

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - MARYLAND

Dominion Transmission, Inc. v. Town of Myersville Town Council

United States District Court, D. Maryland - October 7, 2013 - Not Reported in F.Supp.2d - 2013 WL 5550888

Dominion Transmission brought an action seeking a declaratory judgment and injunctive relief against the Town of Myersville. Specifically, Dominion sought a declaration that the Town's local laws and zoning code are preempted by the Natural Gas Act, 15 U.S.C. § 717 et seq., and an injunction to prevent the application of those laws to its plan to construct a natural gas compressor station in the Town.

The Court recognized the broad preemptive effect of the NGA, but limited Dominion's remedy so as to afford the Maryland Department of the Environment the opportunity to address compliance with the Clean Air Act.

The Court did issue a declaratory judgment to the effect that those portions of the Town Code directly affecting the siting, construction, or operation of the natural gas compressor station are null and void as applied to Dominion. The Court declined to grant injunctive relief.