PennEast Pipeline approval could allow company to access private properties

The Federal Energy Regulatory Commission (FERC), the agency that approves the controversial PennEast Pipeline, paved the way for the company to gain access to properties along the route just months after landowners granted permission or not.

“PennEast remains hopeful that it will reach for agreements with landowners,” Pat Kornick, spokesman for the pipeline company said. He is hopeful that process will move “swiftly to keep the project moving forward.”

Since the plan became known more than three years ago, land owners along the pipeline route and many others have raised concerns about a private company taking land and many residents, especially in New Jersey, have de manded access to pipeline company officials.

Although FERC’s 4-1 vote Jan. 19 is issue a Certificate of Necessity and Convenience and Connex will allow access to the pipeline route, it doesn’t mean the company can begin construction on someone’s land unless it has a signed agreement with owners.

PennEast is warning landowners in the pipeline’s path not to sign any agreements with PennEast because by doing so they would lose their rights as property owners forever, even if the pipeline is not built, and one comes along and takes advantage of the easement. They have also suggested obtaining legal advice in protecting those rights.

PennEast should understand that the pipeline company cannot come on their property without a court order and they can retain counsel to litigate the right to take the property or the amount of just compensation to be paid by the pipeline company,” Timothy P. Duggan, of the law firm Stark and Stark, said. Duggan represents individuals and businesses in negotiating and challenging eminent domain lawsuits.

Duggan said PennEast must first file a lawsuit, serve it on the property owners and request a court hearing. The property owners are entitled to appeal the court hearing and oppose the taking of their property.

“There is no downside to an open dialogue with a pipeline company,” Duggan said, “but negotiation should be for aggressive appraisals to be on the other end of the phone.”

“PennEast views legal proceedings as a last resort,” Kornick said. “They are emotional, burdensome, costly for all involved and counterproductive to PennEast’s commitment to building positive relationships.”

Duggan said several environmental and property owners groups intend to file a rehearing of the issuance of the FERC Certificate and take up on the appeal.

“This is a direct challenge to the FERC Certificate and separate from the eminent domain lawsuits to be filed in the near future,” he said.

Critics expected FERC to approve the project in spite of its apparent flaws because of the $10.5 billion price tag; a reality that is far from over. Construction proceeds cautiously to light the pipeline every step of the way. Although the company still lacks many of the permits and data necessary, FERC issued conditional approval of the plan. Kornick said plans such as well monitoring and traffic management need to be submitted before construction can begin.

PennEast is working to finalize those plans, and anticipates begin construction in 2018, with the PennEast Pipeline expected to be operational in 2019, Kornick said.

PennEast had originally planned to have the pipeline fully operational by now.

Miss Pennsylvania USA and Miss Americas 2018, Shawntel Smith, co-hosted the event, held at the Delaware Riverkeeper’s Hunterdon Hall in West Amwell. The Delaware Riverkeeper, an anti-fracking group, is concerned about the project in spite of its apparent flaws because of the $10.5 billion price tag; a reality that is far from over. Construction proceeds cautiously to light the pipeline every step of the way. Although the company still lacks many of the permits and data necessary, FERC issued conditional approval of the plan. Kornick said plans such as well monitoring and traffic management need to be submitted before construction can begin.

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The Delaware Riverkeeper Network (DRN) filed a Rehearing Request with the Federal Energy Regulatory Commission (FERC), asking the agency to reconsider its decision to issue a Certificate of Necessity and Connex will allow access to the pipeline route.

Before a FERC Certification Order is issued, the pipeline company’s right to access the property must be submitted for inspection and approval or denied by the agency. FERC has 30 days to respond.

FERC voted 4-1 Jan. 19 to issue the Certificate. The Rehearing Request asserts the commission failed to consider the number of ways for

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