

FILED

APR 26 2010

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

Jim Ruby, Executive Secretary
Environmental Quality Council

In the Matter of the Appeal)
And Petition for Review of:)
BART Permit No. MD-6040)
(Jim Bridger Power Plant); and) **DOCKET NO. 10-2801**
BART Permit No. MD-6042)
(Naughton Power Plant))

ORDER OF SCHEDULE

The above entitled matter came on for Scheduling Conference on the 23rd day of April, 2010 at 9:30 a.m. Councilman David Searle presiding. Present on behalf of the Department of Environmental Quality was Nancy Vehr and Affie Ellis, from the Attorney General's Office. Appearing on behalf of the Petitioner, Pacificorp, was John Coppede, Blaine Rawson and Mike Jenkins. Also present were James Ruby, Executive Secretary for the Council and Joe Girardin, the Council Paralegal.

The following schedule has been set in the above captioned matter.

1. Settlement negotiation period from April 26 through June 11, 2010.
2. Fact Discovery from May 17 through December 31, 2010.
3. Dispositive Motions due June 30, 2010.
4. Responses to Motions due July 30, 2010.
5. Replies to Responses due August 31, 2010.
6. Hearing on Dispositive Motions September 9th or 10th, 2010. The time and location shall be determined at a later date.
7. A status conference shall be held on October 27th, 2010 by telephone conference. The time will be set at a later time.

8. Petitioner shall file Designation of Experts and Expert Reports by November 30, 2010.
9. DEQ shall file Designation of Experts and Expert Reports by January 14, 2011.
10. Petitioner shall file Rebuttal Experts and Reports by February 25, 2011.
11. Expert Discovery will begin on or before December 1, 2010 and conclude on or before April 1, 2011.
12. 2nd round of Dispositive Motions shall be filed on or before May 6, 2011.
13. Responses to Motions shall be filed on or before June 3, 2011.
14. Hearing on Dispositive Motions shall be July 14th or 15th 2011. The time and location shall be determined at a later date.
15. Pretrial Conference shall be held on August 4, 2011. The time and location shall be determined at a later date.
16. Final Hearing on the Naughton Power Plant appeal shall be heard on September 8th and 9th 2011. The time and location shall be determined at a later date.
17. Final Hearing on the Jim Bridger Power Plant appeal shall be heard on November 9th and 10th 2011. The time and location shall be determined at a later date.

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 24 day of April, 2010.



David Searle, Presiding Officer

Environmental Quality Council

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Cheyenne, WY 82002

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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 26th day of April, 2010, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

John Corra
Director, DEQ
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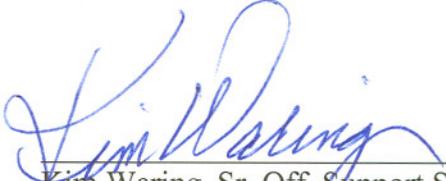
Affie Ellis
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also by depositing the same in the United States mail addressed to:

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