

Brent R. Kunz  
Hathaway & Kunz, P.C.  
2515 Warren Avenue, Suite 900  
Cheyenne, WY 82003  
Phone: (307) 634-7723  
Fax: (307) 634-0985

John Martin  
Patton Boggs LLP  
2550 M Street N.W.  
Washington, D.C. 20037  
Phone: (202) 457-6000  
Fax: (202) 457-6315

*Counsel for Pennaco Energy Inc.*

**FILED**

**DEC 13 2007**

Terri A. Lorenzon, Director  
Environmental Quality Council

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

\_\_\_\_\_)  
IN THE MATTER OF THE APPEAL )  
OF PENNACO ENERGY, INC. FROM )  
CONDITIONS IN RENEWAL OF )  
WYPDES PERMIT NOS. WY0039721, )  
WY0039616, WY0048461, WY0052361, )  
WY0048283 )  
\_\_\_\_\_)

**Consolidated Docket No. 07-3620**

**PENNACO ENERGY INC.'S UNOPPOSED MOTION TO CONSOLIDATE APPEAL**

On December 3, 2007, Petitioner Pennaco Energy Inc. ("Pennaco") filed a Notice of Appeal and Petition for Hearing of conditions in renewal of Wyoming Pollutant Discharge Elimination System ("WYPDES") Permit No. WY0030632. The Petition regarding Permit WY0030632 involves common questions of law and fact with the Petitions filed by Pennaco in consolidated Docket No. 07-3620.

Under Chapter II, Section 14 of the DEQ Rules of Practice and Procedure and Rule 42(a) of the Wyoming Rules of Civil Procedure, the Council may consolidate actions involving common questions of law or fact to avoid unnecessary costs or delay. In the interest of judicial

economy, Pennaco hereby moves to consolidate the appeal from the conditions of Permit WY0030632 with the appeals previously consolidated in Docket No. 07-3620.

Counsel for Pennaco has contacted counsel for Respondent Department of Environmental Quality. Respondent agrees that the issues raised by Pennaco in its December 3, 2007 Petition regarding Permit WY0030632 can be addressed within the same proceeding as the other petitions and does not oppose this motion.

Dated: December 13, 2007

Respectfully submitted,



Brent R. Kunz  
Brent R. Kunz  
Hathaway & Kunz, P.C.  
2515 Warren Avenue, Suite 900  
Cheyenne, WY 82003  
Phone: (307) 634-7723  
Fax: (307) 634-0985

John Martin  
Patton Boggs LLP  
2550 M Street N.W.  
Washington, D.C. 20037  
Phone: (202) 457-6000  
Fax: (202) 457-6315

*Counsel for Pennaco Energy Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2007 a copy of the foregoing Petitioners'

Unopposed Motion to Consolidate Appeal was served by email and first class mail, upon:

John S. Burbridge  
Senior Assistant Attorney General  
Attorney General's Office  
123 Capitol Avenue  
Cheyenne, Wyoming 82002  
Phone: (307) 777-6946



---

Brent R. Kunz