

25-159 HOFFMAN V. WBI ENERGY TRANSMISSION, INC.

DECISION BELOW: 132 F.4th 1058

LOWER COURT CASE NUMBER: 24-1693

QUESTION PRESENTED:

The Natural Gas Act authorizes private companies to condemn land in order to build certain natural gas infrastructure, but it says nothing about how to determine the amount of just compensation owed for the property taken. 15 U.S.C. § 717f. The Third, Fifth, Sixth, and Eleventh Circuits have all held that compensation awards in private condemnations under the Natural Gas Act must therefore be determined by reference to state law, which often mandates higher compensation than the floor set by the Fifth Amendment. In this case, the Eighth Circuit expressly split with its sister circuits and instead held that the Natural Gas Act permits only the constitutional minimum of compensation required by the Fifth Amendment. The question presented is:

In private condemnations under the Natural Gas Act, should just compensation be determined by reference to state law?

CERT. GRANTED 6/29/2026