

## Nebraska landowners challenge pipeline law

Sep. 28, 2013

**LINCOLN, NEB.** — The new law that gives the governor authority to allow a private oil company to use eminent domain to acquire Nebraska land for the Keystone XL pipeline is unconstitutional, a lawyer for three landowners argued in the trial challenging the law.

Attorney [David Domina](#) also argued, among other things, during the half-hour bench trial Friday that jurisdiction to regulate oil pipelines belongs to the independent regulatory body Nebraska Public Service Commission, not the governor, the *Lincoln Journal Star* reported.

Domina represents Randy Thompson of Martell, Susan Dunavan of McCool Junction and Susan Luebbe of Stuart. They are suing state officials over the law, hoping to block Canadian oil company Trans-Canada from building the proposed Keystone XL oil pipeline in eastern Nebraska.

The law was hastily passed, ill-conceived and meant to benefit TransCanada, “a single, nonresident of the state,” and should be struck down, Domina told Lancaster County District Court Judge Stephanie Stacy.

Assistant Nebraska Attorney General Kate Spohn dismissed Domina’s arguments, asking why, if the Public Service Commission had the authority to approve pipeline sites, did the governor need to call a special legislative session to pass the law?

She also said the Nebraska Legislature has the authority to pass laws to limit the Public Service Commission’s reach.

The judge will rule in the case at a later, unspecified date.

TransCanada’s pipeline is designed to carry up to 830,000 barrels of tar sands oil a day from Canada across Montana, western South Dakota, Nebraska, Kansas, Oklahoma and Texas. The company also has proposed connecting it to the Bakken oil field in Montana and North Dakota.

Environmentalists and other opponents have said the \$7 billion project could contaminate groundwater reserves and threaten ecologically sensitive areas in Nebraska and other states along its 1,700-mile path. TransCanada has altered the pipeline’s path through Nebraska to avoid the environmentally sensitive Sandhills region and a couple of towns’ water wells.

Supporters of the pipeline have cited the nation’s need for more oil and praised the project’s potential to create jobs and stimulate local economies.

The Obama administration is still considering whether to approve the project.