

JUSTICES REJECT PIPELINE EMINENT DOMAIN, UTILITY CASES

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U.S. Supreme Court. Mark Fischer/Flickr

The Supreme Court today rejected a challenge of a practice some pipeline developers use to seize private property before paying landowners.

Five Pennsylvania homeowners listed as petitioners in *Lynda Like v. Transcontinental Gas Pipe Line Co. LLC* had asked the court to ensure they receive the "just compensation" guaranteed under the Fifth Amendment ([Energywire](#), May 17).

A team of lawyers from the Institute for Justice, the conservative law firm behind the landmark 2005 eminent domain lawsuit *Kelo v. City of New London*, represented the landowners in the case.

The challengers said Transco and other pipeline companies had exceeded the eminent domain authorities conveyed in the Natural Gas Act by engaging in "quick take," or immediate possession of property.

They said Transco has yet to pay for use of their property to build the Atlantic Sunrise pipeline, which is now carrying natural gas from Marcellus Shale fields in the northern part of the Keystone State.

Judges for the 3rd U.S. Circuit Court of Appeals last year dismissed the landowners' claims.

Transco wrote in its brief to the Supreme Court that it had followed standard eminent domain procedures and secured bonds to cover landowner payments.

The Supreme Court's refusal to review the case is a loss for property rights advocates concerned that pipeline development is encroaching on Fifth Amendment rights.

Utility line condemnation

The justices also declined to consider whether an electric utility improperly seized private property in Arkansas to build a high-powered transmission line.

Petitioners Moses and Ruby Watts said Entergy Arkansas Inc. secured an immediate order of possession to take nearly 1 acre of their 17-acre inherited estate. An appraiser for the utility set "just compensation" for that section of the property at just under \$2,000, according to the Watts' Supreme Court petition.

The couple claimed they were denied due process by a lower court's decision to allow the taking.

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