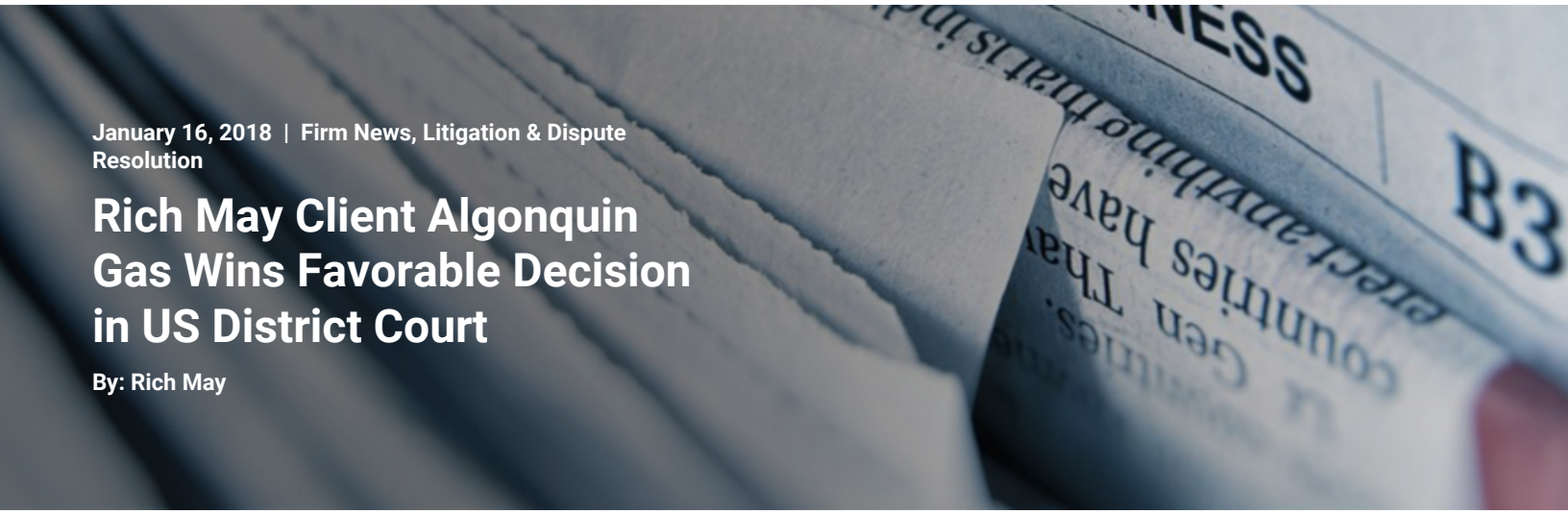


January 16, 2018 | Firm News, Litigation & Dispute Resolution

Rich May Client Algonquin Gas Wins Favorable Decision in US District Court

By: Rich May

On December 29, 2017, Rich May's client, Algonquin Gas Transmission, LLC, obtained a favorable decision from the U.S. District Court for the District of Massachusetts in connection with its proposed construction of a compressor station in Weymouth, Massachusetts.

Algonquin is a natural gas company because it transports natural gas in interstate commerce and is subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC"). FERC has exclusive authority over the siting of a natural gas company's facilities and had issued a Certificate of Public Convenience and Necessity authorizing Algonquin to construct the compressor station.

The Weymouth Conservation Commission ("Con Com") denied Algonquin's request for an Order of Conditions under the Massachusetts Wetlands Protection Act and a permit under Weymouth's Wetlands Protection Ordinance ("WPO"). The Massachusetts Department of Environmental Protection ("DEP") granted Algonquin's request for a Superseding Order of Conditions ("SOC") under the Wetlands Protection Act and the Con Com filed an appeal of that decision. A DEP administrative law judge stayed the appeal because the Con Com had denied Algonquin's request for a permit under the WPO and the SOC required that Algonquin obtain that permit.

Algonquin then filed an action with the U.S. District Court in Boston against the Town of Weymouth and the Con Com claiming that the WPO was preempted by federal law and moved for summary judgment on that issue. The Town and the Con Com filed a motion to dismiss on the ground that Algonquin's lawsuit was untimely under Massachusetts law. The Town and the Con Com also opposed Algonquin's motion for summary judgment on the basis that the WPO was not preempted.

On December 29, 2017, U.S. District Judge Denise J. Casper denied the defendants' motion to dismiss and granted Algonquin's motion for summary judgment. A copy of that decision can be accessed here.



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Rich May attorneys James T. Finnigan and Nathaniel C. Donoghue worked with attorneys in the Washington, D.C. office of Vinson & Elkins on the case.

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