IN THE

Supreme Court of the United States

STATE OF WEST VIRGINIA, ET AL.,

Petitioners,

v

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.,

Respondents.

CERTIFICATE OF SERVICE

I, Brian R. Frazelle, do hereby declare that on January 25, 2022, as required by Supreme Court Rule 29.5, I have served by first-class mail, postage pre-paid, the Brief of Julian Davis Mortenson as *Amicus Curiae* in Support of Respondents on counsel for each party to the above proceedings as follows:

Lindsay Sara See Office of the West Virginia Attorney General 1900 Kanawha Blvd E, Bldg 1 Rm 26E Charleston, WV 25305 linday.s.see@wvago.gov (304) 558-2021

Counsel of Record for Petitioners State of West Virginia, et al.

Andrew Michael Grossman Baker & Hostetler LLP 1050 Connecticut Avenue, NW Suite 1100 Washington, DC 20036 agrossman@bakerlaw.com (202) 861-1697

> Counsel of Record for Petitioner Westmoreland Minings Holdings LLC

Jacob Moshe Roth Jones Day 51 Louisiana Avenue, NW Washington, DC 20001 yroth@jonesday.com (202) 879-7658

> Counsel of Record for Petitioner North American Coal Corporation

Paul Martin Seby Greenberg Traurig LLP 1144 15th Street, Suite 3300 Denver, CO 80202 sebyp@gtlaw.com (303) 572-6500

> Counsel of Record for Petitioner State of North Dakota

Elizabeth B. Prelogar Solicitor General United States Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 SupremeCtBriefs@USDOJ.gov (202) 514-2217

Counsel of Record for Respondents U.S. Environmental Protection Agency, et al.

Barbara Dale Underwood Solicitor General Office of the Attorney General 28 Liberty Street New York, NY 10005-1400 barbara.underwood@ag.ny.gov (212) 416-8016

> Counsel of Record for State and Municipal Respondents

Sean Hoe Donahue Donahue, Goldberg & Littleton 1008 Pennsylvania Avenue, SE Washington, DC 20003 sean@donahuegoldberg.com (202) 277-7085

> Counsel of Record for Non-Governmental Organization and Trade Association Respondents

Beth Susan Brinkman Covington & Burling LLP 850 Tenth Street, NW Washington, DC 20001-4956 bbrinkmann@cov.com (202) 662-5312

> Counsel of Record for Respondents Consolidated Edison, Inc., et al.

Andrew Nathan Ferguson Virginia Office of the Attorney General 202 North 9th St. Richmond, VA 23219 AFerguson@oag.state.va.us (804) 786-7704

Counsel of Record for Respondent Commonwealth of Virginia

Elbert Lin Hunton Andrews Kurth LLP 951 E. Byrd Street Riverfront Plaza, East Tower Richmond, VA 23219-4074 elin@HuntonAK.com (804) 788-7202

> Counsel of Record for Respondent America's Power

Emily Church Schilling Holland & Hart LLP 901 K Street, NW Suite 850 Washington, DC 20001 eschilling@hollandhart.com (202) 393-6500

> Counsel of Record for Respondent Basin Electric Power Cooperative

Misha Tseytlin Troutman Pepper Hamilton Sanders LLP 227 W. Monroe St., Suite 3900 Chicago, IL 60606 misha.tseytlin@troutman.com (608) 999-1240

Counsel of Record for Respondent National Mining Association

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2022.

Brian R. Frazelle

Brion Frazelle

Counsel for Amicus Curiae