

FILED

OCT 28 2009

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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

**IN THE MATTER OF A NOTICE OF VIOLATION)
ISSUED TO WESCO) DOCKET NO. 09-4601
P.O. Box 40, Wright, Wyoming 82732)
NOV No. 100559, Docket #4494-09)**

ON THE 27th day of October, 2009, the Council through Cathy Guschewsky, the appointed presiding officer conducted a scheduling conference with the parties. Present at said hearing along with the Presiding Officer were the Petitioners, represented by Lloyd Smith; the Department of Environmental Quality, represented by John Burbridge, Asst. Attorney General; Jim Ruby, Executive Secretary of the Council and Joe Girardin, paralegal for the Council.

The Parties have stipulated that the issue involved is only a question of law and that the facts are agreed upon. The parties waived discovery and full hearing. The parties have further stipulated that this matter can be decided by the council based upon briefs and oral argument of the parties.

The following schedule has been developed by the Presiding Officer through consultation with the parties and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

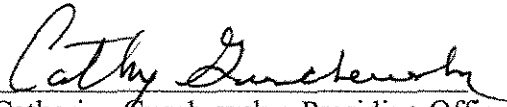
The following schedule is hereby Ordered:

- a. Upon agreement by both parties the Department of Environmental Quality shall transcribe the informal conference and file said transcript with the Council no later than 12:00 noon on November 30th, 2009.
- b. The Petitioner shall file their initial brief no later than 12:00 noon on December 21st, 2009.

- c. The Respondent shall file their response brief no later than 12:00 noon on January 21st, 2010.
- d. The Petitioner shall file their reply brief no later than 12:00 noon on February 5th, 2010.
- e. Oral Argument in this matter shall be held on March 11th, 2010. The exact location and time of the hearing will be determined at a later date.
- l. All documents shall be delivered no later than 12:00 noon on the above referenced dates. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

The parties shall have ten days from the date of receipt of this Order to file any objections to this Scheduling Order.

SO ORDERED this 27th day of October, 2009.


Catherine Guschewsky, Presiding Officer
Environmental Quality Council
122 W. 25th, St. Rm 1714
Herschler Bldg.
Cheyenne WY 82002
Phone: 307-777-7170
Fax: 307-777-6134


CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 28th day of October, 2009, I served a copy of the foregoing **ORDER** by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wyo.gov

John Burbridge
Asst. Attorney General
Jburbl@state.wy.us

Loyd E. Smith
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