

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

NOV 20 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF)
MEDICINE BOW FUEL & POWER)
AIR PERMIT CT-5873)

Docket No. 09-2801

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing beginning on December 7th, 2009 at 9:00 o'clock a.m. at the State Library, 2800 Central Avenue, the Large Conference Room in Cheyenne, WY. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. F. David Searle, a member of the Council will serve as the Presiding Officer. Deb Baumer of the Office of Administrative Hearings will be serving as the Hearing Officer for the pre-hearing conference and the contested case hearing.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A pre-hearing in this matter will be conducted on December 4th, 2009 at 9:00 A.M. at the Herschler Building, 122 W. 25th Street, Room 1714, Cheyenne, Wyoming, or via telephone conference call. The parties should provide the EQC office with a telephone number where they can be reached for the pre-hearing on or before 11:00 A.M. December 2nd, 2009. Failure to appear at the pre-hearing conference may result in dismissal from this case.
4. The purpose of the pre-hearing conference is:
 - a. Identification of will call witnesses, their addresses, phone numbers, and the substance of their proposed testimony:
 - b. Identification of may call witnesses, their addresses, phone numbers, and the substance of their proposed testimony:
 - c. Each party shall prepare and file a Pre-Hearing Memorandum that clarifies the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - d. Stipulation to uncontested facts;
 - e. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - f. Hear pending motions, excluding dispositive motions.

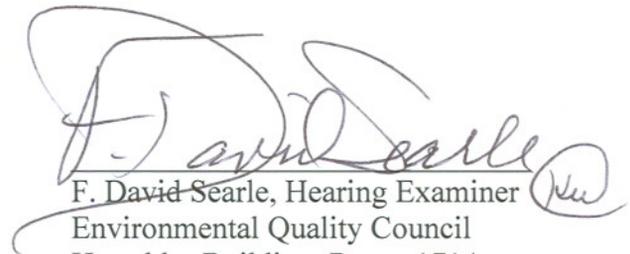
- g. Be prepared to discuss the order of presentation of evidence.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall file and deliver pre-hearing conference memoranda and final witness and exhibit lists by 12:00 noon on December 2, 2009.
2. The parties shall inform the EQC office of a telephone number where they can be reached for the pre-hearing on or before 11:00 A.M. December 2, 2009.
3. All parties shall appear at the pre-hearing on December 4th, 2009 at 9:00 P.M., either in person or by teleconference. Failure to appear at the pre-hearing will result in dismissal from the case.

DATED this 20th day of November, 2009.

A handwritten signature in black ink, appearing to read "F. David Searle", with a circular flourish at the end.

F. David Searle, Hearing Examiner
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307)777-7170
Fax: (307)777-6134

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 20thth day of November, 2009, I served a copy of the foregoing **Notice of Hearing & Order** by electronic mail to the following:

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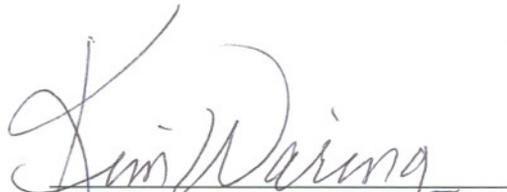
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also by depositing the same in the United States mail addressed to:

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