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April 30, 2020

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Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, Northwest
Washington, DC 20543-0001

Re: *PennEast Pipeline Company, LLC v. New Jersey, et al.*, No. 19-1039

Dear Mr. Harris:

I represent petitioner PennEast Pipeline Company, LLC, and write in response to respondents' April 30, 2020 letter seeking a 30-day extension of time to file their responses to the above-captioned petition seeking review of a decision from the Third Circuit. Petitioner consents to an extension of respondents' deadline up to 20 days, but opposes the requested 30 days.

PennEast filed its petition on February 18, 2020, seeking review of a decision that, by the Third Circuit's own telling, has disrupted nearly 80 years of practice in the nation's natural gas industry. *See* Pet.App.30. The decision below has already prompted an order from the Federal Energy Regulatory Commission confirming the substantial disruption to the industry. *See* FERC Declaratory Order, 170 FERC ¶ 61,064, Dkt. No. RP20-41-000, ¶¶25, 56 (Jan. 30, 2020). And the petition generated nine amicus briefs (from 18 different amici) urging this Court to grant certiorari. Yet while respondents were fully aware of those dynamics, they not only chose to waive their responses, but waited until the very last possible day to do so, essentially helping themselves to (at least) an additional 30 days to work on the briefs in opposition that would inevitably be requested.¹ Now, more than 70 days after the petition was filed, respondents ask this Court for another 30 days to file a response that is presently due May 13.

¹ Respondents note in their request that petitioner sought and received a 30-day extension of time to file the petition. But as petitioner explained in its application, it sought additional time only because FERC announced its intent to hold an open meeting regarding a declaratory order addressing the decision below only two business days before the petition

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While petitioner is sympathetic to the disruption that COVID-19 has created, respondents' requested extension could preclude this Court from considering the petition before it recesses for the summer. Petitioner accordingly respectfully requests that the Court grant an extension of no more than 20 days, to and including June 2, 2020. A 20-day extension would provide respondents substantial additional time to prepare their responses, while still allowing the Court to consider the petition this Term if petitioner waives a week of its reply brief, which petitioner is willing to do to accommodate respondents.

Sincerely,



Paul D. Clement

cc: All counsel of record

would have been due. Petitioner did not use the full 30 days, but instead filed the petition only 15 days after its initial deadline, once FERC had issued its order disagreeing with the decision below.