

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

FILED

NOV 25 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

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

Docket No. 07-2801

**JOINT STIPULATION AND MOTION TO AMEND “ORDER GRANTING BASIN
ELECTRIC COOPERATIVE’S AND DEPARTMENT OF ENVIRONMENTAL
QUALITY’S MOTIONS FOR SUMMARY JUDGMENT REGARDING
PROTESTANTS’ CLAIM VIII”**

Wyoming Department of Environmental Quality (“DEQ”), and Basin Electric Power Cooperative (“Basin Electric”) jointly stipulate to and move the Environmental Quality Council (EQC), through its Chairman, to amend Nunc Pro Tunc the “Order Granting Basin Electric Cooperative’s and Department of Environmental Quality’s Motions for Summary Judgment Regarding Protestants Claim VIII” (“Order on Summary Judgment”) as provided herein.

In support of this stipulation and motion, DEQ and Basin Electric state as follows:

1. At a hearing on September 29-30, the EQC heard the parties’ arguments and deliberated on the parties’ motions for summary judgment regarding Protestants’ Claim VIII. The EQC voted to grant Basin Electric’s and DEQ’s motions for summary judgment on Claim VIII and to deny Protestants’ motion for summary judgment on Claim VIII.
2. Basin Electric and DEQ proposed findings of fact and conclusions of law, and Protestants filed objections to certain proposed findings of fact and conclusions of law, regarding a final Order on Summary Judgment to be drafted and approved by the EQC.

3. At a hearing on November 20, 2008, the EQC voted to authorize the EQC Chairman to execute the final written Order on Summary Judgment granting Basin Electric's and DEQ's motions for summary judgment regarding Protestants' Claim VIII.

4. On November 24, 2008, counsel for Basin Electric notified the EQC Executive Secretary that the form of the final written Order on Summary Judgment approved by the EQC contained an error at Conclusion of Law paragraph 49, in that the last sentence read, "Modeling in this case using actual emissions from all sources predicted no increment exceedances." DEQ and Basin Electric hereby stipulate and agree that this sentence should read "Modeling in this case using actual emissions from Colstrip predicted no increment exceedances."

5. On November 24, 2008, counsel for Basin Electric conferred with counsel for Protestants on the proposed correction to the Order and Summary Judgment, providing counsel for Protestants a copy of the proposed order submitted to the EQC with this Motion. Counsel for Protestants do not oppose this motion or entry of this proposed order.

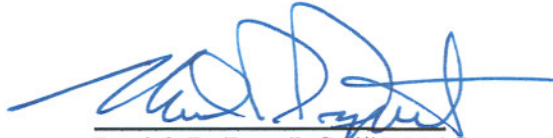
6. The EQC Chairman has not yet signed the form of the Order approved by the EQC on November 20, 2008.

7. The stipulated correction reflects the accurate state of the record before the EQC as to modeling of actual emissions when it ruled on Basin Electric's and DEQ's motions for summary judgment regarding Protestants' Claim VIII.

8. The correction will not prejudice any of the parties and does not require another hearing before the EQC to make the correction.

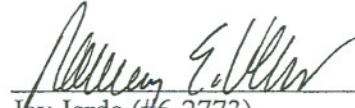
9. The correction and amended order reflecting this correction may be made Nunc Pro Tunc by the Chairman of the EQC.

Dated: November 25, 2008.



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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2008, I served the **Joint Stipulation And Motion To Amend “Order Granting Basin Electric Cooperative’s And Department Of Environmental Quality’s Motions For Summary Judgment Regarding Protestants’ Claim VIII”** and the **Order Nunc Pro Tunc Amending “Order Granting Basin Electric Cooperative’s And Department Of Environmental Quality’s Motions For Summary Judgment Regarding Protestants” Claim VIII”** by electronic service and by placing a true and correct copy thereof in the United States mail, postage prepaid and properly addressed to the following:

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