

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

FILED

OCT 09 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

**In Re Strata Energy,
TFN 5 5/217**

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Docket No. 12-4803

ORDER OF SCHEDULE

ON THE 8th day of October, 2012, the Council, through Tim Flitner, the appointed Presiding Officer, conducted a scheduling conference with the parties. Present at this hearing were Mary Throne and Whitney Agopian for Permittee, Strata Energy Inc.; Luke Esch, Assistant Attorney General, on behalf of the Wyoming Department of Environmental Quality, Land Quality Division; and Jane France and John Sundahl on behalf of Merit Energy Company, LLC were Jane France and John Sundahl. Also present were Objectors Wilma Tope, Kathy Durrum; Shannon Anderson of the Powder River Basin Resource Council (PRBRC) appeared to represent these objectors and other Objectors who are members of the PRBRC. Present for the Council were Jim Ruby, Executive Secretary of the Council, Joe Girardin, Paralegal for the Council and Senior Asst. Attorney General John Knepper.

The following objectors failed to appear at the prehearing conference and will be dismissed from the case: Cynthia Patterson, Jim Jones, Pamela Viviano, Liliias Jarding, and Rodney Knudson. Ms. Durrum indicated that she was unable to participate in the prehearing conference and that she was relying on Liliias Jarding to provide her points on the objection. Ms. Durrum was dismissed from the matter.

Shannon Anderson on behalf of the Powder River Basin Resource Council and the PRBRC's members asked to withdraw any request for a hearing.

It is hereby ORDERED that the parties comply with the following schedule unless good cause is shown:

- a. All requests for discovery, both written and oral, shall be served on or before October 12, 2012 at 12:00 p.m. Responses to discovery shall be completed on or before 5:00 p.m. October 19, 2012.

- b. Dispositive motions shall be filed on or before October 9, 2012, at 5:00 p.m.
- c. Responses to dispositive motions shall be filed on or before October 15, 2012, at 5:00 p.m.
- d. Oral argument on dispositive motions shall be held on October 22, 2012 at 8:30 a.m. prior to the commencement of the hearing in this matter. Each party will have 5 minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.
- e. A copy of all exhibits shall be served on the opposing parties and the Council by 5:00 p.m. on October 17, 2012. All Exhibits should be served to the Council in both paper and electronic format if possible. The DEQ shall label its exhibits DEQ 1, 2, 3 etc. The Petitioner shall label its exhibits Merit 1, 2, 3 etc. The Permittee shall label its exhibits Strata 1,2,3 etc. Each party shall file a prehearing memorandum with the other parties and the Council by 5:00 p.m. on October 17, 2012. The memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered prior to the final hearing.
- f. Final hearing in this matter is scheduled for October 22 and 23, 2012 in room B-63 of the Herschler Building, Cheyenne WY at 9:00 a.m. Any hearing on dispositive motions shall be held on October 22, 2012, at the same location at 8:30 a.m.
- g. Given the tight deadlines in this case, delivery requires actual conveyance of documents to the Council and other parties by the specified time. 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 48 hours from the date of receipt to file any objections to this Scheduling Order.

DATED this 9th day of October, 2012

Tim Flitner
Tim Flitner, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 12th day of October, 2012, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

John Corra
Director, DEQ
John.Corra@wyo.gov

Luke Esch
Asst. Attorney General
Luke.Esch@wyo.gov

Nancy Nuttbrock, Administrator
Land Quality Division
Nancy.Nuttbrock@wyo.gov

Jane France
Sundahl Powers Kapp & Martin LLC
jfrance@spkm.org

Mary Throne
mthrone@thronelaw.com

Pamela Viviano
735 New Haven Road
Hulett, WY 82720
pamelav@vcn.com

Jim Jones
735 New Have Road
Hulett, WY 82720
pamelav@vcn.com

Lilias Jones Jarding, Ph.D.
418 North 44th Street
Rapid City, SD 57702
liliasj@hotmail.com

Kathy Durrum
1818 S. Fundy Way
Aurora CO 80017
kathydurrum@comcast.net

Rebecca R. Leas
6509 Seminoe Lane
Rapid City, SD 57702
rrleas@yahoo.com

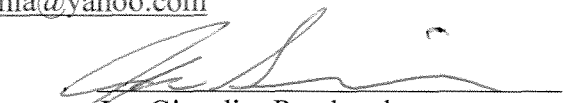
Neil & Jennifer Miller
P.O. Box 742
Basin, WY 82410
njmillier@tctwest.net

Wilma Tope
P.O. Box 2097
Belle Fourche SD 57717
Aladdin, WY 82710
wilto@live.com

Shannon Anderson
934 N. Main Street
Sheridan, WY 82801
sanderson@powderriverbasin.org

Rodney Knudson
P.O. Box 25
145 Bush Street
Hulett, WY 82720
knudson@rtconnect.net

Cynthia Patterson
3122 Enfield Point
Marietta, GA 30068
patterson_cynthia@yahoo.com


Joe Girardin, Paralegal
Environmental Quality Council
Phone: 307-777-7170
FAX: 307-777-6134