PA Court Rejects Fracking Company's Appeal In 'Rule Of Capture' Decision

A Pennsylvania appeals court rejected a request by a natural gas production company to rehear a case whose outcome could affect drillers across the country, **reports WSKG**.

Briggs v. Southwestern Energy Production Company involves the legal principle known as "rule of capture," which means a property owner has the right to extract or "capture" an underground resource such as water, oil or gas, even if it flows from beneath another property owner's land, explains reporter **Susan Phillips**. The case calls into question the longstanding practice as it applies to fracking, which requires subsurface rock to be deliberately broken in order to release trapped gas.

"In 2015, the Briggs family sued Southwestern Energy for trespass and conversion, arguing that the company's fracking efforts were illegal and it should not be allowed to use wells on neighboring properties to tap gas beneath their land," writes Phillips. "The family owns about 11 acres of land in Susquehanna County and did not lease its land for gas drilling."

The trial court rejected their arguments, but an appellate court found that the Briggs' arguments had legal merit.

Read the article.