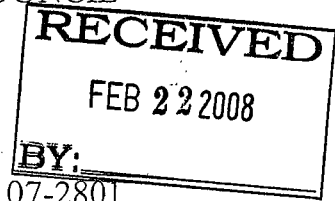


BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING



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

Docket No. 07-2801

**(proposed) ORDER ON STIPULATED MOTION TO STAY DISCOVERY ON
GLOBAL WARMING ISSUES**

The Council, having considered Protestants, Powder River Basin Resource Council, Sierra Club and Wyoming Outdoor Council, and Respondent Department of Environmental Quality's (DEQ) Stipulated Motion to Stay Discovery On Global Warming Issues Pending Resolution of the Department of Environmental Quality's Motion to Dismiss and Withdraw of Motion for Protective Order (Stipulated Motion), and having reviewed the file and being otherwise fully advised in the premises, including acknowledging that the DEQ's Motion for Protective Order is simultaneously withdrawn upon entry of this Order, it is hereby:

ORDERED that the Stipulated Motion is GRANTED;

IT IS FURTHER ORDERED THAT the Protestants' pending discovery requests relating to CO₂ and other greenhouse gases and global warming, specifically Interrogatories Nos. 4 and 5, Requests for Production of Documents related to Interrogatories Nos. 4 and 5, and Requests for Admissions Nos. 1 through 17 set forth in *Protestants' First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Served on the DEQ* are suspended until such time as this Council rules on the DEQ's pending Motion to Dismiss;

IT IS FURTHER ORDERED THAT the Protestants are barred from submitting any further written discovery requests, asking, or seeking to compel DEQ to answer or respond to any subsequent written discovery requests or questions posed in deposition by any party relating to CO₂ and other greenhouse gases and global warming until such time as this Council rules on the DEQ's pending Motion to Dismiss;

IT IS FURTHER ORDERED that if the Council grants the DEQ's Motion to Dismiss, the DEQ does not have to respond to Interrogatories Nos. 4 and 5, Requests for Production of Documents related to Interrogatories Nos. 4 and 5, and Requests for Admissions Nos. 1 through 17 set forth in *Protestants' First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Served on the DEQ*;

IT IS FURTHER ORDERED that if the Council denies the DEQ's Motion to Dismiss, within 15 days of receipt of the Council's ruling, the DEQ must respond to Interrogatories Nos. 4 and 5, Requests for Production of Documents related to Interrogatories Nos. 4 and 5, and Requests for Admissions Nos. 1 through 17 set forth in *Protestants' First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Served on the DEQ*.

DATED this ____ day of _____, 2008.

F. David Searle, Presiding Officer
Environmental Quality Council