

John Morris Hearing Examiner  
Environmental Quality Council  
Herschler Building  
122 West 25<sup>th</sup> Street  
Herschler Bldg., Room 1714  
Cheyenne, WY 82002

October 4<sup>th</sup>, 2006

**FILED**

**OCT 05 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

CC: Land Quality DEQ  
Herschler Building,  
3<sup>rd</sup> Floor 122 West 25<sup>th</sup> Street,  
Cheyenne, WY 82002

Mr. John Morris

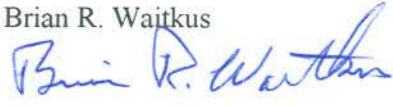
I received your letter dated September 29, 2006 concerning the matter of objection to the sequence change of mine permit of Mountain Cement Company, TFN 4 4/296, permit No. 298C. In this Order it stated "IT IS HEREBY ORDERED THAT: #2 "To facilitate the hearing process, all parties shall deliver a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony..... to all parties to this case (Mountain Cement, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 12:00 P.M. on October 4, 2006." These words hereby ordered and shall appear to be a command of your office that you have to obey. I assume these words were chosen for their enforcement in law.

I faxed my list to the parties involved and expected to here from Mountain Cement Company (MCC) in some similar manner (i.e. fax, e-mail, or letter prior to this time period). When I had not been contacted by MCC by 1 P.M. I contacted both DEQ and EQC to see if they received this information . My thought was that their was some problem with MCC getting this information to me by midday. Neither your office or DEQ had received their information. It is now 3 P.M. and I still have not been contacted.

Does this failure to comply put a stop to this hearing process? If it does not, why not since MCC did not comply with your Order?

Thank you for your time.

Brian R. Waitkus



80 Eagles Nest Lane

Laramie, Wyoming 82070.