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ATTORNEYS FOR PERMIT APPLICANT
BROOK MINING COMPANY, LLC

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

IN RE BROOK MINE APPLICATION)
) Civil Action No. 17-4804
TFN 6 2-025)


**BROOK MINE’S REQUEST FOR A CONSOLIDATED AND EXPEDITED SCHEDULING CONFERENCE
ON POWDER RIVER BASIN RESOURCE COUNCIL’S PETITION FOR CONTESTED CASE HEARING**

Pursuant to the Environmental Quality Act and specifically Wyo. Stat. Ann. § 35-11-406(k), Brook respectfully requests an expedited scheduling conference on Powder River Basin Resource Council’s Petition for a contested case hearing. Section 406(k) mandates that the public hearing take place within twenty days of the public comment period’s conclusion. Likewise, it requires the Council to publish notice of the public hearing for two consecutive weeks in advance. Thus, it is imperative to schedule the hearing date as quickly as possible. To comply with the statutory provisions and the policy of requiring an expedited public hearing on all objections, Brook requests that the scheduling conference occur as soon as possible.

By making this request, Brook in no way waives or otherwise disposes of its underlying objections to Powder River Basin Resource Council’s Petition. Although it has not yet done so, Brook is contemplating filing a motion to dismiss the Petition as untimely and in violation of Section 406(k).

Brook acknowledges that Big Horn Coal Company, and Mary Brezik-Fisher and David Fisher have also filed petitions for contested case hearings relating to their permit application objections. Although this Council has not yet consolidated those petitions with the Powder River Basin Resource Council's Petition for a contested case, Brook requests that the scheduling conference include all objectors who have requested a contested case. Even before a formal decision on consolidation is reached, holding a consolidated scheduling conference will allow the parties and the Council to establish a schedule for a single hearing on an expedited basis.

DATED: February 28, 2017.



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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2017, I served a true and correct copy of the foregoing by email to the following:

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