

**FILED**

**JUN 30 2008**

Terri A. Lorenzon, Director  
Environmental Quality Council

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*Counsel for Pennaco Energy Inc.*

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

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)  
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**

**PENNACO ENERGY INC.'S MOTION TO DISMISS WITH  
PREJUDICE THE APPEALS OF WYPDES PERMIT NUMBERS  
WY0039721, WY0048283, WY0052361, WY0039632 AND WY 0048631**

Petitioner Pennaco Energy Inc. ("Pennaco") hereby presents this Motion to Dismiss With Prejudice The Appeals of WYPDES Permit Numbers WY0039721, WY0048283, WY0052361, WY0039632 AND WY 0048631, and in support states the following:

1. On June 24, 2008, the Environmental Quality Council ("EQC") approved a Settlement Agreement between Pennaco, the State of Wyoming, and the Powder River Basin Resource Council ("PRBRC") resolving the administrative appeals of WYDPES permits

WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631 without the need for continued proceedings before EQC.

2. Paragraph 1 of the approved Settlement Agreement required Pennaco to dismiss with prejudice its appeal of WYDPES permits WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631.

3. Pursuant to its obligations under the approved Settlement Agreement, Pennaco respectfully requests that the Environmental Quality Council enter an order dismissing with prejudice the appeals of WYDPES permits WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631 per the attached proposed order.

Dated: June 30, 2008

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2008 a copy of the foregoing Pennaco Energy Inc.'s Motion to Dismiss With Prejudice the Appeals of WYPDES Permit Numbers WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631 was served by email and first class mail, upon:

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