

# The Tribune-Democrat



## Shine more light on eminent domain

BY MIKE BENARD

October 31, 2008 02:36 pm

— Pennsylvania has more underground natural gas storage sites than any of the 48 states in the continental U.S., according to the Energy Information Administration, an agency of the federal Department of Energy. Despite this, Texas-based Spectra Energy Corp., a natural gas storage company, is expanding operations in many parts of Pennsylvania, including Bedford, Bucks, Clinton and York counties.

Backed by the power of eminent domain from the Federal Energy Regulatory Commission, Spectra Energy has gone to federal court in Johnstown to seize property rights from landowners in Bedford County. This is likely only the first such eminent domain action filed by Spectra Energy in Pennsylvania as it seeks to expand storage and pipeline operations here.

Yet, Pennsylvania already has 49 underground natural gas storage sites in depleted gas/oil fields, with a combined working capacity of 406 billion cubic feet, according to the EIA. In fact, Pennsylvania has 47 percent of all the gas storage sites among 13 states that comprise the Northeast Region. In addition, these Pennsylvania storage fields comprise 51 percent of the “working gas capacity” for the entire Northeast Region, as EIA statistics reveal.

It would appear there is no shortage of storage sites or capacity in Pennsylvania.

But Spectra Energy apparently believes that adding another storage site is more critical than recovering new gas for the nation’s energy needs.

In its first move, Spectra Energy is intent on seizing property rights from landowners in Bedford County – property that sits on top of the gas-rich Marcellus Shale formation. Many of these property owners, however, have letters and proposed leases from companies that want to explore for new gas in the Marcellus and other formations in this area.

Spectra Energy’s eminent domain action, coupled with its proposed underground storage field, effectively blocks any potential discovery of new gas resources in the area.

Judge Kim Gibson of the U.S. District Court for Western Pennsylvania in Johnstown on Sept. 19 granted Spectra Energy the right to seize “immediate possession of and entry onto the (five) properties owned by the Defendants” in Clearville, Bedford County, in order to begin constructing pipeline and other facilities.

There is more to come, as this is merely the beginning of a larger eminent domain battle with the Texas-based company and the Federal Energy Regulatory Commission.

We property owners are being asked why we are fighting so hard against the condemnation of our property. The answer is that what began as a business negotiation has now become a fight for principles: It is about property rights, value and making smart decisions about this nation’s energy independence.

Increasingly, it has become a fight for transparency to shine more light on eminent domain and government-corporate cronyism, and how the energy industry and the Federal Energy Regulatory Commission operate to the detriment of citizens who own the fundamental asset: Our property.

The Bedford County eminent domain case is being watched by legal experts and energy industry companies including competitors of Spectra Energy. It has attracted the attention of media and legal bloggers in

Pennsylvania and as far away as Michigan.

It is also being watched by property owners in Pennsylvania and other states who are waging similar battles.

Mike Benard and his wife are among the Bedford County property owners who are fighting the eminent domain action.

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