

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

MAY 30 2008

IN THE MATTER OF THE APPEAL OF )  
PENNACO ENERGY, INC. FROM CONDITIONS )  
IN RENEWAL OF WYPES PERMIT NOS. )  
WY 0039721, WY 0039616, WY 0048461, )  
WY 0052361, WY 0048283, WY 00 39632 AND )  
WY48631 )

Terri A. Lorenzon, Director  
Environmental Quality Council

DOCKET NO. 07-3620  
(Consolidated)

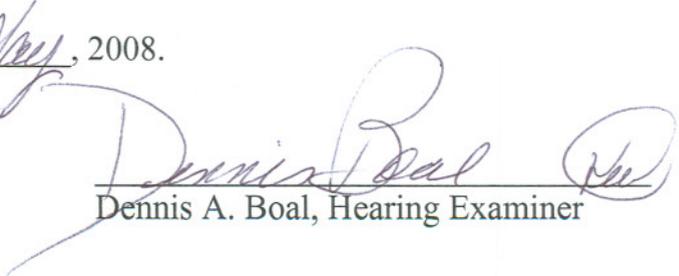
**PREHEARING AND SCHEDULING CONFERENCE ORDER**

**THIS ORDER** arises out of the prehearing conference conducted by telephone on May 27, 2008 by Mr. Dennis Boal, designated as the hearing examiner for the Environmental Quality Council (EQC) in this matter. Participants in the conference included Mr. Brent Kunz and Mr. Duane Siler, counsel for Pennaco, Mr. John Burbridge, counsel for the Department of Environmental Quality (DEQ), and Ms. Kate Fox, counsel for Powder River Basin Resource Council. Also attending the conference were Ms. Marion Yoder, Senior Assistant Attorney General, Ms. Deborah Baumer, Office of Administrative Hearings, Ms. Terri A. Lorenzon, Director/Attorney for the EQC and Mr. Joe Girardin, Paralegal for the EQC.

Upon motion of the DEQ, supported by Pennaco, and following questioning of the parties by the hearing examiner, it is understood that five of these seven permit appeals have been settled. It is anticipated that the two remaining matters, WY 0039616 ("Railroad") and WY0048461 ("Hay Creek"), may shortly be resolved and thus should be stayed. Specifically, the two remaining matters are in the process of undergoing major permit modification and are presently subject to public comment, with the expectation that DEQ will act on these matters in due course.

**IT IS THEREFORE ORDERED THAT** the foregoing consolidated case is stayed, pending the further efforts of the parties to resolve the remaining matters, and that a status conference will be convened by telephone on August 15, 2008 at 9:00 a.m. At this status conference, the parties should be prepared to inform the hearing officer whether the remaining matters have been resolved. In the event they have not been, the Hearing Officer will promptly set the matter for hearing and the parties should be prepared to proceed accordingly.

SO ORDERED this 29<sup>th</sup> day of May, 2008.

  
Dennis A. Boal, Hearing Examiner

Environmental Quality Council  
122 West 25<sup>th</sup> Street, Rm. 1714  
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Cheyenne, WY 82002

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that on the 30<sup>th</sup> day of May 2008, I served a copy of the foregoing **PREHEARING AND SCHEDULING CONFERENCE ORDER** by depositing copies of same in the U.S. Mail, first class postage prepaid, addressed to the following:

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