

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

OCT 29 2010

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

Docket No. 10-2801 Jim Ruby, Executive Secretary  
Environmental Quality Council

**JOINT STATUS REPORT AND MOTION TO SET MATTER FOR HEARING**

Pursuant to the presiding officer's request, Petitioner PacifiCorp and Respondent Wyoming Department of Environmental Quality, Air Quality Division ("DEQ") (collectively the "Parties") respectfully submit this Joint Status Report in lieu of the October 27, 2010, Telephonic Status Conference.

The Parties jointly report that they are close to reaching a settlement of the above-captioned matter. The Parties are in the process of finalizing the settlement documents and anticipate that an executed Settlement Agreement will be presented to the Environmental Quality Council ("Council") for its consideration and approval at the Council's November 17, 2010 meeting. (Due to a scheduling conflict, PacifiCorp cannot be in attendance on the other day of the Council's planned meeting, November 18, 2010). Therefore, the Parties jointly request that the Council place the following agenda item on its November 17, 2010 calendar: the consideration and approval of the Settlement Agreement and related documents, as well as resolving any outstanding matters in Docket No. 10-2801. The parties will file a formal, joint stipulated motion in the near future requesting the approval of the Settlement Agreement and its terms, and will provide copies of all settlement documents to the Council for its consideration ahead of the November 17, 2010 meeting.

WHEREFORE, the Parties respectfully request the Council place this matter, Docket No. 10-2801, on its agenda for the November 17, 2010 meeting.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of October 2010.

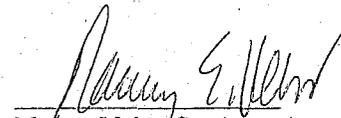
FOR PACIFICORP



/s/ E. Blaine Rawson

E. Blaine Rawson  
M. Benjamin Machlis  
Holme Roberts & Owen, LLP  
Attorneys for PacifiCorp

FOR DEQ



Nancy Vehr, Sr. Asst. Attorney General  
Affie Ellis, Asst. Attorney General  
Attorneys for DEQ/AQD

## CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of October, 2010, a true and correct copy of the foregoing *Joint Status Report and Motion to Set Matter for Hearing* was served by placing the same in the United States mail, postage pre-paid, addressed to:

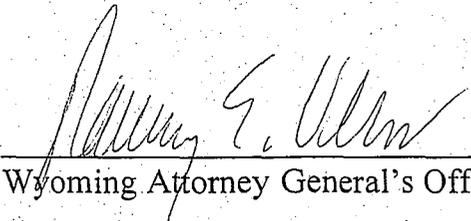
Paul Hickey  
John Coppede  
Hickey and Evans, LLP  
1800 Carey Avenue, Suite 700  
Cheyenne, WY 82001

E. Blaine Rawson  
M. Benjamin Machlis  
Holme Roberts & Owen LLP  
299 South Main Street, Suite 1800  
Salt Lake City, UT 84111

Michael Jenkins  
PacifiCorp  
1407 West North Temple, Suite 320  
Salt Lake City, UT 84116

and via interoffice mail addressed to

John Corra, DEQ Director  
Herschler Building, 4<sup>th</sup> Floor

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