

IN THE SUPREME COURT OF PENNSYLVANIA

PATRICK J. McDONNELL,
SECRETARY OF THE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION and CHAIRPERSON OF
THE ENVIRONMENTAL QUALITY
BOARD

Petitioner,

Docket No. 45 MAP 2022

v.

PENNSYLVANIA LEGISLATIVE
REFERENCE BUREAU; VINCENT
C. DeLIBERATO, JR., DIRECTOR OF
THE LEGISLATIVE REFERENCE
BUREAU; and AMY J. MENDELSON,
DIRECTOR OF THE PENNSYLVANIA
CODE AND BULLETIN,

Respondents,

SENATE PRESIDENT PRO TEMPORE
JAKE CORMAN, *et al.*,

Senate Intervenor
Respondents,

HOUSE SPEAKER BRYAN CUTLER, *et
al.*,

House Intervenor
Respondents.

**RESPONDENTS' ANSWER TO PETITIONER'S JURISDICTIONAL
STATEMENT IN SUPPORT OF NOTICE OF APPEAL**

The Legislative Reference Bureau, Vincent C. DeLiberato and Amy. J. Mendelsohn, collectively known as Respondents, by and through their counsel, Peter Klein, Esq., hereby submit this Answer to Petitioner’s Jurisdictional Statement in Support of Notice of Appeal (“Jurisdictional Statement”).

Upon Senate Intervenor Respondents’ Application for Special Relief in the Form of a Preliminary Injunction, joined by House of Representatives Intervenor Respondents, the Commonwealth Court, by its April 5, 2022, *per curiam* order, enjoined Petitioner and Respondents from processing the Regional Greenhouse Gas Initiative Regulation (“RGGI Regulation”) for publication. Petitioner, pursuant to Rules of Appellate Procedure 311(a)(4), 909 and 910, appeals from the Commonwealth Court’s April 5, 2022, order.

Respondents do not take a position on Petitioner’s Jurisdictional Statement and will act as ordered by the Court.

Upon the General Assembly’s failure to override Governor Wolf’s January 10, 2022, veto of Senate Concurrent Regulatory Review Resolution 1 disapproving the RGGI Regulation, Petitioner is no longer barred from promulgating the RGGI Regulation under section 7(d) of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, 71 P.S. § 745.7(d). Accordingly, Petitioner has satisfied the regulatory requirements for publication of the RGGI Regulation

and Respondents have a statutory duty to publish the RGGI Regulation in the next available issue of the *Pennsylvania Bulletin* upon the lifting of the Commonwealth Court's current injunction to publication.

If the injunction is lifted, Respondents would require ten business days to publish the RGGI Regulation.

Respectfully submitted,

/s/ Peter Klein

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Date: April 12, 2022

CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Peter Klein

Peter Klein, Esq.

Date: April 12, 2022

CERTIFICATE OF SERVICE

I, Peter Klein, Esq., hereby state that I have this day caused to be served a true and correct copy of the foregoing Answer to Petitioner's Jurisdictional Statement in Support of Notice of Appeal upon the persons and at the addresses below named via the Court's PACFile System as follows:

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/s/ Peter Klein

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Date: April 12, 2022