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**FILED**

JAN 24 2008

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*Counsel for Petitioner Pennaco Energy Inc.*

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

\_\_\_\_\_  
)  
IN THE MATTER OF THE APPEAL )  
OF PENNACO ENERGY, INC. FROM )  
CONDITIONS IN RENEWAL OF )  
WYPDES PERMIT NOS. WY0039721, )  
WY0039616, WY0048461, WY0052361, )  
WY0048283, WY0039632 )  
\_\_\_\_\_ )

**Consolidated Docket No. 07-3620**

**JOINT MOTION TO STAY PROCEEDINGS PENDING SETTLEMENT DISCUSSIONS**

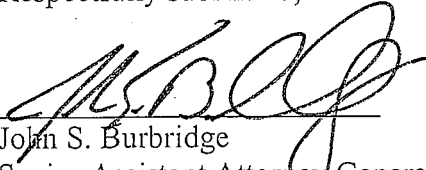
Between May 21, 2007 and December 3, 2007, Petitioner Pennaco Energy Inc. ("Pennaco") filed six separate Notices of Appeal and Petitions for Hearing of conditions in renewal of Wyoming Pollutant Discharge Elimination System ("WYPDES") Permit Nos. WY0039721, WY0039616, WY0048461, WY0052361, WY0048283, and WY0048631. In a scheduling order dated December 6, 2007, and a subsequent order on consolidation dated December 14, 2007, these six appeals were consolidated into Docket No. 07-3620.

In the course of discovery in the above-captioned case, new information has come to light that the parties believe may have an important impact on the outcome of this case. Pennaco and Respondent Department of Environmental Quality (“Respondent” or “DEQ”) have informally discussed the possibility of structuring an agreement that would obviate the need to litigate the pending appeals.

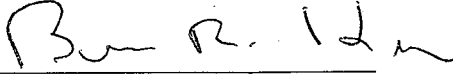
Pennaco and DEQ now jointly submit this motion for a stay of proceedings for forty-five (45) days to allow additional time for the parties to engage in formal settlement negotiations. The parties respectfully request that the Hearing Examiner stay the current schedule, and postpone the hearing on pending Petition for Leave to Intervene that has been set for January 29, 2008. If the parties are unable to reach an agreement during the forty-five day period, the parties can convene for a hearing on the pending Petition for Leave to Intervene, and the Hearing Examiner can set a new hearing schedule at that time.

Dated: January 24, 2008

Respectfully submitted,

  
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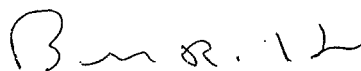
CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2008 a copy of the foregoing Petitioners' Unopposed Motion to Consolidate Appeal was served by first class mail and electronic mail, upon:

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