

Commercial Litigation Team Earns Rehearing on FERC Pipeline Appeal Delays

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On December 5, Washington D.C. Circuit judges, by a majority vote, granted the en banc rehearing bid of property owners arguing against the Federal Energy Regulatory Commission's (FERC) delay of the administrative appeals process for pipeline objections. The court will revisit an August panel decision supporting FERC's approval of the Atlantic Sunrise project, which was constructed despite unanswered homeowner rehearing requests.

Partner Siobhan Cole and Associate Natalie Molz represent Hilltop Hollow Ltd. and Stephen Hoffman, the homeowners leading the actions against FERC. Their rehearing bid explains that it took FERC nine months to deny the rehearing request, during which time homeowners' property was seized via eminent domain - a circumstance which has become increasingly common.

Circuit Judge Patricia A. Millett signaled that this case may spark change to the standard, commenting that FERC "has twisted our precedent into a Kafkaesque regime" that keeps property owners in "administrative limbo" while their land is developed.

"It suggests that this is an issue of importance that the court feels is necessary to address and possibly overturn its prior decisions," Siobhan told Law360. "At the very least, that's certainly very satisfying to my clients that they're being heard."

"Future homeowners will not be shut out of court like my clients were," she continued.

The rehearing is scheduled for early 2020. To read the full Law360 article, click [here](#) (subscription required).

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