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Eminent domain an issue in siting Pa. gas lines

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Texas pipeline companies have the power of eminent domain, which allows them to site pipelines even over the objection of property owners.

Can they do that in Pennsylvania? The short answer: Yes.

According to the Public Utility Commission, six pipeline companies are registered in Pennsylvania as utilities, giving them the right to take easements by eminent domain - at a fair-market rate.

In January, a Texas company applied to the PUC to build a pipeline in Susquehanna County to serve Marcellus Shale gas wells, which has triggered a full-scale review of the state's policy.

The Marcellus "creates numerous issues and unanswered questions, many of which impact this commission's core functions," the PUC said. "We believe that these issues need to be examined and these questions answered sooner rather than later."

The commission has scheduled a hearing for Thursday in Harrisburg to explore its regulatory oversight of pipelines and whether its rules need to be revised to

respond to the gas boom. Though big interstate pipelines fall under federal jurisdiction, the PUC regulates smaller, in-state "midstream" pipelines that declare themselves utilities, or common carriers.

Eminent domain has become a thorny issue in Texas, where the Barnett Shale lies under 23 counties. Construction of gas infrastructure in congested areas such as Fort Worth has touched off fierce political protests.

According to the PUC, six regulated companies operate 14 pipelines in Pennsylvania, many carrying motor fuel or heating oil: Laurel Pipe Line Co. L.P.; Sunoco Pipeline L.P.; ConocoPhillips Pipe Line Co.; PPL Interstate Energy Co.; Sun Co. Inc.; and Pentex Pipeline Co.

In January, Laser Marcellus Gathering Co. L.L.C. of Houston applied to build a 30-mile pipeline to connect wells in Susquehanna County to the Millennium Pipeline in Broome County, N.Y.


Laser, whose parent company owns 590 miles of Texas pipelines, says its Marcellus route will carry about 70 million cubic feet of gas a day.

The company plans to build compressor stations in Broome County to pressurize the gas as it enters the Millennium line, a major route for gas to reach the mother of all markets, New York City.

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