

Keystone XL court case could delay project

by Mary Rezac, Nebraska News Service - 10/1/2013



Courtesy Photo-Image

Bob DiPaolo of the Common Root Mutual Aid Center in Lincoln protests outside the courthouse.

The controversial Keystone XL pipeline project could experience yet another setback after a court hearing on Friday. Oral arguments were presented to determine whether Nebraska law establishing the route of the proposed TransCanada company pipeline is constitutionally sound.

Omaha attorney David Domina, who represented the three Nebraska landowners challenging the law, argued that the state bypassed a review by the Nebraska Public Service Commission and wrongfully gave all authority to Gov. Dave Heineman.

The landowners are Susan Dunavan, Susan Luebbe and Randy Thompson, all of whom have land that was at some point threatened by the proposed pipeline route.

The state, represented by Assistant Attorney General Katherine Spohn, rebutted that the legislature can limit the jurisdiction of the Public Service Commission and that LB 1161, the law in question, in no way violates the Nebraska constitution.

The case is being considered by Lancaster County District Judge Stephanie Stacy, who will issue a written decision at a later date.

Domina and Spohn each had 15 minutes to make their arguments in a courtroom filled to overflowing with onlookers. No witnesses were called.

Should the pipeline opposition win the case, the \$7 billion project would be delayed, but not stopped permanently.

Though President Barack Obama denied the original permit application for the pipeline route in 2012, he is expected to make another decision regarding the project later this year.

If Judge Stacy strikes down LB 1161, Keystone XL would need to seek approval for the Nebraska route for the third time, causing a delay.

The 1,700-mile pipeline would deliver up to 830,000 barrels of oil daily from Canada to the U.S. Gulf Coast.

Opponents argue that the pipeline poses a serious threat to the Ogallala aquifer, while supporters contend it would decrease U.S. dependency on foreign oil.