

Bond Case Briefs

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In re Letter of Notification Application of Columbia Gas of Ohio, Inc.

Supreme Court of Ohio - October 3, 2024 - N.E.3d - 2024 WL 4375867 - 2024-Ohio-4747

Adjacent landowner appealed decision of the Power Siting Board which approved an accelerated application for the construction of a natural-gas-distribution pipeline less than five miles long.

Gas company intervened.

The Supreme Court held that:

- Record did not support claim that pipeline application required a permanent easement with a minimum width of 50 feet along the entire pipeline route, and
- Board did not give “artificial deference” to pipeline company regarding safety concerns.

Record on appeal of Power Siting Board’s approval of accelerated application for natural gas pipeline did not support adjacent landowner’s claim that pipeline application required a permanent easement with a minimum width of 50 feet along the entire pipeline route; while pipeline company stated in one part of its application that the project would require a 50-foot-wide permanent easement and a 50-foot-wide temporary easement, those applied only to the pipeline route running through identified areas of ecological concern, attachment to the accelerated application indicated that construction rights-of-way would “typically” consist of a 50-foot-wide permanent easement and a 50-foot-wide temporary construction easement but that the easement widths would vary based on the circumstances, and the construction-plan drawings attached to the application depicted easements of varying widths.

Power Siting Board did not give “artificial deference” to pipeline company regarding safety concerns when considering accelerated application for natural gas pipeline; Board conditioned approval of the accelerated application on company complying with all relevant rules and regulations, including pipeline-safety standards established by the Pipeline and Hazardous Materials Safety Administration, Board also adopted staff’s report, which required company, prior to beginning construction, to obtain and provide “on the case docket” copies of all permits and authorizations required by federal and state laws and regulations in areas that require such permits and authorizations, and pipeline was subject to the condition that issuance of the construction certificate “shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations.”