

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN RE BROOK MINE APPLICATION) DOCKET 17-4802
)
TFN 6 2-025) **ORDER DENYING REQUEST FOR ORAL**
) **ARGUMENT AND MOTION TO STRIKE**


Powder River Basin Resource Council has requested that the Environmental Quality Council (Council) have oral argument on and decide the applicability of Wyo. Stat. Ann. § 35-11-406(n) prior to the parties filing their proposed findings of fact and conclusions of law. The briefs recently filed by the parties have sufficiently addressed the issue of whether Section 406(n) is applicable and I find no need for oral argument on that issue.

Further, the Council will not decide the applicability of Section 406(n) prior to the parties filing their proposed findings of fact and conclusions of law. As stated in my June 13 Briefing Order, the parties' proposed findings of fact and conclusions of law must focus on the law that is applicable in this matter, which necessarily includes whether a party believes Section 406(n) is applicable. The Council will not, prior to receiving the proposed findings of fact and conclusions of law, decide that legal issue. The Council will consider that legal issue during its deliberations in this matter.

Powder River Basin Resource Council has also asked the Council to strike Brook Mining Company, LLC's reply briefs filed on June 30 for being duplicative and failing to comply with my order dated June 13, 2017. Although filing three reply briefs instead of one was not necessary and may be duplicative, I am denying the motion to strike.

THEREFORE, Powder River Basin Resource Council's motions are DENIED.

SO ORDERED THIS 6TH DAY OF JULY, 2017


Dr. David M. Bagley, Hearing Officer
Environmental Quality Council *DM*

CERTIFICATE OF SERVICE

I, Jim Ruby, certify that at Cheyenne, Wyoming, on the 6th day of July, 2017, I served a copy of the foregoing **ORDER** by electronic mail addressed to the following:

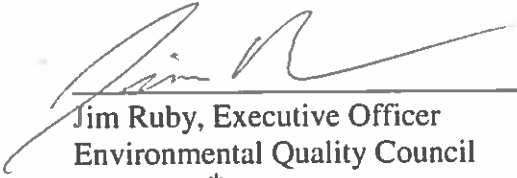
Andrew Kuhlmann
Asst. Attorney General
andrew.kuhlmann@wyo.gov

Jeff Pope
Isaac Sutphin
Attorneys for Brook Mine
jspope@hollandandhart.com
INSutphin@hollandandhart.com
jmkelley@hollandandhart.com
csvec@hollandandhart.com

Lynn Boomgaarden
Attorney for Big Horn Coal
lboomgaarden@crowleyfleck.com
jwacker@crowleyfleck.com
wdrake@crowleyfleck.com

Jay Gilbertz
Attorney for the Fishers
jgilbertz@yonkeetoner.com

Shannon Anderson
Attorney for PRBRC
sanderson@powderriverbasin.org



Jim Ruby, Executive Officer
Environmental Quality Council
122 W. 25th Street
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Phone: 307-777-7170