

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

FILED

DEC 12 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

In the Matter of the Appeal)
Of the Denial of June 2, 2008)
Force Majeure Claim by) Docket No. 08-3804
Frontier Refining Inc.)

ORDER SETTING MOTION HEARING

THIS MATTER has come before the Wyoming Environmental Quality Council upon the Department of Environmental Quality's (DEQ) Motion to Dismiss filed on October 15, 2008 and Frontier Refining Inc.'s Response to the Motion to Dismiss was filed on November 4, 2008.

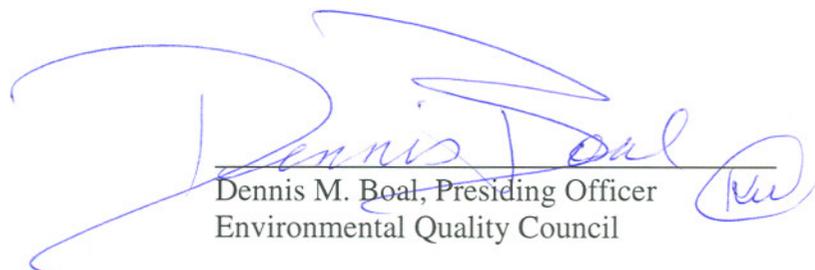
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the Parties shall share the cost of the transcript and court reporter.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The hearing on DEQ's Motion to Dismiss will be held on January 15, 2009 at 2:00 p.m. The hearing will be held at the Herschler Bldg., 122 W. 25th St., Room 1520, Cheyenne, Wyoming. All Parties shall have fifteen minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before January 7, 2009 a court reporter will transcribe the hearing.
3. The Parties shall share the cost of the transcript and court reporter.

DATED this 12th day of December, 2008.


Dennis M. Boal, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12th day of December, 2008, I served a copy of the foregoing **ORDER SETTING MOTION HEARING** by electronic mail to the following;

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