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Dominion Sues To Survey Route; 22 Local Suits Planned

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RICHMOND — Dominion has filed three lawsuits against landowners in Buckingham County in order to gain access to their properties to survey for the proposed Atlantic Coast Pipeline project.

Dominion anticipates filing a total of 18 suits in Buckingham, two in Cumberland, and two in Prince Edward counties, says Dominion spokesperson Frank Mack. The only lawsuits that have been filed so far, says Mack, are the three in Buckingham.

According to Dominion, the suits are being filed in the County circuit courts in which the properties lie. "The court is expected to begin serving notices on these landowners during the first week of January. Landowners generally have three weeks after being notified to answer the complaints. Court dates for the hearings will be set later," Mack told *The Herald* in an e-mail.

So far, Dominion has filed 60 suits against property owners across Virginia who have denied them permission to survey for the proposed 42-inch natural gas pipeline. The firm says they anticipate filing a total of 244 suits in circuit courts across the state, the majority being in Nelson and Augusta counties. Buckingham falls third in the largest number of anticipated suit filings, according to information provided by Mack.

"The list...is the number of landowners to whom we sent letters. Keep in mind that some landowners may own more than one piece of property within the study corridor," he said in the e-mail after offering the number of legal actions Dominion anticipates on filing in each county. "...Some of these landowners may grant us permission before any hearing occurs, which we would welcome," Mack said.

Dominion says that the landowners "have been steadfast in telling us that they will not grant us permission to survey, regardless of the Virginia law that allows us to enter their property to survey once notifications are made as required by that law. We sent them a final letter in mid-November, asking for their permission one more time. We were not required to send this letter,

but we thought it was the right thing to do. We notified them that if they did not grant us permission, we would file legal actions and ask the court to affirm the law. We are now at [that] stage with these landowners.”

Dominion is suing landowners along the proposed route, which travels through southern Cumberland, eastern Prince Edward, and through a large portion of Buckingham, under Section 56-49.01 of the *Code of Virginia*, which allows natural gas companies to make examinations, tests, hand auger borings, appraisals, and surveys for “its proposed line or location of its works as are necessary...to satisfy any regulatory requirements and...for the selection of the most advantageous location or route...and for such purposes, by its duly authorized officers, agents, or employees, may enter upon any property without the written permission of its owner if...the natural gas company has requested the owner's permission to inspect the property as provided in subsection B,...the owner's written permission is not received prior to the date entry is proposed, and...the natural gas company has given the owner notice of intent to enter...”.

“We sent 11 letters to Buckingham County landowners who refused us permission to survey, [four] to Prince Edward County landowner[s] and none in Cumberland County...The landowners we are taking to court have been the ones who have ‘steadfastly’ refused to give us permission [to] survey,” Mack explained.

He says the project continues to have strong support overall, “...led by the governors of...West Virginia, Virginia and North Carolina — that will benefit from the cleaner fuel source for electricity, customer growth and economic development. Thousands of landowners along the approximately 550-mile proposed pipeline have given us permission to survey, which will help us find the best route with the least impact to the environment, historic and cultural resources.”

Pat Benninghove, who along with her husband, Cecil, owns land in the path of the proposed route on Dixie Hill Road in Buckingham, expects to be served with legal papers when Dominion files lawsuits against them.

“It has been a nightmare. Never in my wildest dreams did I ever think that I would be forced to cut my trees that I enjoy, and provide a safe haven for the wildlife,” Pat told *The Herald*. “Further, being forced to live next to a pipeline that could potentially explode!”

She explained that several years ago, two of her family members were forced to sell hundreds of acres of property for another public project.

“They had beautiful homes, and all that was torn down. He was paid almost nothing for it! Now we are facing a huge change in our property...because of a large company’s greed.”

She says her family has three parcels that will be impacted by the project, if approved by the Federal Energy Regulatory Commission, or FERC. “We have three rentals, and two personal residences that will all be impacted by it.”

Friends of Buckingham, the only group formed in opposition to the project in *The Herald’s* coverage area, has sent letters to affected landowners in Buckingham that include a list of law firms willing to represent landowners.

The project, a joint venture between Dominion, Duke Energy, Piedmont Natural Gas, and AGL Resources, expects to have a final route by June, according to Dominion’s website.