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The Honorable Scott S. Harris
Clerk of the Court
United States Supreme Court
One First Street, NE
Washington, DC 20543

Filed Electronically

Re: *Kentucky, et al. v. Environmental Protection Agency, et al.*, No. 26-277

Dear Mr. Harris:

State Petitioners respectfully oppose California's motion for a second extension to file a brief in opposition.

State Petitioners served their petition on California on August 28, 2026, and the Court docketed it on September 2. California's brief in opposition was originally due on October 2. On September 20, California sought a 36-day extension to "file a response that accounts for [] briefs" from the federal government and amici curiae. Those supportive briefs were filed by October 2. State Petitioners did not oppose this initial extension but told California they would oppose any further extension. The Court extended the response deadline to November 9. California now seeks a second extension to December 7 for the same reason it sought a first extension.

As State Petitioners explained in the petition (at 15), States face "immediate and impending burdens" caused by the 2024 Rule. "Some of the costliest obligations . . . are looming," so States need "this Court's quick intervention." State Petitioners thus filed their petition well before its due date and early enough to ensure that the Court would be able, if it grants the petition, to decide this case this term in the ordinary course. Granting California a second extension would require the Court to consider the petition on a tight timeline to hear this case this term. And delaying this case until next term is untenable for State Petitioners that are facing the cascading compliance obligations triggered by the 2024 Rule. *See, e.g.*, 91 Fed. Reg. 63,516 (Oct. 6, 2026) (providing notice of EPA's approach for area designations in February 2027).

In addition, by the current response deadline, California will have had the petition for 73 days and the federal government's and amici's briefs for at least 38 days. That is enough time for California to respond to the petition.

Sincerely,

/s/ Matthew F. Kuhn

Counsel of Record for State Petitioners

cc: Other Counsel of Record