

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

**FILED**

**FEB 22 2008**

**Terri A. Lorenzon, Director  
Environmental Quality Council**

IN THE MATTER OF: )  
BASIN ELECTRIC POWER COOPERATIVE ) Docket No. 07-2801  
DRY FORK STATION, )  
AIR PERMIT CT-4631 )  
\_\_\_\_\_ )

**STIPULATED MOTION TO STAY DISCOVERY ON GLOBAL WARMING ISSUES  
PENDING RESOLUTION OF THE DEPARTMENT OF ENVIRONMENTAL  
QUALITY'S MOTION TO DISMISS AND WITHDRAW OF MOTION FOR  
PROTECTIVE ORDER**

Protestants, Powder River Basin Resource Council, Sierra Club, and Wyoming Outdoor Council, and Respondent, the Department of Environmental Quality ("DEQ") respectfully stipulate to stay discovery on issues related to global warming pending the outcome of DEQ's Motion to Dismiss. Upon entry of an Order approving this Stipulation, the DEQ's request for a Protective Order is withdrawn. This Stipulation is based on the following:

1. On January 3, 2008, Protestants served DEQ with their First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions. Through these requests, Protestants sought information related to DEQ's treatment of greenhouse gas emissions during the permitting process for Air Permit CT-4631 and DEQ's approach to greenhouse gas emissions and global warming more generally. Requests related to these topics included Interrogatories Nos. 4 and 5, Requests for Production of Documents related to Interrogatories Nos. 4 and 5, and Requests for Admissions Nos. 1 through 17 (hereinafter "greenhouse gas discovery").

2. On February 1, 2008, DEQ moved the Council for a Protective Order barring Protestants' greenhouse gas discovery pending resolution of a Motion to Dismiss with respect to the same issues that DEQ anticipated filing on February 8, 2008.

3. Because Protestants had yet to see the Motion to Dismiss, they did not agree to the protective order at that time.

4. On February 8, 2008, DEQ filed a Motion to Dismiss Protestants' claims related to carbon dioxide, greenhouse gases, and global warming.

5. After review DEQ's Motion to Dismiss, Protestants have determined that they will be able to respond adequately to the legal issues raised without DEQ's responses to the greenhouse gas discovery.

6. Accordingly, Protestants agree to suspend these discovery requests pending resolution of DEQ's Motion to Dismiss, specifically Interrogatories Nos. 4 and 5, Requests for Production of Documents related to Interrogatories Nos. 4 and 5, and Requests for Admissions Nos. 1 through 17.

7. Additionally, upon entry of an Order approving this Stipulation, the DEQ agrees its Motion for Protective Order is withdrawn.

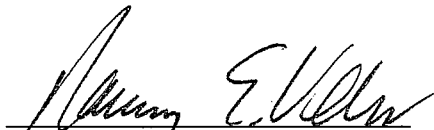
8. Protestants agree not to submit any further written discovery requests or ask any questions posed in deposition relating to carbon dioxide and other greenhouse gases or global warming until after the Council rules on the DEQ's Motion to Dismiss.

9. The parties agree that if the Council denies the DEQ's Motion to Dismiss, the DEQ agrees to respond to Protestants' first set of discovery requests within 15 days of receipt of the Council's ruling.

Dated: February 22, 2008

Respectfully submitted,

/s/ James S. Angell  
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing *Stipulated Motion to Stay Discovery on Global Warming Issues Pending Resolution of the Department of Environmental Quality's Motion to Dismiss and Withdrawal of Motion for Protective Order* through United States mail, postage prepaid on this the 22nd day of February, 2008 to the following:

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