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EMINENT DOMAIN - SOUTH CAROLINA

Dominion Carolina Gas Transmission, LLC v. Acres

United States District Court, D. South Carolina, Columbia Division - August 24, 2016 - Slip Copy - 2016 WL 4475032

Dominion Carolina Gas Transmission, LLC (DCGT) was granted certain eminent domain powers pursuant to the Natural Gas Act (“NGA”) and the applicable Federal Energy Regulatory Commission (FERC) Certificate order in connection with its pipeline project.

DCGT moved for partial summary judgment as to its right to condemn certain easements after negotiations with the applicable landowners failed.

The District Court granted the motion, holding that:

- DCGT’s unsuccessful two-year effort to obtain the easements satisfied the FERC negotiation requirement; and
- Any contention by landowners that DCGT was not in compliance with the FERC Certificate order is not properly raised as a defense in this action but rather must be made to the FERC.