

Andrew J. Kuhlmann (Wyo. Bar No. 7-4595)
Senior Assistant Attorney General
James LaRock (Wyo. Bar No. 7-5814)
Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
Cheyenne, WY 82002
PH: (307) 777-6946
Fax: (307) 777-3542
andrew.kuhlmann@wyo.gov
james.larock@wyo.gov
Attorney for the State of Wyoming
Department of Environmental Quality

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

IN RE BROOK MINE APPLICATION)
) **Docket 17-4801**
)
TFN 6 2-205)

**DEQ MOTION FOR CLARIFICATION OF ORDER VACATING
CONTESTED CASE HEARING AND SETTING ORAL ARGUMENT**

The Department of Environmental Quality hereby requests clarification regarding the Environmental Quality Council's Order Vacating Contested Case Hearing and Setting Oral Argument ("Order"), entered on February 7, 2017.

The Order states that the hearing scheduled for February 13 and 14, 2017, is vacated, and it schedules briefing and oral argument on "the issue of whether there is a proper appeal before the Council at this time that necessitates a contested case." However, the Order does not address the discovery and pre-hearing deadlines scheduled in the Council's Amended Order, entered on February 2, 2017.

The Department respectfully requests that the Council clarify whether or not the parties still need to abide by all of the discovery and pre-hearing deadlines contained in the amended scheduling order. This includes deadlines related to discovery requests and responses, witness

designations and disclosures, identification of exhibits, pre-hearing memoranda, and preliminary and evidentiary motions and the responses to those motions.

Dated this 7th day of February, 2017.

/s/ Andrew J. Kuhlmann

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Cheyenne, WY 82002

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andrew.kuhlmann@wyo.gov

james.larock@wyo.gov

*Counsel for the State of Wyoming Department
of Environmental Quality*

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2017, a copy of the foregoing document was filed electronically with the Wyoming Environmental Quality Council's online docket system and copies were served electronically via that system and through electronic mail on the following:

Todd Parfitt
Director, DEQ
todd.parfitt@wyo.gov

Alan Edwards
Deputy Director, DEQ
alan.edwards@wyo.gov

Shannon Anderson
Powder River Basin Resource Council
sanderson@powderriverbasin.org

Thomas L. Sansonetti
Isaac N. Sutphin
Jeff S. Pope
Attorneys for Brook Mining Company, LLC
tsansonetti@hollandhart.com
insutphin@hollandhart.com
jspope@hollandhart.com
csevec@hollandhart.com
jmkelley@hollandhart.com

Mayor Peter Clark
Town of Ranchester
mayor@ranchesterwy.com

Lynne Boomgaarden
Clayton H. Gregersen
Attorneys for Big Horn Coal Company
lboomgaarden@crowleyfleck.com
jwacker@crowleyfleck.com
wdrake@crowleyfleck.com

Jay Gilbertz
Attorney for Mary Brezik-Fisher and David
Fisher
jgilbertz@yonkeetoner.com

Brooke Collins
38 Monarch Rd.
Ranchester, WY 82839
bpcharlie@wbaccess.net

/s/ Andrew J. Kuhlmann
Wyoming Attorney General's Office