

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 06 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF)
POWDER RIVER BASIN RESOURCE)
COUNCIL, BERNADETTE BARLOW)
BERNADETTE BARLOW TRUST,)
WILLIAM L. BARLOW TRUST AND)
ERIC BARLOW FROM WYPDES)
PERMIT NO. WY0052299)

Docket No. 09-3802

SCHEDULING ORDER

ON THE 6th day of October, 2009, the Council through Tom Coverdale, the appointed presiding officer conducted a scheduling conference with the parties. Present at said hearing was the Petitioners, represented by Kate Fox; the Department of Environmental Quality, represented by Tom Burbridge, Asst. Attorney General; and Bill Barrett Corporation, represented by Jack Palma and Paul McElvery; Jim Ruby, Exec. Secretary of the Council and Joe Girardin, paralegal for the Council.

The following schedule has been developed by the Presiding Officer through consultation and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

The following schedule is hereby Ordered:

- a. Discovery may begin immediately, Oct. 6, 2009.
- b. Petitioner's expert designations and reports shall be filed by 12:00 noon December 18, 2009.
- c. The Respondent and Third Party Respondents' expert designations and reports shall be filed by 12:00 noon on January 22, 2010.
- d. Petitioner's rebuttal expert designations and reports shall be filed by 12:00 noon on or before February 4, 2010.

e. All discovery, both written and oral, except for depositions of experts, shall be completed by 12:00 noon on or before March 19, 2010. Depositions of experts shall be concluded by 5:00 p.m. on March 26, 2010

f. Dispositive motions shall be filed by 12:00 noon on or before April 1, 2010

g. Responses to dispositive motions shall be filed by 12:00 noon on or before April 22, 2010.

h. Oral arguments on dispositive motions shall be held on May 14, 2010 in Cheyenne WY. The exact location and time of the arguments will be determined at a later date. Each party will have ten minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.

i. Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council by 12:00 noon on or before June 16, 2010. A copy of all exhibits shall also be served on the opposing parties. At a minimum the memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the pre-hearing conference.

j. The pre-hearing conference shall be held on June 23, 2010. The exact location and time will be determined at a later date. The parties may appear by teleconference if personal attendance at the offices of the Council in Cheyenne WY, is impractical. The purpose of the pre-hearing conference is:

1. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony.

2. Clarification of the legal issues, both substantive and procedural, of all the parties, including the statutory provisions and regulations that form the basis of this appeal.
 3. Stipulation to uncontested facts.
 4. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony.
 5. Pending motions.
- k. Final hearing in this matter is scheduled for the week of July 7th through the 9th, 2010. The exact location and time of the hearing will be determined at a later date.
- l. All documents shall be delivered no later than 12:00 noon on the above referenced dates. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

The parties shall have ten days from the date of receipt of this Order to file any objections to this Scheduling Order.

SO ORDERED this 10th day of October, 2009.


Tom Coverdale, Presiding Officer
Environmental Quality Council
122 W. 25th, St. Rm 1714

CERTIFICATE OF SERVICE

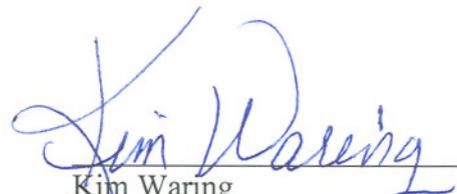
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 6th day of October, 2009, I served a copy of the foregoing **SCHEDULING ORDER** by electronic mail to the following:

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