

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP
490 North 31st Street, Ste. 500
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

Peter C. Whitfield
Joseph R. Guerra
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
Telephone: 202-736-8000
Email: pwhitfield@sidley.com
jguerra@sidley.com

Counsel for TransCanada Keystone Pipeline, LP and TC Energy Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL
NETWORK and NORTH COAST RIVERS
ALLIANCE,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP, et al.,

Defendants,

TRANSCANADA KEYSTONE PIPELINE,
LP, a Delaware limited partnership, and TC
ENERGY CORPORATION, a Canadian
Public company,

Defendant-Intervenors.

CV 19-28-GF-BMM

**Status Report of Defendant-
Intervenors in Response to
Order of February 17, 2021**

Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (collectively, “TC Energy”) respectfully submit this status report pursuant to the Court’s February 17, 2021 Order (Doc. 158) staying this matter until April 5, 2021. For the reasons set forth below, TC Energy requests this Court extend the stay of this matter for an additional 60 days.

In a January 20, 2021 Executive Order, President Joseph R. Biden revoked the March 29, 2019 Presidential Permit granted to TransCanada Keystone Pipeline, L.P., for the construction, connection, operation, and maintenance of pipeline facilities at the international border of the United States and Canada. *See* Executive Order 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 Fed. Reg. 7,037, 7,041 (Jan. 20, 2021). Following the issuance of the executive order, TC Energy announced that it would suspend advancement of Keystone XL.¹ In light of the Executive Order, TC Energy is still assessing and considering its next steps with respect to the project in these novel and complex circumstances. Thus, it requests the Court stay the case for an additional 60 days.

A 60-day stay will not prejudice the parties in this matter because TC Energy will not engage in any pipeline construction over the next sixty days.

¹ *See* <https://www.tcenergy.com/announcements/2021-01-20-tc-energy-disappointed-with-expected-executive-action-revoking-keystone-xl-presidential-permit/>.

DATED this 2nd day of April 2021,

CROWLEY FLECK PLLP

SIDLEY AUSTIN LLP

/s/ Jeffery J. Oven

Jeffery J. Oven

Mark L. Stermitz

Jeffrey M. Roth

490 North 31st Street, Ste. 500

Billings, MT 59103-2529

Telephone: 406-252-3441

Email: joven@crowleyfleck.com

mstermitz@crowleyfleck.com

jroth@crowleyfleck.com

/s/ Peter Whitfield

Peter C. Whitfield

Joseph R. Guerra

1501 K Street, N.W.

Washington, DC 20005

Telephone: 202-736-8000

Email: pwhitfield@sidley.com

jguerra@sidley.com

Counsel for TransCanada Keystone Pipeline, LP and TC Energy Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today via the Court's CM/ECF system on all counsel of record.

/s/ Jeffery J. Oven