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December 30, 2021

Matthew Pollack, Esq.
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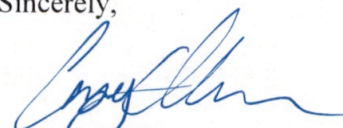
**Re: *Russell Black, et al, v. Bureau of Parks and Lands, et al.,*
Law Court Docket No. BCD-21-257**

Dear Mr. Pollack:

Enclosed for filing please find *Amicus Curiae* H.Q. Energy Services (U.S.) Inc.'s Request for Leave to File a Response to Appellees'/Cross-Appellants' Motion to Dismiss All Appeals as Moot.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions.

Sincerely,



Casey M. Olesen

CMO/sab

Enclosure

Cc: P. Andrew Hamilton
Certificate of Service

OF COUNSEL
Daniel G. McKay

Offices in Augusta, Bangor,
Brunswick, Ellsworth
and Portland.

RECD ME SUPREME JUD CT
DEC 30 '21 PM2:30

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. BCD-21-257

RUSSEL BLACK, *et al.*,)
)
Appellees/Cross-Appellants)
)
v.)
)
BUREAU OF PARKS and LANDS,)
et al.,)
)
Appellants/Cross-Appellees)

**AMICUS CURIAE H.Q. ENERGY
SERVICES (U.S.) INC.’S
REQUEST FOR LEAVE TO FILE
A RESPONSE TO APPELLEES’/
CROSS-APPELLANTS’ MOTION
TO DISMISS ALL APPEALS
AS MOOT**

H.Q. Energy Services (U.S.) Inc. (HQUS), in its capacity as Amicus Curiae in the instant appeal and Intervenor in *NECEC Transmission, et al. v. Bureau of Parks and Lands*, BCD-CIV-2021-00058 (the “Initiative Litigation”), pursuant to Rules 10 and 14(c) of the Maine Rules of Appellate Procedure, hereby respectfully requests that this Court grant HQUS leave to respond to the Motion to Dismiss All Appeals As Moot (the “Motion”) filed by Appellants/Cross-Appellees Russell Black, *et al.*, on December 23, 2021.

The Motion seeks summary treatment of the *Russell Black* appeal based on two premises. First, that the recent amendment to the Bureau of Parks and Land’s leasing authority, 12 M.R.S. § 1852(4), resulting from the approval of L.D. 195/I.B. 1 (the “Initiative”) by Maine voters on November 2, 2021 moots all issues in this appeal. Second, that the “only arguments likely to be raised” against this

asserted mootness are based on vested rights and the Contracts Clauses of the Maine and United States Constitutions. Motion at 5.

HQUS and four additional plaintiff-intervenors are parties to the Initiative Litigation but are not parties to this appeal; among these, HQUS is uniquely an amicus in this appeal. HQUS and the other plaintiff-intervenors have fully participated in all proceedings in the Business Court leading to the Order issued on December 16, 2021, and the subsequent report and certification of the Initiative Litigation to this Court pursuant to Rule 24(c) of the Maine Rules of Appellate Procedure. The “likely” issues set forth by Appellees/Cross-Appellants in the Motion are nearly, if not completely, identical to many of those raised in the Initiative Litigation and a decision by this Court on such issues would likely have a substantial impact on the Initiative Litigation. Yet, HQUS ostensibly has no opportunity to respond to the Motion to preserve its rights and the effectiveness of any relief that may be granted by this Court in the Initiative Litigation.


Therefore, HQUS respectfully requests this Court grant it leave to respond to the Motion and its misrepresentations as to the “likely” issues to be raised in this appeal and the Initiative Litigation. In support of this request, HQUS further notes that the representation set forth by Attorney Kilbreath in the Motion as to the “likely” issues is not only misleading, it is demonstrably wrong as a matter of record. Although the present appeal and the Initiative Litigation have and will

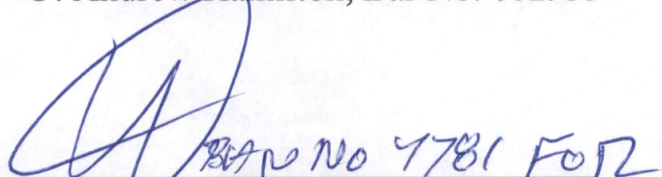
continue to include arguments premised on vested rights and the Contracts Clause, such issues are certainly not the only ones raised. In fact, the Initiative has also been challenged on the grounds that, in several respects, it violates the separation of powers. These separation of powers arguments have been raised and briefed before the Business Court, and HQUS anticipates that it will continue to raise the separation of powers issues before this Court.

Accordingly, HQUS respectfully requests that it be granted leave to respond to the Motion, such response to be limited to 25 pages and due on or before January 14, 2021.

Dated: December 30, 2021

Respectfully submitted,


P. Andrew Hamilton, Bar No. 002933


Casey M. Olesen, Bar No. 006160

*Attorneys for Amicus Curiae
H.Q. Energy Services (U.S.) Inc.*

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CERTIFICATE OF SERVICE

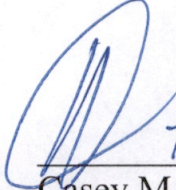
I, Casey M. Olesen, attorney for Amicus Curiae H.Q. Energy Services (U.S.) Inc., certify that I have this day caused the foregoing Request for Leave to File a Response to Appellees'/Cross-Appellants' Motion to Dismiss All Appeals as Moot to be served on the below by electronic mail and U.S. mail, first class postage, prepaid, addressed as follows:

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Dated: December 30, 2021


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