

FILED

MAY 28 1986

Ardelle M. Kissler, Clerk

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL Environmental Quality Council
STATE OF WYOMING

IN THE MATTER OF A PERMIT)
APPLICATION FOR,)
MOBIL COAL PRODUCING, INC.,)
to construct a coal mining)
operation in Campbell)
County, Wyoming.)

Docket No. 1656-85



MOTION OF THUNDER BASIN COAL COMPANY
TO INTERVENE

Thunder Basin Coal Company, by and through its attorneys, Hirst & Applegate, P.C., hereby moves the Environmental Quality Council for permission to intervene in the above-entitled matter for the limited purpose of cross-examination, argument, and submitting a brief and memorandum of points and authorities on legal issues presented as they may affect Thunder Basin Coal Company in this or subsequent proceedings, and in support of this Motion, states as follows:

1. This Motion to Intervene is made pursuant to the Rules of Practice and Procedure of the Department of Environmental Quality, Chapter II, Section 7(a) and (b).
2. The legal issues in the above-entitled matter are similar to the legal issues presented in THE MATTER OF A PERMIT APPLICATION FROM THE CARTER MINING COMPANY TO MODIFY THE CARTER CABALLO MINE IN CAMPBELL COUNTY, WYOMING, Docket No. 1723-86. Thunder Basin Coal Company is a party affected

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by the latter action and to the extent that any legal rulings or decisions are made in this action that might affect the Carter Mining permit application, Thunder Basin will be adversely affected by this action and the rulings made by the Council.

3. In addition, Thunder Basin Coal Company believes that while the legal issues will be adequately placed before the Council, the additional participation of Thunder Basin Coal Company in the limited capacity noted would be of benefit to the Council and to the ultimate decision, as well as allowing Thunder Basin Coal Company to adequately protect its interests in this and subsequent proceedings. Without such participation, Thunder Basin Coal Company believes it will be prejudiced.

4. Notice has been given to all parties of this Motion in a timely fashion under the rules and regulations.

5. Thunder Basin Coal Company understands that, though no formal order has been issued, similar intervention has been granted by the Council with regard to participation of Carter in this matter. Like Carter, Thunder Basin asserts that it has a legal right under the Environmental Quality Act and the Wyoming Administrative Procedure Act to intervene. Further, as an intervener, Thunder Basin will

present relevant evidence and argument. Furthermore, intervention by Thunder Basin Coal Company will not unduly delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, Thunder Basin Coal Company respectfully requests an Order of the Council allowing it to intervene in the above-entitled matter for the purpose of cross-examination, argument and submission of a legal brief or memorandum on the disputed issues of law.

Respectfully submitted this 28th day of May 1986.

THUNDER BASIN COAL COMPANY

BY: 

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CERTIFICATE OF SERVICE

I certify that the foregoing Motion Of Thunder Basin Coal Company To Intervene was served upon all parties to this action by hand-delivery on this day, and that copies specifically were delivered to Mike Barrash; Steven R. Shanahan; Ronald Arnold; Brent R. Kunz; Freudenthal Law Offices; Charles Collins; Terri Lorenzon; Randolph Woods; Richard Rideout; and that a copy was sent by Federal Express to David Park, 907 South Center Street, Casper, Wyoming 82601, and by Federal Express to Steven Youngbauer, 1901 Energy Court, Gillette, Wyoming 82716.


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