

COPY

FILED

FEB 07 2008

Terri A. Lorenzon, Director  
Environmental Quality Council

Jay Jerde  
Deputy Attorney General

Nancy Vehr  
Senior Assistant Attorney General

Kristen Dolan  
Senior Assistant Attorney General  
123 Capitol Building  
Cheyenne, WY 82002  
Telephone: (307) 777-6946  
Facsimile: (307) 777-3542

Attorneys for the State of Wyoming

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

IN THE MATTER OF: )  
BASIN ELECTRIC POWER COOPERATIVE )  
DRY FORK STATION, ) Docket No. 07-2801  
AIR PERMIT CT - 4631 )

---

**RESPONDENT DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
MOTION TO DISMISS**

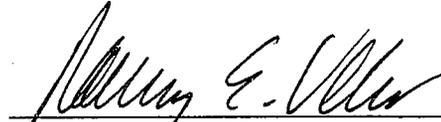
---

COMES NOW Respondent, the Department of Environmental Quality ("DEQ") by and through its undersigned counsel and pursuant to WYO. R. Civ. P. 12(b)(6) and the Environmental Quality Council Rules, Chapter II, Sections 3 and 14, hereby moves that all carbon dioxide, greenhouse gas, and global warming claims set forth in Protestants' Protest and Petition for Hearing be dismissed. The grounds for this motion are set forth in RESPONDENT DEQ'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, which is filed contemporaneously herewith.

WHEREFORE, Respondent DEQ respectfully requests this Council enter an Order dismissing all carbon dioxide, greenhouse gas, and global warming claims set forth in Protestants' Protest and Petition for Hearing and such other and further relief as this Council deems appropriate. A proposed order is attached.

DATED this 7<sup>th</sup> day of February, 2008.

FOR RESPONDENT DEQ:



Jay Jerde

Deputy Attorney General

Nancy Vehr

Senior Assistant Attorney General

Kristen Dolan

Senior Assistant Attorney General

123 Capitol Building

Cheyenne, WY 82002

Telephone: (307) 777-6946

Facsimile: (307) 777-3542

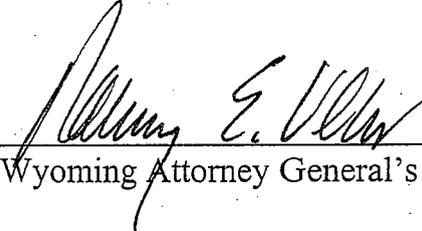
Attorneys for the State of Wyoming

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing *Respondent Department of Environmental Quality's Motion to Dismiss* through United States mail, postage prepaid on this the 7<sup>th</sup> day of February, 2008 to the following:

James S. Angell  
Robin Cooley  
Andrea Zaccardi  
Earthjustice  
1400 Glenarm Place, #300  
Denver, CO 80202

Patrick R. Day, P.C.  
Mark R. Ruppert  
Holland & Hart LLP  
2515 Warren Avenue, Suite 450  
P.O. Box 1347  
Cheyenne, WY 82003-1347

  
\_\_\_\_\_  
Wyoming Attorney General's Office