Judge Lifts Order on TransCanada Pipeline

RAMIT PLUSHNICK-MASTI, Associated Press

HOUSTON (AP) — TransCanada can resume oil pipeline work on a private Texas property for now, a judge said Thursday, at least until a hearing next week meant to determine whether the product the company wants to transport is, in fact, crude oil.

Judge Jack Sinz initially issued an order Friday in Nacogdoches County Court halting work through next week on the Keystone XL pipeline on property owned by Michael Bishop in Douglass, Texas. But TransCanada requested a separate court date to lift the temporary restraining order, and Sinz scheduled a hearing for Thursday, where he lifted the restrictions.

TransCanada had been clearing areas of Bishop's land to begin construction. Spokesman Shawn Howard said work is unlikely to begin before Wednesday's hearing, which will also address TransCanada's counterclaim that Bishop has breached his contract to build its pipeline on his property.

Bishop, meanwhile, vowed to fight on, one of many Texas landowners battling TransCanada's plan to build a pipeline to transport Canadian tar sands oil to Gulf Coast refineries.

"TransCanada executives may be smirking over Judge Sinz's ruling today, but they've got another thing coming if they think I'll just roll over for its dirty pipeline," Bishop said in a statement. "I didn't pick this fight, but I refuse to sit idly by while a multinational corporation tramples my rights and that of other landowners all along Keystone XL's path in the name of deepening its profits."

The company's project has encountered numerous obstacles nationwide, including President Barack Obama's rejection of the presidential permit they require for the pipeline to cross the U.S.-Canadian border. Obama suggested that while TransCanada reroutes Keystone to avoid an environmentally sensitive area of Nebraska, it begin constructing a shorter portion from Cushing, Okla., to Texas. That work has begun.

Bishop said he recently settled his legal battle with TransCanada over the condemnation of his land because he could no longer afford the legal fees. However, after settling that, he filed a new lawsuit against TransCanada arguing the company lied to Texans when it said crude would be transported through the pipeline.

Bishop, who is representing himself, argues that tar sands — or diluted bitumen — are not crude oil because the product begins as a near solid and must be diluted before being transported through a pipeline. TransCanada insists tar sands are a form of crude oil, and Howard said Bishop knew the pipeline would be used to transport that product when he agreed to let the company use his land.

"We are very pleased with Judge Sinz's dismissal on this temporary restraining order," Howard said in a statement. "TransCanada has been open, honest and transparent with Mr. Bishop at all times."

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Associated Press writer Nomaan Merchant contributed to this report from Dallas.

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