

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

FEB 07 2016

IN RE BROOK MINE APPLICATION)
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)
TFN 6 2-025)


DOCKET 17-4864
Jim Ruby, Executive Secretary
Environmental Quality Council

ORDER VACATING CONTESTED CASE HEARING AND SETTING ORAL ARGUMENT

Upon review of the recent pleadings filed by Powder River Basin Resource Council, Mary Brezik-Fisher and David Fisher, and Big Horn Coal Company, and upon review of Wyo. Stat. Ann. § 35-11-406(k), I believe the parties need to address the issue of whether there is a proper appeal before the Council at this time necessitating a contested case. As a result, the parties are asked to brief the issue of whether there is a proper appeal before the Council at this time that necessitates a contested case. Because I want to provide the parties time to brief this issue and for the Council to fully consider and decide the issue, the contested case set for February 13 and 14 is vacated.

THEREFORE, the motion hearing and final contested case hearing scheduled for February 13 and 14, 2017 is vacated. Further, the parties have until February 15, 2017, by 5:00 p.m. to file briefs on the issue set forth above. A teleconference before the Council to hear oral arguments on this issue will be held on February 21, 2017, at 1:30 p.m. in Room 1699, 1st Floor West, Herschler Building 122 West 25th St. Cheyenne WY. The parties may participate by phone by providing advance notice to the Council.

SO ORDERED this 7th day of February, 2017.



Tim Flitner, Hearing Officer
Environmental Quality Council

Environmental Quality Council
Room 1714
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122 West 25th St.
Cheyenne WY 82002

CERTIFICATE OF SERVICE

I, Jim Ruby, certify that at Cheyenne, Wyoming, on the 2nd day of February, 2017, I served a copy of the foregoing ORDER VACATING CONTESTED CASE HEARING AND SETTING ORAL ARGUMENT by electronic mail addressed to the following:

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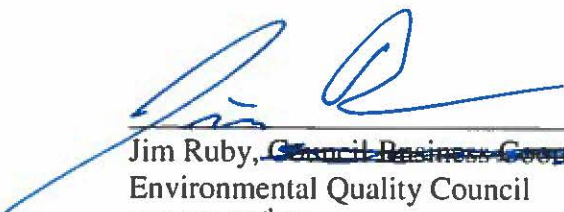
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