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October 31, 2025

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

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

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Complainants' Motion to Strike Portions of Laurel Pipeline Company, L.P. Reply Brief or, in the Alternative, Motion to Supplement the Record on behalf of Monroe Energy, LLC ("Monroe"), Lucknow-Highspire Terminals, LLC ("LHT"), Sheetz, Inc. ("Sheetz"), and PBF Holding Company LLC ("PBF") in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a horizontal line.

Adeolu A. Bakare  
MCNEES WALLACE & NURICK LLC

c: Administrative Law Judge Eranda Vero  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA EMAIL**

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Adeolu A. Bakare

*Counsel to Lucknow-Highspire Terminals,  
LLC and Sheetz, Inc.*

Dated this 31<sup>st</sup> day of October, 2025, in Harrisburg, Pennsylvania.

**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. :

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**COMPLAINANTS' MOTION TO STRIKE PORTIONS OF  
LAUREL PIPELINE COMPANY, L.P. REPLY BRIEF OR, IN THE ALTERNATIVE,  
MOTION TO SUPPLEMENT THE RECORD**

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TO ADMINISTRATIVE LAW JUDGE ("ALJ") ERANDA VERO:

Pursuant to 52 Pa. Code §§ 5.103 and 5.431, Complainants (collectively, Monroe Energy, Inc. ("Monroe"), Lucknow-Highspire Terminals, LLC ("LHT"), Sheetz, Inc. ("Sheetz"), and PBF Holding Company, LLC ("PBF")) respectfully request that Your Honor strike from the Reply Brief of Laurel Pipe Line Company, L.P. ("Laurel") specific portions of the argument and citations that violate the Pennsylvania Public Utility Commission's ("Commission") regulations at 52 Pa. Code *et seq.* Specifically, Complainants request that Your Honor strike all references in Laurel's Reply Brief to the textbook "Introductory Econometrics" by Jeffery Wooldridge ("Wooldridge"), as the textbook was not mentioned in the testimony of any witness in this proceeding, nor is it part of the evidentiary record in this proceeding. Alternatively, should Your Honor prefer that the aforementioned portions of Laurel's Reply Brief remain in the record, Complainants submit an Affidavit of Witness Dr. Morris that responds to the new evidence

Laurel introduces in its Reply Brief through the Wooldridge textbook, and respectfully request that Your Honor find that good cause exists to allow the Affidavit to be added to the record also, so that Complainants have a reasonable opportunity to respond to Laurel's new allegations. Therefore, Complainants request that Your Honor either strike Laurel's references to the Wooldridge textbook or, if Your Honor allows the references to the Wooldridge textbook to be added to the record, admit the Morris Affidavit into the record as well. Absent the relief requested in this Motion, allowing these portions of Laurel's brief to remain is a violation of the Commission's regulations and would prejudice Complainants.

**I. Introduction**

1. With the filing of its Reply Brief on October 17, 2025, Laurel has run afoul of Commission regulations and precedent by attempting to add new evidence into the record at the reply briefing stage of litigation. Laurel has improperly introduced extra-record evidence by citing to the Wooldridge textbook for the very first time in its Reply Brief, depriving Complainants of any opportunity to address this new evidence on which Laurel now bases portions of its argument. Under these circumstances, the appropriate course of action is to strike those portions of Laurel's Reply Brief that are new to its case-in-chief.

2. The parties to this proceeding convened for three days of Evidentiary Hearings, closing on September 12, 2025. Parties filed their Main Briefs on October 3, 2025 and Reply Briefs on October 17, 2025.

3. As per Commission regulations, the record closes in conjunction with the end of the evidentiary hearing, unless directed otherwise by the ALJ or the Commission. There has been no such directive by Your Honor or the Commission in this matter indicating that the record has

*not* closed pursuant to Commission regulations. Consequently, per Commission regulations, the record should have closed at the end of hearings on Friday, September 12, 2025.

4. The record can only be reopened upon motion and for good cause shown by the movant. Laurel has neither filed such a motion nor shown good cause to justify reopening the record for inclusion of the Wooldridge textbook material, and has therefore, attempted an untimely introduction of evidence into the proceeding through its Reply Brief.

5. The proper recourse at this point is to strike the references to the Wooldridge textbook altogether, as well as all arguments in the Laurel Reply Brief that rely on the Wooldridge textbook. Alternatively, if such material is not stricken, Complainants, which bear the burden of proof, must have an opportunity to respond, which they have done through the attached Affidavit of Dr. John Morris.

## **II. Argument**

### **A. Laurel Improperly Introduced New Evidence into the Record for the First Time in its Reply Brief.**

#### **i. Legal Standards.**

6. The Commission's regulations at 52 Pa. Code § 5.431 provide that the evidentiary record closes at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission, and that no additional matter may be relied upon or accepted into the record after the record is closed, absent good cause shown by the presiding officer of the Commission upon motion.

7. Clear precedent supports an ALJ's right to strike evidence that is introduced after the close of the evidentiary record. In a 2023 case before the Commission, for example, ALJ Barnes declined to reopen the record when new materials were raised for the first time on Brief and Reply Brief, as she found no new evidence showing any changes in the facts or law that

would warrant such a reopening. *Myers v. Pennsylvania Pub. Util. Comm'n*, 306 A.3d 963, FN 3 (Pa. Commw. Ct. 2023). In a 2025 Order, the Commission rejected the inclusion of new evidence at the exceptions stage of a proceeding because the party "waited to assert the evidence until after the record was closed." *Pennsylvania Pub. Util. Comm'n, Bureau of Investigation & Enft*, No. C-2023-3037385 (Feb. 7, 2025). The Commonwealth Court has upheld such exclusions, maintaining that parties may not introduce new evidence after the record has closed, even if the information is publicly available, or absent a showing of good cause. *Hess v. Pennsylvania Public Utility Commission*, 107 A.3d 246, 265 (Pa. Commw. Ct. 2014); *Red Lion Mun. Auth. v. Pa. Pub. Util. Comm'n*, No. 186 C.D. 2019, 2019 Pa. Commw. Unpub. LEXIS 590 (Pa. Commw. Ct. Oct. 29, 2019) (unreported).

8. Laurel attempts to use the Wooldridge textbook in its Reply Brief to both falsely undermine Complainant witness Dr. Morris's testimony and bolster Laurel witness Dr. Webb's testimony, even though the Wooldridge textbook (or even Professor Wooldridge himself) was not mentioned in Dr. Webb's testimony, or in the testimony of any other witness in this proceeding.

9. During the Evidentiary Hearing in this proceeding, Your Honor granted Laurel additional time to prepare for and conduct cross-examination of the very portions of Dr. Morris's analysis that Laurel now endeavors to attack in its Reply Brief. *See* Tr. at 440:1-7. Laurel did not mention the Wooldridge textbook, or any other academic textbook, during its cross-examination of Dr. Morris. *See* Tr. at 440-494; 590-596.

10. Including new evidence for the first time in a reply brief, and presenting that evidence for the truth of the matter asserted, is wholly different from the procedurally proper

approach of drawing on evidence to fashion legal arguments in a main brief. *Cf.* Laurel R.B. at 55-59. The former is expressly prohibited by the Pennsylvania Code. The latter is not.

11. While it may still have been procedurally improper, pursuant to 52 Pa. Code § 5.431, Laurel could have mentioned and/or cited to the Wooldridge textbook in its Main Brief. Laurel could also have filed a motion to add supplemental information to the record. Laurel did neither. Laurel instead, for the very first time in its Reply Brief, attempts to add new evidence to the record, without presenting Dr. Wooldridge for cross-examination, without any witness sponsor of the content from the Wooldridge textbook, without giving Complainant witnesses an opportunity to address the Wooldridge content, without preview to Your Honor or to the Complainants, and without giving Complainants an opportunity to address the untimely introduction of this content in Complainants' Reply Brief. Laurel's use of the Wooldridge textbook cannot be countenanced. As such, the content should be stricken as detailed below.

**ii. Portions of Laurel's Reply Brief to be Stricken**

12. Laurel's Reply Brief failed to meet the legal standards applicable to this proceeding as described above and has resulted in unfair surprise and undue prejudice to Complainants. As Laurel well knows, parties have no further opportunity to address any portion of a party's argument after Reply Briefs are filed. Yet, Laurel waited for its Reply Brief to unveil new evidence with which it would attempt to undermine the credibility of Complainant witness Dr. Morris's testimony. Complainants therefore request each of the following portions of Laurel's Reply Brief be stricken from the record of this proceeding:

**Laurel Reply Brief at 24:**

"The fact that Dr. Webb's discussion is consistent with basic statistical practice is also broadly supported by reviewing undergraduate textbooks. In other words, a standard econometrics text identifies precisely the issue that Dr. Webb discussed in his testimony, and to which Dr. Morris provided no effective response."

**Laurel Reply Brief at FN 114:**

"For example, Introductory Econometrics by Jeffery Wooldridge explains the risks of omitting relevant variables or "underspecifying the model" as Dr. Morris does in his rejoinder testimony. It states "[n]ow suppose that, rather than including an irrelevant variable, we omit a variable that actually belongs in the true (or population) model. This is often called the problem of excluding a relevant variable or underspecifying the model... this problem generally causes the O[rinary] L[east] S[quares] estimators to be biased." JEFFREY M. WOOLDRIDGE, INTRODUCTORY ECONOMICS: A MODERN APPROACH 88 (5th ed. 2012) ("Wooldridge")."

**Laurel Reply Brief at 25:**

"Again, Dr. Webb's conclusion is consistent with standard statistical texts. In other words, consistent with Dr. Webb's testimony, adding irrelevant variables will not generate inaccurate results as long as the appropriate control variables are included. As such, Dr. Morris's suggestion that Dr. Webb's analysis contains too many variables is unsupported by statistical practice and completely unsupported by any evidence."

**Laurel Reply Brief at FN 123:**

"For example, Wooldridge states "[I]ncluding one or more irrelevant variables in a multiple regression model, or overspecifying the model, does not affect the unbiasedness of the OLS estimators." Wooldridge, at p. 99."

**Laurel Reply Brief, Table of Authorities, page ix:**

"JEFFREY M. WOOLDRIDGE, INTRODUCTORY ECONOMICS: A MODERN APPROACH (5th ed. 2012) ("Wooldridge")  
.....50"

**NOTE:** The reference to page 50 in the Table of Authorities is incorrect. The page references should be 24, 25.

**B. Should the Wooldridge References Remain in the Record, the Responsive Affidavit from Dr. Morris Should be Summarily Admitted.**

13. Laurel attempts to introduce new evidence into the record through its reference to Wooldridge and attempts to undermine the testimony and underlying calculations of Dr. Morris

in its reliance on Wooldridge. If the Wooldridge references in Laurel's Reply Brief are permitted to be added to or remain in the record, Complainants, as the parties with the burden of proof, should be allowed an opportunity to respond to such new evidence. Complainants, therefore, submit a responsive affidavit prepared by Dr. Morris that addresses Laurel's references to the Wooldridge textbook.

14. Dr. Morris does not take issue with the Wooldridge text itself, but asserts that Laurel's reliance on the textbook is misplaced, and the quotations from the Wooldridge textbook are taken out of context and do not support the claimed statements. In particular, Laurel's references to "relevant" and "irrelevant" variables is a moot point. As set forth in the Morris Affidavit, the fundamental problem with Dr. Webb's analysis is an over-inclusion of relevant variables, in essence a "doubling-up" of inputs, that skew his results and render those results meaningless. Dr. Morris' analysis corrects that error and shows that the pervasive increase in transit times that has plagued shippers since the start of bi-directional service is not explained by nomination volumes.

15. While Commission regulations prohibit the introduction of evidence after the close of the evidentiary record, should Your Honor prefer to allow Laurel's Reply Brief to remain in the record as is, Complainants request the opportunity to submit the attached Affidavit into the record as well.

WHEREFORE, Complainants respectfully request that Your Honor (i) strike the portions of Laurel's Reply Brief as requested in this Motion and grant Complainants such other relief as is just and reasonable under the circumstances, or (ii) permit the admission of the Morris Affidavit into the record.

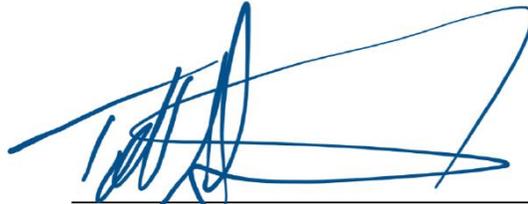
Respectfully submitted,

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Dated: October 31, 2025

**THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**AFFIDAVIT OF DR. JOHN R. MORRIS  
ON BEHALF OF COMPLAINANTS**

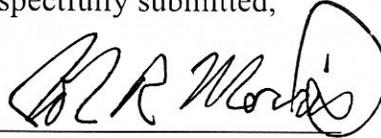
October 31, 2025

1. My name is John R. Morris, and I previously provided Prepared Direct Testimony and oral testimony in this proceeding.
2. On October 17, 2025, Counsel for Laurel Pipeline submitted a Reply Brief in this matter. Page 24 of the Reply Brief, at footnote 114, cites Jeffrey Wooldridge, *INTRODUCTORY ECONOMETRICS: A MODERN APPROACH* (5<sup>th</sup> ed. 2012) for the proposition that “Dr. Webb’s discussion is consistent with basic statistical practice is also broadly supported by reviewing undergraduate textbooks.” The brief goes on to state that “In other words, a standard econometrics text identifies precisely the issue that Dr. Webb discussed in his testimony, and to which Dr. Morris provided no effective response.” Page 25 of the Reply Brief cites the Wooldridge textbook for the proposition that “Dr. Webb’s conclusion is consistent with standard statistical texts.” The quoted statement (“[I]ncluding one or more irrelevant variables in a multiple regression model, or overspecifying the model, does not affect the unbiasedness of the OLS estimators”) is on page 88 of the textbook, not page 99 of the textbook as cited in footnote 123 of the Reply Brief.
3. Laurel’s reliance on the quotations in the Wooldridge textbook is improper for at least three reasons.

4. First, the citation at page 24 of the Laurel Reply Brief cannot support the inclusion of every variable in Dr. Webb's regression as being proper if for no other reason than Professor Wooldridge has not reviewed all the variables and statistical techniques. Moreover, my methodology *does* control for the operative variable that might change delivery time, the volume of petroleum products flowing out of Philadelphia on Laurel, and I specified the amount of the increased delivery time that could be accounted for smaller volumes, which is 34-35% of the approximately 100% increase in transit times. Moreover, because I do not examine the delivery times for all destinations from all sources, but I focus on the delivery times for shipments pertinent to the issues in this matter, I do not need the control variables that might be necessary for Dr. Webb's analysis.
5. Second, the citation at page 25 of the Laurel Reply Brief states only that "including one or more *irrelevant* variables in a multiple regression model, or overspecifying the model, does not affect the unbiasedness of the OLS [Ordinary Least Squares] estimators." Irrelevant variables in the context of this proceeding would be, for example, adding the number of sun spots in a year to Dr. Webb's model, or, more directly, including the Pre\_Trend and Post\_Trend variables in his model that provide no useful information because they were inappropriately constructed and do not show a trend. But the Laurel Reply Brief uses Professor Wooldridge to support its claim that "Dr. Morris's suggestion that Dr. Webb's analysis contains too many variables is unsupported by statistical practice and completely unsupported by any evidence." This goes beyond the limited point addressed by Professor Wooldridge on page 88 of his textbook that pertains not only to adding irrelevant variables, and not to adding variables related to the variable of interest, as in Dr. Webb's regressions.
6. Third, Dr. Webb's error was over-including many volume variables that *are* directly related to the "bi-directional variable". The bi-directional (Bw2) variable is 0 for receipts before October 1, 2019, and 1 for all receipts after September 2019. The volume variable Vol\_Eb\_DG (the volume of shipments to Eldorado from the west), for example, is always 0 before October 1, 2019, and always positive for shipments to Eldorado afterward. The correlation between these variables is 0.85, meaning that they move closely together. Including both variables biases the result that we care about, the bi-directional (Bw2) variable. Although in more mathematical language, Professor Wooldridge discusses such biases on pp. 98-99 of his textbook.

7. Although I have not read the entire text, it appears that Professor Wooldridge has written a fine econometrics textbook. However, the Laurel Pipeline Reply Brief citations to the Wooldridge textbook are out of context and do not support Laurel's or Dr. Webb's claims. I am confident that had Professor Wooldridge been consulted on the matter or had he actually testified in this proceeding, he would concur with me that Dr. Webb's model produces meaningless results because of an improper statistical design.
8. This concludes my affidavit.

Respectfully submitted,



Dr. John R. Morris

SWORN TO and subscribed

before me this 31<sup>st</sup> day

of October, 2025.



Notary Public

