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FOR IMMEDIATE RELEASE

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County of Northampton Contests PennEast Easements of Protected land

The County of Northampton will be the defendant in an upcoming trial with PennEast Pipeline Company, LLC. PennEast is a consortium of six energy companies that want to install a thirty-six inch pipeline to move natural gas from Dallas, Luzerne County, PA to Pennington, Mercer County, NJ. On January 19, 2018, the Federal Energy Regulatory Commission (FERC) approved an order for a certificate of construction. If completed, the pipeline will stretch approximately one-hundred-fifteen miles, passing through several municipalities of the County of Northampton. PennEast has filed a complaint with the court concerning their right of way under the power of eminent domain.

At issue are parcels of land in Lower Nazareth and Williams Township which were preserved under the Open Space program. PennEast is claiming the power to condemn the land because landowners turned down settlement offers. The County's position is that

PennEast is trying to use eminent domain for a private enterprise, not one that benefits the public. Upon acquiring that land through the Open Space program, the County assumed the duty to protect it from being condemned and, under the Natural Gas Act (15 U.S.C. 717(h)) a condemner does not have the power to appropriate condemned property.

The County is also disputing that PennEast is offering fair market value for the easements and that attempting to acquire the title to the property rights prior to payment for compensation violates the separation of powers doctrine. With environmental groups and individual landowners filing petitions for a rehearing with FERC, the use of eminent domain may be premature.

The Office of the Solicitor is requesting a jury trial, maintaining that taking the conservation easements are not required for the installation, operation or maintenance of the pipeline. The FERC order only gives conditional approval to the project and is subject to approvals from other agencies which PennEast may be unable to attain.

Michael F. Corriere, first Assistant Solicitor, has requested a jury trial, asking that PennEast's complaint be dismissed with prejudice and that the County be awarded attorney's fees and costs that the Court deems just and reasonable.

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