

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

FILED

DEC 08 2008

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

Jim Ruby, Executive Secretary
Environmental Quality Council
Docket No. 07-2801

ORDER DENYING MOTION FOR RECONSIDERATION

On the 3rd day of December 2008, the Council convened by teleconference to review and consider the Notice of Supplemental Authority and Motion to Reconsider Order Granting Respondent Department of Environmental Quality's Motion to Dismiss filed by the Petitioner on November 19, 2008 and the Responses to said Motion filed by the Department of Environmental Quality and Basin Electric. Present by telephone were Dennis Boal, John Morris, Tim Flitner, Dr. Fred Ogden, and Tom Coverdale.

Appearing by telephone on behalf of the Petitioner was Robin Cooley and Andrea Zaccardi. Appearing on behalf of the Department of Environmental Quality was Nancy Vehr and Luke Esch. Appearing by telephone on behalf of Basin Electric was Mark Ruppert.

After review of the Record the Council finds as follows:

FINDINGS OF FACTS

1. DEQ's Motion to Dismiss greenhouse gas claims was heard by the Council on April 29, 2008. The Order granting the Respondent's Motion to Dismiss and Dismissing Count I of Protestants' Protest and Petition for Hearing was issued on August 21, 2008 (the Order).
2. Protestants filed their Motion to Reconsider the Order on November 19, 2008.
3. Count I of the Protestant's Petition was fully briefed and argued during the hearing on the Respondent's Motion to Dismiss on April 29, 2008.
4. On November 20th, 2008 the Council considered and approved a Joint Stipulation by the parties dismissing all then remaining causes of action and terminating this matter before the Council. After hearing the parties' views on the impact of the Joint Stipulation on the pending Motion to Reconsider, the Council approved the Joint Stipulation and proposed order to approve the Joint Stipulation.
5. All parties agreed during the hearing held December 3, 2008 that at the time the Council approved the Joint Stipulation and proposed order to approve the Joint Stipulation, the Petitioner's Motion to Reconsider was rendered moot and that there was no need for the Council to consider the motion.

CONCLUSIONS OF LAW

1. Upon the acceptance of the parties' Joint Stipulation for Dismissal of Remaining Claims the Motion for Reconsideration was rendered Moot and unnecessary for the Council to consider

WHEREFORE, the Motion for Reconsideration is DENIED.

Dated this ^{4th}~~3rd~~ day of December, 2008.



Dennis Boal, Chairman
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 8th day of December, 2008,
I served a copy of the foregoing document by electronic email to the following persons:

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