PennEast Update 11.18.20
Patty Cronheim – Outreach Coordinator

rethink energy nj

rethink energy now nj
www.RethinkEnergyNJ.org

Campaign Mission

We empower New Jersey citizens by informing them about the **need for a swift transition to clean, efficient and renewable energy, with reduced reliance on fossil fuels and pipelines** that threaten our preserved lands, water, environment, public health and communities. We **promote environmentally sound planning and siting for renewable energy infrastructu**

New Jersey Conservation Foundation

Stony Brook Millstone Watershed Association

Pinelands Preservation Alliance

Pipeline Overdevelopment

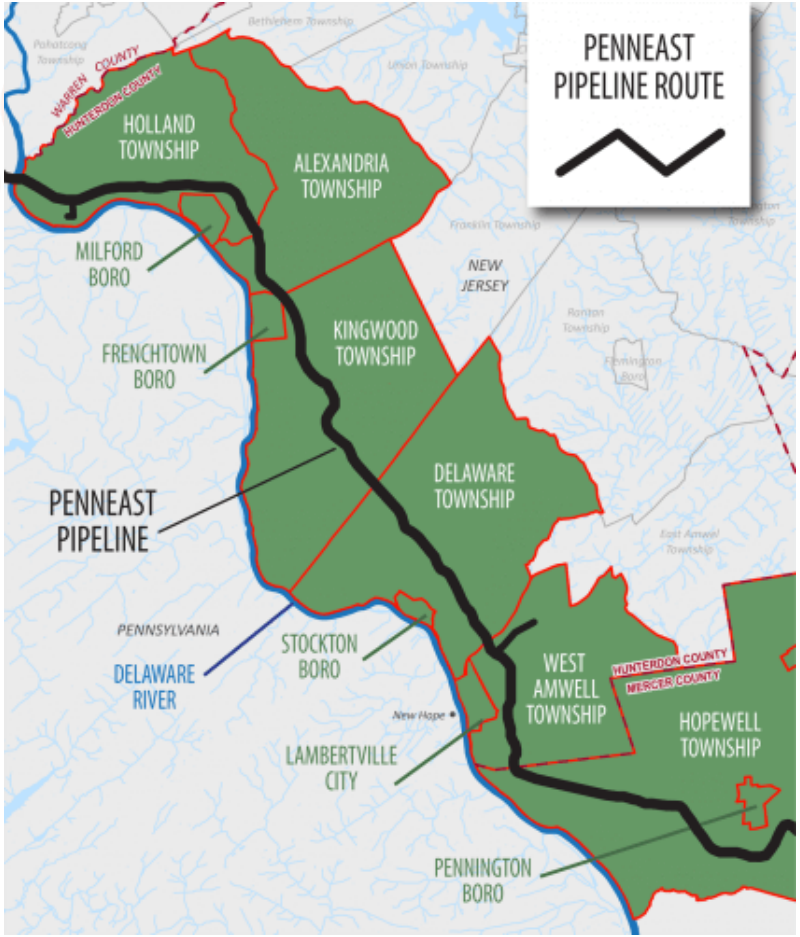
Pipelines Existing and Proposed

- New Jersey already has

five major interstate pipelines - 1,500 miles of pipelines

- Research shows NJ does NOT need new pipelines

- NJ had an extra 1.7 bcf/d gas capacity on this past winter's *coldest* days.


PENNEAST PIPELINE ROUTE
WARREN COUNTY
HUNTERDON COUNTY
HOLLAND TOWNSHIP
ALEXANDRIA TOWNSHIP
MILFORD BORO
FRENCHTOWN BORO
KINGWOOD TOWNSHIP
NEW JERSEY
DELAWARE TOWNSHIP
PENNEAST PIPELINE
PENNSYLVANIA
DELAWARE RIVER
STOCKTON BORO
WEST AMWELL TOWNSHIP
HUNTERDON COUNTY
MERCER COUNTY
HOPEWELL TOWNSHIP
LAMBERTVILLE CITY
PENNINGTON BORO

PennEast Announces They'll File

PennEast Timeline

- PennEast begins “open season”– August, 2014
- PennEast first applies to FERC and enters pre-filing period – October, 2014
- PennEast formally applies to FERC – September, 2015
- PennEast first applies to NJDEP – April, 2017
- NJ DEP deems application ‘administratively incomplete’ – April, 2017
- NJ DEP deems application ‘administratively closed’ – June, 2017
- FERC issues Certificate – January, 2018
- NJ DEP denies 2017 application – February, 2018
- State refuses land deal – February, 2018
- FERC files Notice of Condemnation in N.J. District court on February, 2018
- District Court Grants Eminent Domain – December, 2018
- PennEast re-applies to NJ DEP – August, 2019
- NJ DEP deems application ‘administratively incomplete’ – September, 2019
- 3rd Circuit vacates district court ED decision (42 properties) – September, 2019
- DC Circuit places challenge to certificate order in abeyance pending resolution of litigation in 3rd Circuit – September 2019
- PennEast requests FERC Declaratory Order – October, 2019
- NJ DEP denies PennEast’s 401 Application – October, 2019
- PennEast files for Rehearing in 3rd Circuit – October, 2019
- 3rd Circuit denies Rehearing – November, 2019
- PennEast announces intent to file with Supreme Court – November 14, 2019

Recent Activity

- 3rd Circuit vacates district court ED decision (42 properties) – September, 2019
- DC Circuit places challenge to certificate in abeyance pending resolution of litigation in 3rd Circuit – September 2019
- PennEast requests FERC Declaratory Order – October, 2019
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The Decision…

PennEast v. State of NJ

On September 10, 2019, in *In re: PennEast Pipeline Company, LLC*, the United States Court of Appeals for the Third Circuit ruled in favor of New Jersey finding that its sovereign immunity under the 11th Amendment prohibited PennEast Pipeline from condemning property owned by the State of New Jersey.

11th Amendment

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Section 7 – Natural Gas Act

Holder of a certificate of public convenience and necessity may acquire property by exercising right of eminent domain.

- No waver of sovereign immunity under the Natural Gas Act
- The Third Circuit disagreed with “delegation theory”

PennEast doesn’t stand “in the shoes of the sovereign”

Eminent Domain

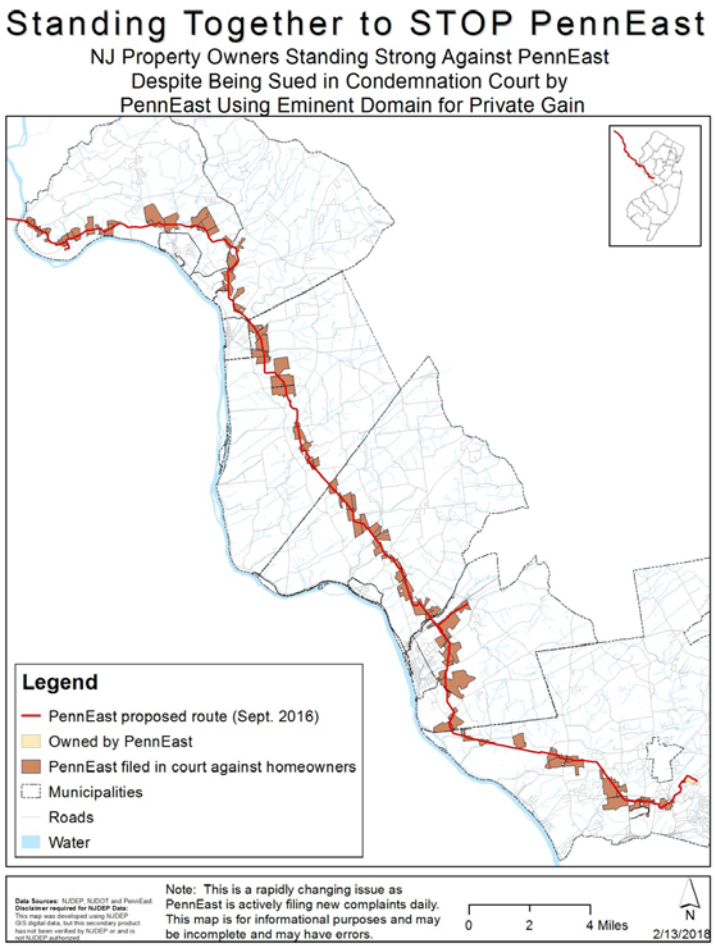
Seeking to condemn nearly 150 NJ properties

Private landowners

Land trusts

Counties and towns

State of New Jersey – 42 parcels



It is UnAMERICAN.
USING
EMINENT DOMAIN
My Land
STOP the PIPELINE
THE GARDEN STATE NOT THE PIPELINE STATE!
STOP The PennEast PIPELINE
Come Join US!
PennEast = Thieves Thugs

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Going Renewable Can't Wait.

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Text 'RENEWABLES' to 797979