

## CLIMATE LITIGATION FILINGS AND PUBLICITY

### Appendix A: Filings and submissions January 2021 - December 2021

- 1/11: DHS fee waiver and FOIA violation submission re: work with anti-immigrant groups
- 1/22: FBI FOIA administrative appeal I, re: 'Glomar Response' to request
- 1/29: Jordan Cove Opening Brief (D.C. Circuit)
- 2/16: Opening brief on FERC Order 871 (FERC)
- 3/3: Reply brief on FERC Order 871 (FERC)
- 3/10: DHS (ICE) FOIA administrative appeal, re: request
- 3/11: FBI FOIA administrative appeal II, re: document production
- 3/25: DHS submission re: FOIA scope of search to request on work with anti-immigrant groups
- 4/6: Comments for South Carolina Public Service Commission pipeline regulation review
- 4/8: PennEast LTA amicus brief (Supreme Court)<sup>1</sup>
- 4/9: Written testimony for FERC Office of Public Participation Workshop
- 4/16: FERC Atlantic Coast Pipeline (ACP) abandonment plan landowner comments
- 4/16: Testimony at South Carolina Public Service Commission hearing on pipeline regulation
- 4/16: Testimony at FERC hearing on pipeline authorization policy
- 4/23: Comments on FERC's proposed Office of Public Participation
- 4/29: ACP FOIA reply brief (D.C. Circuit)
- 5/3: Opposition to Jordan Cove motion for abeyance (D.C. Circuit)
- 5/6: ACP FOIA final briefs and Joint Appendix (D.C. Circuit)
- 5/13: DHS submission re FOIA agreement of terms, and lack of proper agency response
- 5/26: Comments on FERC's revisions to its Certificate Policy Statement
- 5/28: *Oberlin v. FERC* amicus brief and motion (D.C. Circuit)
- 6/2: Rule 28j response in ACP FOIA (D.C. Circuit)
- 6/10: *Oberlin v. FERC* amicus motion reply (D.C. Circuit)
- 6/11: Reply comments to South Carolina Public Service Commission pipeline regulation review
- 6/15: Jordan Cove reply brief (D.C. Circuit)
- 6/18: *Washington Alliance of Technology Workers v. DHS* amicus brief and motion (D.C. Circuit)
- 6/24: Jordan Cove Rule 28j submission re: *Environmental Defense Fund v. FERC* (D.C. Circuit)
- 6/29: Jordan Cove deferred appendix (D.C. Circuit)
- 6/30: Comments on ACP abandonment information response to FERC
- 7/6: Jordan Cove final briefs (D.C. Circuit)
- 7/21: Reply to DHS USCIS FOIA response

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<sup>1</sup> Written, but not submitted for strategic reasons.

- 7/26: Answer to pipelines' reply to Niskanen comments on FERC Certificate Policy Statement (FERC)
- 8/10: Comments to House Energy & Commerce Committee hearing on FERC oversight
- 8/20: Bureau of Land Management FOIA administrative appeal
- 8/26: DHS FOIA letter memorializing search term agreement
- 9/7: Spire Pipeline emergency certificate intervention and comments (FERC)
- 9/9: I-131 humanitarian parole and I-130 visa applications on behalf of SIV's family in danger in Afghanistan
- 9/13: ACP FOIA oral argument (D.C. Circuit)
- 9/13: Comments on ACP Abandonment Supplemental Environmental Impact Statement (FERC)
- 10/14: Spire Pipeline request for rehearing of temporary certificate (FERC)
- 10/20: Jordan Cove briefs (D.C. Circuit)
- 10/21: CBP FOIA administrative appeal (CBP)
- 10/28: Jordan Cove oral argument (D.C. Circuit)
- 12/2: CBP letter re: administrative appeal (CBP)
- 12/17: Spire Pipeline request for rehearing of temporary certificate (FERC)

### **January 1, 2022 - April 25, 2022**

- 1/2: Spire Pipeline request for rehearing (FERC)
- 1/14: Spire scoping comments on Supplemental Environmental Impact Statement (FERC)
- 1/22: Spire petition for review (D.C. Circuit; Denial of Stay)
- 2/18: Texas Supreme Court amicus brief<sup>2</sup> (not a pipeline case)
- 2/18: Valancourt amicus (D.C. Circuit) (not a pipeline case)
- 3/8: Petition for review, Spire Pipeline (D.C. Circuit; temporary certificate)
- 4/7: Spire challenge - statement of issues and other procedural filings (D.C. Circuit)
- 4/12: DHS - FOIA administrative appeal on final determination
- 4/21: Spire opposition to stay motion (D.C. Circuit)
- 4/22: ACP request for rehearing (FERC)
- 4/25: Comments on revised FERC Certificate Policy Statement (FERC)

### **Appendix B: Events and Appearances**

- Megan Gibson spoke at Niskanen's "Fireside Chat with OPP Director Katz" (April 26, 2022).
- Gibson spoke on the "Stakeholder Participation and OPP" panel as part of Earth Justice and NRDC's 'Sustainable FERC Project' series (March 2, 2022).
- Gibson spoke on a panel at the Energy Bar Association's Mid-Year Energy Forum, titled 'Evaluation of Need in NGA Certificate Proceedings: What would a new FERC policy look like?' (October 13, 2021).

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<sup>2</sup> Drafted at request of respondent, but never filed as case became thankfully moot as the Texas Supreme Court denied the petition.

- David Bookbinder delivered a lecture on the climate nuisance cases at Florida State University College of Law on Feb. 3, 2021.
- Gibson gave testimony to the Public Service Commission of South Carolina on a review of the regulations governing the state's pipeline development and approval process on April 16, 2021.
- Gibson spoke on a panel on “Coordinating Public Assistance” at FERC's Workshop Regarding the Creation of the Office of Public Participation (via invitation from FERC, also on April 16, 2021).

## Appendix C: Publications & Media

### Commentaries and Blog Posts:

1. David Bookbinder, “[The courts begin to act on climate change](#),” March 31, 2022.
2. David Bookbinder, “[When all else fails, try reading the statute](#),” March 30, 2022.
3. Zoe Klass-Warch and Matthew Brandon Lee, “[Congress needs to think some more about CO2 pipelines](#),” Feb. 8, 2022.
4. Liza Reed and David Bookbinder, “[An Energy Department power play could reshape the electric grid](#),” Jan. 26, 2022.
5. David Bookbinder, “[Climate is different](#),” Nov. 5, 2021.

### Media Hits: *(citations, quotes, and interviews in print or online media outlets)*

1. Miranda Wilson, “[FERC official on input, equity and a possible 'sea change'](#),” EnergyWire, March 28, 2022.
2. Pamela King, “[15 years of Supreme Court climate fights come to a head today](#),” E&E News, Feb. 28, 2022.
3. Jean Chemnick et al., “[How Biden could close coal plants without CO2 regulations](#),” E&E News, Jan. 24, 2022.
4. Morgan Conley, “[DC Circ. Asked To Let FERC Officially Ax \\$10B Pipeline OK](#),” Law360, Jan. 13, 2022.
5. Maya Earls, “[FERC Can Withhold Names of Property Owners Along Pipeline Route](#),” Bloomberg Law, Dec. 17, 2021.
6. Nick Cunningham, “[‘It’s a Proud Day’: Oregon Landowners Celebrate Demise of LNG project, Even as Legal Questions Go Unanswered](#),” DeSmog, Dec. 6, 2021.
7. Niina H. Farah, “[Jordan Cove project dies. What it means for FERC, gas](#),” E&E News, Dec. 2, 2021.
8. Niina H. Farah, “[Court grills FERC on climate, eminent domain review of gas project](#),” E&E News, Oct. 29, 2021.
9. Khorri Atkinson, “[DC Circ. Mulls Fate Of \\$10B Oregon Pipeline Project](#),” Law360, Oct. 28, 2021.
10. Nick Cunningham, “[PennEast Pipeline Cancellation Could Signal ‘End of an Era’ for Unnecessary Fossil Fuel Projects](#),” DeSmog, Sept., 30, 2021.
11. Niina H. Farah, Carlos Anchondo, “[What the PennEast cancellation signals for FERC, pipelines](#),” E&E News, Sept. 28, 2021.

12. Dino Grandoni, "[States and cities scramble to sue oil companies over climate change](#)," The Washington Post, Sept. 14, 2021.
13. Niina H. Farah and Carlos Anchondo, "[Cancellation rumors fly as PennEast rethinks eminent domain](#)," E&E News, August 16, 2021.
14. Miranda Wilson, "[Infrastructure deal targets FERC public outreach](#)," E&E News Energywire, August 5, 2021.
15. Sandy Hausman, "[Nelson County Activists Say Atlantic Coast Pipeline Should Rescind 'Zombie Easements'](#)," Radio IQ (WVTF), August 5, 2021.
16. Keith Goldberg, "[Exxon Renews Bid To Keep Colo. Climate Suit In Federal Court](#)," Law360, July 19, 2021.
17. Clark Mindock, "[Ore. LNG Project Still A Threat Despite Pause, DC Circ. Told](#)," Law360, June 16, 2021.
18. Mike Soraghan, "[Memphis pipeline rekindles eminent domain fight](#)," E&E News, June 7, 2021.
19. Miranda Wilson, "['Self-dealing' loophole could upend FERC pipeline reviews](#)," E&E News, May 28, 2021.
20. Keith Goldberg, "[Justices Wipe Out Climate Suit Venue Rulings From 3 Circuits](#)," Law360, May 24, 2021.
21. Maxine Joselow, "[Ruling on car defects could boost climate lawsuits](#)," E&E News, March 26, 2021.
22. Michael Phillis, "[FERC Tells DC Circ. Oregon Pipeline Project At 'Standstill'](#)," Law360, April 23, 2021.
23. Maxine Joselow, "[Big Oil's 'Hail Mary' may roil U.S. climate cases](#)," E&E News, February 23, 2021.
24. Arianna Skibell, "[Feds strike blow to contested West Coast export terminal](#)," E&E News, February 10, 2021.
25. Jordan McGillis, "[The U.S. Is Squandering Its Energy-Export Opportunity](#)," National Review CapitalMatters, February 10, 2021.
26. Niina H. Farah, "[Biden expected to back pipeline in Supreme Court battle](#)," E&E News, February 4, 2021.
27. Michael Hirsh, "[How Biden Could Succeed Where Obama Failed on Climate](#)," Foreign Policy, January 28, 2021.
28. Niina H. Farah, "[2021 legal fights will test Biden energy agenda](#)" - E&E News, January 15, 2021.
29. "[Editorial: Joe Biden and the reality of climate change](#)," Chicago Tribune, January 4, 2021.
30. Derek Brower, "[US energy: 'the more ambitious Biden tries to be, the more likely he is to fail'](#)," Financial Times, December 21, 2020.
31. James Osborne, "[Oil companies fight to get climate cases before Supreme Court](#)," Houston Chronicle, December 15, 2020.
32. Michael Phillis, "[Exxon Asks Justices To Stop Colo. Climate Suit Remand](#)," Law360, December 9, 2020.
33. Nick Cunningham, "[When Can Pipelines Take Private Land? Jordan Cove LNG Project a Test for Eminent Domain](#)," DeSmog, November 24, 2020.
34. Jean Chemnick, "[High court in Trump mold could undercut key law for climate](#)," E&E News, October 2, 2020.

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35. Lee van der Voo, "[It's His Land. Now a Canadian Company Gets to Take It.](#)" ProPublica, October 1, 2020.
36. Jennifer Hijazi, "[Ginsburg's death could reawaken Mass. v EPA.](#)" E&E News, Sept. 22, 2020.
37. Juan Carlos Rodriguez, "[Exxon Tells 10th Circ. To Ignore 4th Circ. Climate Suit Remand.](#)" Law360, May 5, 2020.