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Attorneys for Protestants

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

IN THE MATTER OF:)	
BASIN ELECTRIC POWER COOPERATIVE)	Docket No. 07-2801
DRY FORK STATION,)	Presiding Officer, F. David Searle
AIR PERMIT CT-4631)	
_____)	

NOTICE OF ADDITIONAL AUTHORITY

Protestants Powder River Basin Resource Council et al. herein file a Notice of Additional Authority related to Basin Electric Power Cooperative Inc's Motion to Dismiss Appeal (filed Feb. 8, 2008). Protestants submit the Environmental Quality Council's Order on Intervention (Mar. 3, 2006) (attached as Exhibit 1), in which the Council unanimously held:

1. The EQC holds contested case hearings where final actions taken by the Department of Environmental (DEQ) are challenged.
2. Contested cases hearings involve DEQ decisions that include the issuance, amendment, or revision of permits.
3. The Environmental Quality Act (the Act) provides a right to object to final permit actions of DEQ to those permittees whose permit is affected and to citizens who have an interest in the permit.
4. When persons, who are not the permittee, object to a final permit action taken by DEQ, a contested case is docketed with the EQC. Permittees are indispensable parties to cases in which their permit is challenged.

This Order is relevant to Protestants' argument in Protestants' Response to Basin Electric Power Cooperative Inc's Motion to Dismiss Appeal, at 7 (filed March 12, 2008), where Protestants demonstrated that the Environmental Quality Council has repeatedly recognized that it has jurisdiction over third-party permit appeals.

Dated: April 24, 2008

Respectfully Submitted,

/s/ Robin Cooley

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CERTIFICATE OF SERVICE

I certify that on this day of April 24, 2008, I served a copy of the foregoing NOTICE OF ADDITIONAL AUTHORITY via e-mail and by depositing copies of the same in the United States mail, postage prepaid, addressed to:

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/s/ Robin Cooley