

August 23, 2012

FERC
888 First Street, NE
Washington, D.C. 20426

Re: threatened use of eminent domain, and illegal entry onto properties, Docket number: PF12-9-000.

It has come to my attention that landmen who are working for Williams / Cabot are threatening affected landowners with eminent domain in order to force them to sign survey forms. In addition, I have been told that crews have been surveying land even though the owners have not signed forms granting such permission. These are serious violations, and I hope the Commission takes steps to stop these predatory tactics before people take matters into their own hands.

Under the Natural Gas Act, the FERC must issue a certificate of public convenience and necessity before a company acquires the power of eminent domain for the construction of a new interstate gas transmission pipeline.¹ Prior to such a finding, an application must be filed under oath.² It is only after a certificate has been granted, and proper notice provided to the affected landowner, that an eminent domain proceeding could be brought in the appropriate federal district court.³

In this instance, Williams / Cabot have not even filed an application for the Constitution Pipeline, and may never file one. So it is entirely inappropriate for them to be threatening landowners with eminent domain at this time, and illegal for them to be trespassing.

Under its optimistic schedule, Williams / Cabot hopes to file an application next year, and acquire a certificate of public convenience and necessity by 2014. Therefore, Williams / Cabot cannot initiate eminent domain proceedings for at least a year and a half. In addition, the statutes do not provide for immediate entry. Given the opposition to this pipeline, and the likelihood of extensive legal action against this proposed pipeline, forced entry under eminent domain is likely to be many years away.

Anne Marie Garti

¹ Natural Gas Act, 15 U.S.C. 717f (c) (2012).

² *Id.* at § 717f(d).

³ *Id.* at § 717f(h).

“Right of eminent domain for construction of pipelines, etc.

When any holder of a certificate of public convenience and necessity cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas, and the necessary land or other property, in addition to right-of-way, for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipe line or pipe lines, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: Provided, That the United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds \$3,000.”

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