

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

AUG 19 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF )  
MEDICINE BOW FUEL & POWER )  
AIR PERMIT CT-5873 )

Docket No. 09-2801

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**ORDER GRANTING STIPULATED MOTION TO STAY DISCOVERY ON CLAIMS  
VII (PM<sub>2.5</sub>) and VIII (CO<sub>2</sub>)**

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The Presiding Officer, having considered the Sierra Clubs' and DEQ's Stipulated Motion to Stay Discovery as to Claims VII (PM<sub>2.5</sub>) and VIII (CO<sub>2</sub>) pending resolution of the DEQ's Motion to Dismiss, and having reviewed the file and being otherwise fully advised on the premises, it is hereby

**ORDERED** that the Stipulation Motion is **GRANTED**;

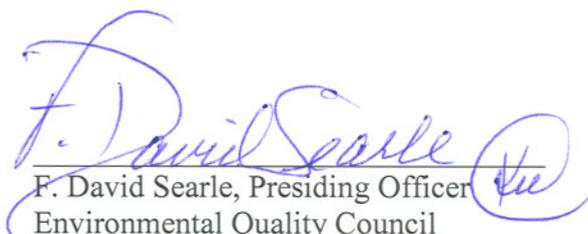
**IT IS FURTHER ORDERED** that any and all discovery requests from Protestants to DEQ that relate to Protestants' Claims VII and VIII are stayed until such time as this Council rules on the DEQ's Motion to Dismiss;

**IT IS FURTHER ORDERED** that if the Council grants the DEQ's Motion to Dismiss, discovery relating to the dismissed claim(s) is barred;

**IT IS FURTHER ORDERED** that if the Council denies the DEQ's Motion to Dismiss, the applicable discovery response is due to the requesting party within ten days of the Council's ruling.

**IT IS FURTHER ORDERED** that if the Council does not rule on the DEQ's Motion to Dismiss by October 1, 2009, the parties will respond by October 12th, 2009.

**DATED** this 19<sup>th</sup> day of August, 2009.

  
F. David Searle, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 19<sup>th</sup> day of August, 2009, I served a copy of the foregoing **ORDER GRANTING STIPULATED MOTION TO STAY DISCOVERY ON CLAIMS VII (PM<sub>2.5</sub>) AND VIII (CO<sub>2</sub>)** by electronic mail to the following:

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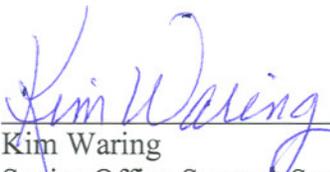
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