

FILED

DEC 15 2009

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF)
MEDICINE BOW FUEL & POWER) Docket No. 09-2801
AIR PERMIT CT-5873)

ORDER DENYING PETITIONER'S MOTION TO STRIKE

THIS MATTER came before the Environmental Quality Council on December 7, 2009, for oral argument on the Motion to Strike the Expert Report and references there to contained within the affidavit of Katrina Winborn.

Council members present at the hearing included Presiding Officer F. David Searle, Dr. Fred Ogden, Chairman Dennis Boal, Cathy Guschewsky, Tim Flitner and Mr. John Morris. Council members participating remotely by telephone and/or video included Tom Coverdale.

Petitioner appeared and was represented by Dan Galpern, David Barr, Shannon Anderson and Ms. Andrea Issod. The Department of Environmental Quality appeared and was represented by Ms. Nancy Vehr, Senior Assistant Attorney General. The Permittee appeared and was represented by Ms. Mary Throne and Mr. John Coppede.

The Council heard argument from the parties and have reviewed the record. Chairman Boal moved to grant the Motion to Strike. The Motion was seconded by Councilman Flitner. The Council deliberated the Motion and proceeded to vote.

The Motion to Strike failed to receive a majority vote of the Council. The vote on the motion was 0 in support, 7 in opposition and 0 abstaining.

ORDER

IT IS THEREFORE ORDERED that:

1. The Petitioner's Motion to Strike, should be and hereby is DENIED.

DONE this 15th~~10th~~ day of December, 2009.



F. David Searle, Presiding Officer
Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 15th day of December, 2009, I served a copy of the foregoing **ORDER DENYING PETITIONER'S MOTION TO STRIKE** by electronic mail to the following:

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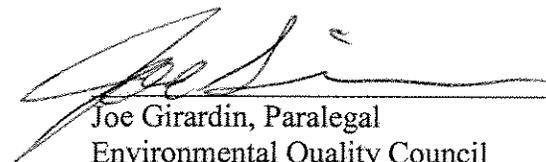
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