

Editorial, 10/22: Legislature should take another look at pipeline law

11 HOURS AGO • BY

The Nebraska Legislature would be very well advised to have another look at the law that is supposed to allow Nebraska to regulate where oil pipelines pass through the state.

If there is any recent policy issue that deserves to have Nebraskans all on the same page of law, this is it.

Some presumably well informed Nebraskans, witnessing a Nebraska Public Service Commission hearing last week on its siting responsibilities, discovered that the agency, a type common to all states and typically the state regulator of pipelines, will not be the first point of contact for siting future pipelines in Nebraska.

Only if the state's environmental regulator -- the Department of Environmental Quality -- steps aside in a given case will the PSC exercise siting authority over future pipelines.

Commissioner Jerry Vap, the PSC's hearing officer, said he was mistaken in contending otherwise.

Indeed, Vap's earlier mischaracterization of the PSC role says something about the circumstances under which state lawmakers acted on LB1161 in April.

Much of the detail in LB1161 was added during floor debate in the closing days of the legislative session and without the public hearing that typically would have occurred.

Recall the maelstrom of information and disinformation that flew around the issue of TransCanada's move to build the Keystone XL pipeline through Nebraska to ship crude oil from Alberta, Canada, to refineries along the Gulf Coast.

"Every person we ask to say if they're familiar with the pipeline issue and describe to us what LB1161 does -- every single person gives us a different answer," Jane Kleeb of Bold Nebraska, still fighting the pipeline, told the Journal Star.

If one of the state's regulators was confused about what the law does, how can the rest of us be reassured?

A spokesman for The American Petroleum Institute and the Association of Oil Pipelines objected to some of the proposed PSC siting rules on the grounds that the state would be infringing on the federal government's role, assuring pipeline safety.

Safety is a top priority with pipeline companies, he said, but they also need "a stable, predictable regulatory environment" to do their jobs. No argument there.

Add the news that the existing Keystone pipeline, already pumping oil north to south through Nebraska, was shut down late last week for an "anomaly" that apparently caused no breach, and we are compelled to say: Let's have another look.