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November 13, 2026

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

**RE: *Pacificorp v. Sixkiller*, No. 26-318**

Dear Mr. Harris:

I am counsel of record for Respondent Casey Sixkiller, Director of the Washington State Department of Ecology in the above-captioned case. A response to the cert petition is currently due November 27, 2026. Pursuant to Rule 30.4, Respondents request a 60-day extension to file a brief in opposition, to January 26, 2026. Counsel for Petitioners does not object to an extension of 11 days—to no later than December 8, 2026—but does object to a longer extension on the grounds that it wishes to ensure the Court can decide the case this Term if cert were granted for reasons discussed below.

This request for additional time is made due to numerous other responsibilities requiring attention by the State of Washington's small team of attorneys that work on U.S. Supreme Court matters, including an exceptionally large number of Supreme Court matters. Specifically, attorneys on the U.S. Supreme Court team are currently preparing a brief in opposition in *Peridot Tree v. Washington State Liquor and Cannabis Board*, No. 26-343 due December 4 (for which an extension has been requested); are preparing a brief in opposition in *Olympus Spa v. Armstrong*, No. 26-286 due December 4, 2026; just submitted a merits brief and are preparing for oral argument on December 7 in *International Partners for Ethical Care, Inc. v. Ferguson*, No. 25-840; and recently responded to an emergency stay application in *K.M.K. v. Washington Interscholastic Activities Association*, No. 26A458. In addition, counsel of course have non-U.S. Supreme Court responsibilities, including active litigation challenging the constitutionality of statutes and supervision of the office's appellate program.

With respect to Petitioner's concern about the case being heard this Term if cert were granted, Petitioners' rationale is that they will be required to surrender allowances under the challenged law on November 1, 2027, *see* Pet. 33, and they want this Court to rule before then. But they have already been required to surrender allowances every November during this litigation, Wash. Admin. Code § 173-446-600(3)(a). And even if cert were granted and this Court ruled for Petitioners, this would merely reverse a motion to dismiss. Even under Petitioner's theory, disposition of the case would require further proceedings and factual development. *See* Pet. 22. Thus, even if this Court granted review and issued a decision in May or June of 2027, there is no realistic possibility that the case would be resolved before November 1, 2027. And if Petitioners submit the required allowances on November 1, 2027, and later succeed in invalidating the

challenged law, that would be addressed through their requested relief—an adjustment in their outstanding allowance obligation going forward or an adjustment in their future allocation of no-cost allowances under the program. *See* Pet. 10. In short, the November 1, 2027 program deadline is not a compelling basis to deny this extension request.

The extension will allow for a more thorough presentation by Respondents, which we believe will be helpful to the Court.

Thank you for your consideration of this request.

Sincerely,

*s/ Noah G. Purcell*
Noah G. Purcell
*Solicitor General*
360-753-6200

cc: Theodore J. Boutrous, Jr., *Counsel for Pacificorp*