

Supreme Court says No to pipeline case

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The Nebraska Supreme Court has declined to hear a case challenging the constitutionality of action in the 2012 legislative session involving the Keystone XL pipeline.

That means pipeline opponents will turn to a companion lawsuit filed last week as a back-up plan in Lancaster County District Court.

The same coalition of landowners and environmental-advocacy organizations had asked the Supreme Court to use its powers of original jurisdiction to rule on a new state law.

What began as LB1161 puts the Nebraska Department of Environmental Quality in charge of a review of an alternative route for the pipeline around the Sandhills. Plaintiffs contend that responsibility lies with the Nebraska Public Service Commission.

“Application to commence original action denied,” said the court in a one-sentence reply issued Wednesday.

Court action is the latest development in TransCanada’s efforts to build a 1,700-mile connection between the oil sands of Alberta and refineries along the U.S. Gulf Coast.

Omaha attorney [David Domina](#) filed the lawsuit on behalf of three landowners along the pipeline route and with the backing of Bold Nebraska and the Sierra Club and its Nebraska affiliate.

Named as defendants are Gov. Dave Heineman, State Treasurer Don Stenberg and DEQ Director Mike Linder.

[Brian Jorde](#), a member of the [Domina legal team](#), said Wednesday that original jurisdiction always was seen as a long shot.

“Unfortunately, perhaps, for TransCanada, this will drag the ultimate resolution out longer,” Jorde said. “But from our perspective, it doesn’t say anything about the merits of the case.”

There’s not much change in the initial timetable for court action at the county level, he said.

“Once it was filed, as it is, we have service on all three defendants of the lawsuit. So we expect an answer from them in the next 30 days.”

TransCanada made its first request for a presidential permit more than three years ago. President Barack Obama denied it in January, because Nebraska had yet to sign off on an alternate route.

