

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

IN THE MATTER OF:)
BASIN ELECTRIC POWER COOPERATIVE)
DRY FORK STATION)
AIR PERMIT CT-4631)

Docket No. 07-2801

FILED

JAN 11 2008

SCHEDULING CONFERENCE ORDER Terri A. Lorenzon, Director
Environmental Quality Council

THIS Order arises out of the scheduling conference conducted by F. David Searle, presiding officer, and Terri Lorenzon, Director/Attorney, for the Environmental Quality Council, on December 27, 2007.

1. Scheduling.

(a) The following schedule is set in this matter:

- (1) Discovery may begin on January 1, 2008.
- (2) Any preliminary or procedural motions shall be filed and served on or before January 31, 2008.
- (3) Responses to any preliminary or procedural motions shall be filed and served on or before February 20, 2008.
- (4) Replies to any preliminary or procedural motions shall be filed and served on or before March 6, 2008.
- (5) A hearing on any preliminary or procedural motions and any motion on a stay is set for April 7-8, 2008 in Cheyenne, Wyoming. The exact location and time of the hearing will be determined later.
- (6) Protestants' expert designation and reports are due April 15, 2008.
- (7) A scheduling/argument conference is set for May 14, 2008. The location and time of the conference will be determined later.
- (8) Permittee's and DEQ's counter-expert designations and reports are due June 2, 2008.


- (9) Protestant's rebuttal expert designations and reports are due July 1, 2008.
- (10) All discovery, both written and oral, shall be completed by August 1, 2008.
- (11) Dispositive motions shall be filed and served on or before August 15, 2008.
- (12) Responses to dispositive motions shall be filed and served on or before September 4, 2008.
- (13) Replies to dispositive motions shall be filed and served on or before September 15, 2008.
- (14) Oral argument on dispositive motions is set for September 24, 2008. The location and time of the arguments will be determined later. Each party will have ten minutes for oral argument.
- (15) Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council and served on all parties on or before October 17, 2008. At a minimum the memorandums shall identify the issues of the hearing, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the Prehearing Conference.
- (16) The pre-hearing conference is set for October 27, 2008. The location and time of the conference will be determined later. The purpose of the pre-hearing conference is to:
 - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Pending motions.
- (6) Hearing is set for November 17-21, 2008 in Casper, Wyoming. The exact location and time of the hearing will be determined later.

- (b) All documents shall be delivered no later than 4:00 p.m. on the above referenced date. For the purposes of this order, delivery shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

2. Objections to Scheduling Conference Order.

The parties shall have ten days from the date of service to serve and file any objections to this Scheduling Conference Order.

SO ORDERED this 11th day of January, 2008.



F. David Searle, Presiding Officer
Environmental Quality Council
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Herschler Bldg.
Cheyenne, WY 82002
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CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 11th day of January, 2008, I served a copy of the foregoing **SCHEDULING ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

James S. Angell
Earthjustice
1400 Glenarm Place, #300
Denver, CO 80202

Robin Cooley
Earthjustice
1400 Glenarm Place, #300
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Patrick R. Day, P.C.
Mark Ruppert
Holland & Hart
2515 Warren Ave., Ste. 450
Cheyenne, WY 82001

also to the following persons via interoffice mail:

Nancy Vehr
Office of Attorney General
123 State Capitol
Cheyenne, WY 82002

John Corra
Director
Department of Environmental Quality
122 W. 25th St., Herschler Bldg.
Cheyenne, WY 82002

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