

No. 142, Original

**In The
Supreme Court of the United States**

STATE OF FLORIDA,

Plaintiff

v.

STATE OF GEORGIA,

Defendant

Before the Special Master

Honorable Ralph I. Lancaster

MOTION OF METRO ATLANTA CHAMBER OF COMMERCE, INC.; REGIONAL BUSINESS
COALITION OF METROPOLITAN ATLANTA, INC.; AND GEORGIA CHAMBER
OF COMMERCE, INC. FOR LEAVE TO FILE AN AMICUS BRIEF ON THEIR BEHALF
IN SUPPORT OF THE DEFENDANT STATE OF GEORGIA

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MOVANTS' INTERESTS AND PURPOSE

This motion for permission to file an *amicus* brief in support of the State of Georgia is submitted on behalf of the Metro Atlanta Chamber of Commerce, Inc. (“MAC”); the Regional Business Coalition of Metropolitan Atlanta, Inc. (“RBC”); and the Georgia Chamber of Commerce, Inc. (collectively, “Movants”).

MAC is a 501(c)(6) nonprofit corporation that represents the interests of approximately 3,000 businesses to promote the development of the Atlanta MSA (Metropolitan Statistical Area) as a place to locate and grow businesses in an environment that provides top tier quality of life for those they employ and their families. RBC is a 501(c)(3) nonprofit corporation, founded in 1998, whose mission is to promote the common business interest of its members and provide business leadership in resolving regional issues in the Atlanta MSA. RBC membership is comprised of 16 local Chambers of Commerce throughout the metro Atlanta area. The Georgia Chamber is a 501(c)(6) nonprofit corporation that represents business interests throughout Georgia. Its approximately 40,000 members employ over 2 million workers in business ranging from storefronts to Fortune 500 companies.

Movants collectively represent the metro Atlanta business community and seek to participate in these proceedings by preparing a joint *amicus curiae* brief to represent their unique perspective about the importance of allotting an adequate water supply allotted to the metro Atlanta region and the serious harms that would occur if Atlanta communities were subject to an immediate moratorium on any increase in their consumption of water or worse, had to shrink to 1992 usage levels, as Florida requests. Movants expect to provide unique and far more detailed evidence of the interests of both the metro Atlanta business community and its residents and of

businesses and communities elsewhere in the Southeast that would suffer serious harm if Florida's challenge to Georgia's current and future water supply opportunities were successful.

The Atlanta MSA community as we know it may not survive, much less grow and thrive, unless the quality of life in the region remains attractive. Movants will show the current population of the Atlanta MSA is not sustainable at the 1992 water usage levels proposed by Florida and that granting Florida's requested relief likely not only would halt further growth, but cause near-term forced relocation of businesses and of people. Continued access to an adequate supply of drinking water from the Chattahoochee is critical. If permitted to submit an *amicus* brief, Movants would demonstrate that Florida's effort to restrict the region's water usage to 1992 levels would inequitably burden every person living in this region as well as every business, educational institution, church, museum — any place where people use water. The impacts would spread beyond Metro Atlanta to the communities across the southeastern United States and the Nation connected by commerce to Atlanta. The relocation impacts would affect not only metro Atlanta but also companies located in Alabama, Florida, Tennessee and the Carolinas along interstate and rail routes whose business depends on the Atlanta airport, rail and road regional transportation hubs.

As *amici*, Movants would further develop illustrations of why any equitable apportionment of access to the waters of the ACF River Basin, and in particular, of access by the Atlanta MSA to the Chattahoochee, must also consider further growth here. If the Atlanta MSA's future growth is reduced because of a mandated allocation to the Florida area affected by the Apalachicola outflow, such an outcome will also limit a broad segment of the Southeast's economic development by crippling a major engine of growth for this part of the United States.

PURPOSE OF MOVANTS' *AMICUS* BRIEF

The Atlanta MSA is an international, national and regional metropolitan region that is home to a significant, diverse community and internationally recognized institutions in education, health, research, transportation, communications, and civil rights. The continued vitality of these interests requires an adequate water supply. Movants anticipate Georgia, out of necessity, will devote most of its focus on the macroeconomic effects on the state as a whole regarding the importance of the entire ACF River Basin in response to Florida's position and thus not provide sufficient focus on the details unique to metro Atlanta, if it were ordered to shrink water consumption from the ACF River Basin to its 1992 levels, as Florida requests.

The following highlight salient facts about the Atlanta MSA that Movants would address in greater detail in an *amicus* brief.

1. The Ninth Largest Metro Area.

In 1990, the Atlanta MSA had a population of 3.1 million people. Today, it is the ninth largest metropolitan region in the United States and is home to approximately 5.7 million people. By 2050, the population in this MSA is estimated to grow to 9.5 million.¹

2. The Primary Southeastern Regional Business and Government Center.

Metro Atlanta is a primary hub in the nation's hub-and-spoke transportation and distribution system, with its central location in the Southeastern region and its well-developed interstate highway and railroad transportation links to neighboring states and beyond. Businesses in surrounding states consciously locate operations to take advantage of this transportation network. Metro Atlanta serves as home to many regional federal offices that have jurisdiction over Southeastern states, corporate headquarters, regional business headquarters as well as

¹ This motion relies on information from the U.S. Census Bureau, Georgia Department of Labor, Woods & Poole Economics Inc. and the Metro Atlanta Chamber/Human Capital Research Corporation.

headquarters of renowned charitable organizations, 81 consular and trade offices and 34 bi-national chambers of commerce.

3. University and Cultural Center.

Metro Atlanta is home to 70 colleges and universities, including the Georgia Institute of Technology (Georgia Tech), Emory University, and prominent Historically Black Colleges and Universities (“HBCUs”) such as Spelman College and Morehouse College. Annually, more than 275,000 students attend these schools. Metro Atlanta also is home to Martin Luther King, Jr. Center for Nonviolent Social Change and the Carter Center and to many cultural museums and science centers. The Woodruff Arts Center, the nation’s third largest arts center, includes the High Museum, the Atlanta Symphony and venues for concerts, theater and creative arts education that reach over 200,000 students.

4. Recreation.

Metro Atlanta provides many venues for recreation which attract both tourists from nearby states and residents from the region. These include professional sports teams in baseball, basketball, football and soccer, public parks such as Stone Mountain, Kennesaw Mountain, the Chattahoochee River National Recreational Area, Lake Lanier Islands and Piedmont Park (home of the Atlanta Botanical Gardens) and the biking paths of the Silver Comet Trail and the Atlanta Beltline.

5. Conventions and Tourism.

Metro Atlanta draws hundreds of thousands of visitors to conventions at the space offered in the Georgia World Congress Center, which can accommodate most of the largest national and international tradeshow and expositions, and in the many hotels and local meeting spaces. For years, Atlanta has ranked in the top five convention destinations because of its convention and

tourism infrastructure, as well as the restaurants and attractions that occupy the visitors outside of meeting hours.

CONCLUSION

The United States Supreme Court has long recognized that providing for current and future drinking water needs is the highest use of water resources.² Metro Atlanta is a vibrant and growing metropolitan region that offers crucial infrastructure, higher education, cultural attractions and business opportunities that expand well beyond its geographic footprint. Movants are uniquely qualified to present crucial evidence describing the important role Metro Atlanta serves for the economic, educational and cultural interests of Georgia, Florida, Alabama, Tennessee, the Carolinas and the entire Nation. Florida effectively seeks to impose a moratorium on Metro Atlanta and to require it to shrink in size and halt its growth. The business and community interests of Metro Atlanta should be allowed to explain why stifling this vibrant community would be inequitable.

Respectfully submitted this 16th day of September, 2016.

s/ Susan A. Cahoon

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² See *Connecticut v. Massachusetts*, 282 U.S. 660, 673 (1931).

CERTIFICATE OF SERVICE

This is to certify that Metro Atlanta Chamber of Commerce, Inc.; Regional Business Coalition of Metropolitan Atlanta, Inc.; and Georgia Chamber of Commerce, Inc.'s Motion for Leave to File an Amicus Brief on Their Behalf in Support of the Defendant State of Georgia has been served on September 16, 2016, in the manner specified below:

<u>For State of Florida</u>	<u>For United States of America</u>
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