

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-159

LEONARD W. HOFFMANN, ET AL., PETITIONERS

v.

WBI ENERGY TRANSMISSION, INC.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting respondent and requests that the United States be allowed ten minutes of argument time. Respondent consents to this motion and has agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion were granted, the argument time would be divided as follows: 30 minutes for petitioner, 20 minutes for respondent, and 10 minutes for the United States.

This case concerns whether the Fifth Amendment or state law defines the measure of compensation owed by a private entity

exercising the federal power of eminent domain pursuant to the Natural Gas Act (NGA), 15 U.S.C. 717f(h). At the Court's invitation, the government filed a brief as amicus curiae at the petition stage of this case. The United States has also filed a brief as amicus curiae in support of respondent at the merits stage of this case. That brief contends that the Fifth Amendment rather than state law determines the measure of compensation in a taking by a private delegee under Section 717f(h).

The United States has a substantial interest in the Court's resolution of the question presented. The Federal Energy Regulatory Commission is responsible for administering the NGA and for granting certificates of public convenience and necessity for the construction and operation of interstate natural-gas pipelines, including the certificate issued to respondent in this case. And private condemnation actions advance the purposes that the NGA was enacted to serve.

The government has previously presented oral argument as amicus curiae in cases addressing the meaning of the NGA and the nature of the sovereign right of eminent domain. See, e.g., PennEast Pipeline Co. v. New Jersey, 594 U.S. 482 (2021) (NGA and eminent domain); Knick v. Township of Scott, 588 U.S. 180 (2019) (eminent domain); Murr v. Wisconsin, 582 U.S. 383 (2017) (eminent domain); Oneok, Inc. v. Learjet, Inc., 575 U.S. 373 (2015) (NGA).

The United States' participation in oral argument in this case could therefore be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

SEPTEMBER 2026