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FILED
AUG 11 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF:)
KERN RIVER GAS TRANSMISSION CO.)
MUDDY CREEK COMPRESSOR STATION,) Docket No. 09-2601
AIR QUALITY PERMIT MD-7883)

**DEQ'S UNOPPOSED MOTION TO RECONSIDER AUGUST 14, 2009
RESPONSE FILING DEADLINE**

The Wyoming Department of Environmental Quality, Air Quality Division ("DEQ/AQD"), through the Office of the Attorney General, pursuant to Chapter 2, § 3 of the DEQ Rules of Practice and Procedure, moves for the Council's reconsideration of its July 10, 2009 Order that DEQ/AQD file a Response to Kern River's Appeal of Air Quality Permit MD-7883 on or before August 14, 2009. The grounds for this unopposed motion are as follows:

1. On April 21, 2009, Kern River filed an *Appeal of Air Quality Permit MD-7883*.
2. By Order filed April 22, 2009, this Council ordered that DEQ file a Response to Kern River's Appeal on or before May 22, 2009.
3. On May 19, 2009, the DEQ/AQD and Kern River were engaged in settlement discussions and, to facilitate settlement negotiations, filed a stipulated motion to extend the DEQ/AQD's deadline for filing a response until June 22, 2009.

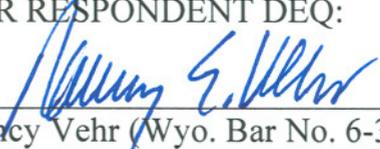
4. By Order dated May 20, 2009, this Council granted the DEQ/AQD and Kern River's stipulated motion, extending the DEQ/AQD's response filing deadline up to and including June 22, 2009.
5. On June 22, 2009, the DEQ/AQD and Kern River continued to be engaged in settlement discussions, and to facilitate settlement negotiations, filed a stipulated motion to extend the DEQ/AQD's deadline for filing a response until July 10, 2009.
6. By Order dated June 22, 2009, this Council granted the DEQ/AQD and Kern River's stipulated motion, extending the DEQ/AQD's response filing deadline up to and including July 10, 2009.
7. On July 9, 2009, the DEQ/AQD and Kern River filed a Third Stipulated Motion to Extend Response Filing Deadline up to and including October 8, 2009, to allow the parties time to reduce their tentative settlement agreement to writing and complete their respective obligations under the terms of the agreement.
8. By Order dated July 10, 2009, this Council extended the DEQ/AQD's response filing deadline up to and including August 14, 2009.
9. Since the Council's Order, the DEQ/AQD has received Kern River's request to modify Permit MD-7883 to reflect that Kern River has elected not to restage the five (5) existing Mars 100 turbines and therefore requests Conditions 10(b) and 13 be deleted. The DEQ/AQD has completed its analysis and placed its proposed decision out for public comment until September 8, 2009. Following the close of public comment, the DEQ/AQD will make a decision on Kern River's request.

10. Counsel for DEQ has contacted Kern River and represents that Kern River does not oppose this Motion.

Therefore, DEQ respectfully move this Council to reconsider its July 10, 2009 Order and extend the DEQ's Response filing deadline until October 8, 2009. A proposed order is attached.

RESPECTFULLY SUBMITTED this 11th day of August, 2009.

FOR RESPONDENT DEQ:



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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing DEQ'S UNOPPOSED MOTION TO RECONSIDER AUGUST 14, 2009 RESPONSE FILING DEADLINE through United States mail, postage prepaid on this 11th day of August, 2009 addressed to the following:

Robert S. Checketts,
V.P. Operations, IT & Engineering
Kern River Gas Transmission Co.
2755 E. Cottonwood Parkway, Suite 300
Salt Lake City, UT 84121



WYOMING ATTORNEY GENERAL'S OFFICE