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SUPERIOR COURT OF FULTON COUNTY UPHOLDS GEORGIA DEPARTMENT OF TRANSPORTATION DENIAL OF PALMETTO PIPELINE

Denial of certificate of public convenience and necessity upheld ...

ATLANTA – Fulton County Superior Court ruled yesterday that Georgia DOT’s final decision denying the Palmetto Pipe Line application for a certificate of public convenience and necessity is affirmed. This precludes Palmetto using the power of eminent domain to build the proposed pipeline.

“I am pleased with the judgment of the court in affirming GDOT’s decision that the pipeline does not constitute a public convenience and necessity,” Georgia DOT Commissioner Russell McMurry said. “We are not making determinations as to the importance of the project to the state; only whether the pipeline company should be permitted to use the powers of condemnation to obtain easements to accomplish its construction.”

Prior to exercising the right of eminent domain, a pipeline company must first obtain authorization in the form of a certificate of public convenience and necessity from Georgia DOT.

In February 2015, Georgia Department of Transportation received an application from Palmetto Products Pipe Line LLC requesting a certificate of public convenience and necessity for a proposed petroleum pipeline that would run 360 miles from the Augusta, Georgia-South Carolina border to the Brunswick, Georgia-Florida border, including 12 counties in Georgia.

In May 2015, the Commissioner denied the application for the certificate citing evidence that the pipeline would not constitute a public convenience or necessity sufficient to allow the use of eminent domain.

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