond allowing a single additional day for the Complainants to conduct and process discovery after receiving Laurel's case-in-chief. Complainants' Brief at 9.

According to the Complainants, this disparity in allowable discovery is itself a violation of due process and fundamental fairness. The Petitioners reiterate the unfairness argument and the lack of balance of allowing the Respondent seven weeks and

including the administrative burden the additional or substitute procedural requirements would impose on the state. Complainants' Brief at 8 (citing *Friends of Devito*, 227 A.3d at 897).

the Complainants, with the burden of proof, only a single week – that includes a holiday weekend. The Complainants assert that the only safeguard that protects the due process rights of all parties and does not cause immediate harm to any party is to extend the procedural schedule. Complainants’ Brief at 9.

Laurel asserts two main arguments in opposition to the Interlocutory Petition. First, the Respondent contends that the Interlocutory Petition is an untimely and unwarranted attempt to review the discovery timeframes set by the ALJ in the *May 2025 Scheduling Order*. Second, the Respondent asserts that if the Complainants’ request is granted, then the Commission must take additional action to avoid substantial prejudice to Laurel and its affiliate. Respondent’s Brief at 6-15.

Regarding its first argument, Laurel argues that the Interlocutory Petition is an untimely demand to modify the scope and timing of discovery available in this action as set forth in the *May 2025 Scheduling Order* (citing 52 Pa. Code § 5.304(c)(1) (pertaining to the three day requirement for filing of petitions for interlocutory review of a discovery ruling)). In support, the Respondent references the Material Question which requests modification of the procedural schedule in order to conduct further meaningful discovery but submits that such a request is over 80 days too late pursuant to 52 Pa. Code § 5.304(c)(1). According to Laurel, the only dispute presented is over the timeframes established by the *May 2025 Scheduling Order*, and upheld by the ALJ at the *August 25, 2025 Hearing*. Respondent’s Brief at 6-7.

The Respondent further argues that the Material Question involves a discovery matter or a routine procedural matter that is clearly within the discretion of the ALJ to resolve. Laurel denies that the Material Question has any merit, but submits that even if it did, then it should have been presented much earlier in this proceeding. According to Laurel, the Interlocutory Petition must be denied for this reason alone. The Respondent contends that the Complainants have failed to present “an important question

of law or policy” requiring immediate Commission review. Respondent’s Brief at 7. Also, the Respondent asserts that the Complainants cannot present any circumstances that would favor a stay of proceedings during the pendency of the Interlocutory Petition. *Id.* at 7 (citing 66 Pa.C.S. § 333(h)).

In further support of its first argument, Laurel proffers that there are no extraordinary circumstances or denials of due process warranting the grant of the Interlocutory Petition. Specifically, the Respondent argues that the ALJ’s refusal to grant the Complainants’ last-minute demand was not a denial of due process because the Petitioners had notice and a full, fair opportunity to take discovery and prepare their case which has been known since the *May 2025 Scheduling Order*. Laurel contends that if the Complainants believed the schedule was insufficient, they had the opportunity to raise those concerns months ago. According to the Respondent, 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 Interlocutory Petition is a ploy to delay the proceedings. Respondent’s Brief at 8 (citing Tr. at 80-81). Laurel believes that the ALJ’s refusal to completely overhaul the schedule preserves, rather than impairs, the orderly process by which all the Parties will present and test evidence. Respondent’s Brief at 8.

The Respondent argues that the Petitioners have failed to demonstrate prejudice that cannot be remedied in the ordinary course of Commission review. Rather, Laurel asserts that the Interlocutory Petition only reflects the Complainants’ dissatisfaction with the consequences of their choices and their miscalculation of the time available under the schedule. For these reasons, the Respondent submits that the Complainants’ demand for the Commission to intervene and modify the procedural schedule should be denied. According to Laurel, maintaining the schedule preserves fairness to all the Parties, prevents strategic delay, and upholds the ALJ’s careful balancing of the needs of the case. Respondent’s Brief at 8-12.

Regarding its second main argument, the Respondent contends alternatively that if the Commission grants the Interlocutory Petition – which Laurel strongly opposes – additional action must be taken to avoid substantial prejudice to Laurel and its affiliate. In support, the Respondent asserts that the need for timely resolution of this matter is heightened by FERC’s issuance of an order holding the Petition for Declaratory Order (PDO) of Buckeye Pipeline Company, L.P., at FERC Docket No. OR25-6-000, in abeyance at the Commission’s request. Respondent’s Brief at 12 (citing *Buckeye Pipe Line Company, L.P.*, 192 FERC ¶ 61,046 (2025) (FERC Proceeding)).⁷ According to Laurel, modifying the current procedural schedule will result in further substantial delay of FERC’s determination in the FERC Proceeding. Moreover, the Respondent argues that the 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. Respondent’s Brief at 13.

Laurel asserts that given the Commission’s representation that its request to hold the FERC Proceeding in abeyance would not upset the July 31, 2025, determination timeline, the ALJ struck a balance between developing a full record and expeditiously resolving this proceeding. The Respondent requests that if the Commission grants Interlocutory Review in this proceeding, 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. Laurel submits that the Commission’s confirmation that either (1) the service can go into effect on November 1, 2025, or (2) Laurel’s Certificate

⁷ The Respondent further references the PDO and asserts that the Commission acknowledged and accepted that time is of the essence in the FERC Proceeding, expressly emphasizing Buckeye’s request that FERC act on the PDO Petition by July 31, 2025, so that Buckeye could timely implement service and stating that the Commission’s Motion to hold that matter in abeyance should not “delay any decision in advance of the requested deadline of July 31, 2025.” Respondent’s Brief at 12 (citing the Commission’s February 12, 2025, Motion in the FERC Proceeding at 3).

of Public Convenience 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. Respondent's Brief at 14.

In contrast, the Respondent asserts that if the Petitioners believe that any of the consequences of the commencement of this requested relief result in economic harm, then the Complainants 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, for interstate shipments. Respondent's Brief at 14 (citing, in part, 49 U.S.C.A. § 13(1)).

D. *September 8, 2025 Order*

The ALJ determined that the Interlocutory Petition does not raise any issue that cannot be satisfactorily cured during the normal Commission review process, or even during the normal discovery process. The ALJ concluded that at the heart of the Interlocutory Petitions lies a discovery issue of the Complainants' own making. Accordingly, the ALJ found the Interlocutory Petition to be neither novel nor of such importance that it merits expedited interlocutory review by the Commission. Thus, the ALJ denied the Interlocutory Petition. *September 8, 2025 Order* at 11.

In support of her ruling, the ALJ reasoned that it is clear that any claimed exigency or alleged prejudice is a direct consequence of the Complainants' discovery strategy and choices noting in part that after filing the Complaint in January 2025, the Complainants had over eight months to conduct discovery. Additionally, the ALJ stated that after the *May 2025 Scheduling Order* the Complainants had almost three months to raise the issue of what the Complainants characterize as insufficient time to conduct post-testimony discovery. According to the ALJ, it was the Complainants' decision to raise

this issue “at the 11th hour before the scheduled hearings.” *September 8, 2025 Order* at 10.

Although the ALJ acknowledged denying the Second Modification Petition, in part, she clarified that her ruling during the *August 25, 2025 Hearing* did the following:

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.

September 8, 2025 Order at 11 (citing Tr. at 99).

E. Disposition

Upon review, we decline to answer the Material Question set forth in the Interlocutory Petition. Interlocutory review is not routinely granted except upon a showing of extraordinary circumstances or compelling reasons. We have previously held that such a showing may be accomplished by proving that some harm would result which would be irreparable through normal procedural avenues, that relief should be granted now rather than later, and that granting interlocutory review would prevent substantial prejudice or expedite the proceeding. *PGW Order* at 5.

Here, upon review of the transcript from the *August 25, 2025 Hearing*, the ALJ agreed to modify the litigation schedule to the extent of cancelling the first day of hearings scheduled for September 9, 2025, retaining the prior scheduled dates of September 10-12, 2025, and adding an additional hearing date of September 15, 2025. The ALJ also stated that additional hearing dates are available on September 28-30, 2025,

and October 1, 2025, if deemed necessary, and that she would tentatively reserve those additional dates for hearings. Tr. at 98-99. However, the ALJ confirmed that hearings would start on September 10, 2025, but stated that “we will adapt as we see fit once we go to hearing.” Tr. at 103.

Thus, although the ALJ did not grant the Complainants’ specific request to modify the procedural schedule by directing the evidentiary hearings to begin no earlier than October 7, 2025, the ALJ effectively granted, in part, the Petitioners’ Second Modification Petition. Specifically, the ALJ indicated significant flexibility in the schedule to add hearing dates if it became evident after commencement of the hearings that additional hearing days should be added. Additionally, at the time of the *August 25, 2025 Hearing* and because of the apparent uncertainty as to the extent and substance of Laurel’s responses to the Complainants’ additional discovery due on September 9, 2025, and whether the Complainants could adequately address them during the scheduled hearings of September 10-15, 2025, the ALJ tentatively scheduled additional hearing days for September 28-30, 2025, and October 1, 2025, if deemed necessary. In this regard, our determination is consistent with the ALJ’s *September 8, 2025 Order*.

Accordingly, we find no merit to the Complainants unwarranted allegation that the ALJ rejected the request to extend the schedule or was unwilling to provide any relief beyond allowing a single additional day for Complainants to conduct and process discovery after receiving Laurel’s case-in-chief. Complainants’ Brief at 9.

Additionally, in light of the flexibility exhibited by the ALJ in addressing the scheduling concerns of the Parties, and her reasonable willingness to add additional hearing days if necessary, it is unclear how the Complainants will be suffering irreparable harm by maintaining the existing procedural schedule as modified during the *August 25, 2025 Hearing*. Thus, we reject the argument that granting interlocutory

review will help to prevent some irreparable harm or substantial prejudice or will expedite the proceeding. Further, we decline the Complainants' invitation to intervene in scheduling matters when such matters are being reasonably and promptly addressed by the ALJ within her authority to manage the conduct of the proceeding and there is no evidence that the Parties will suffer any prejudice during the normal Commission review process.

Finding no cogent arguments upon which we should grant interlocutory review and consistent with the *September 8, 2025 Order*, we shall decline to answer the Material Question. Accordingly, we will return this matter to the Office of Administrative Law Judge (OALJ) for further proceedings as deemed necessary.

III. Conclusion

Upon review, we shall decline to answer the Material Question, pursuant to 52 Pa. Code § 5.303(a)(3), and return this matter to the OALJ, all consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That, with regard to the Petition for Expedited Interlocutory Commission Review and Answer to Material Question filed by Monroe Energy, LLC, Lucknow-Highspire Terminals, LLC, Sheetz, Inc., and PBF Holding Company LLC pursuant to 52 Pa. Code § 5.302(a) on August 26, 2025, we decline to answer the following Material Question:

Whether 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 ... 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.

2. That this matter shall be returned to the Office of Administrative Law Judge.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Matthew L. Homsher".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: September 11, 2025

ORDER ENTERED: September 11, 2025