

RECEIVED
U.S. E.P.A.

NOV 26 08 AM 10:39

ENV. APPEALS BOARD

Suite 1800
222 S.W. Columbia
Portland, OR 97201-6618
503-226-1191
Fax 503-226-0079
www.aterwynne.com

Douglas C. MacCourt
Direct Dial: 503-226-8672
E-Mail: dcm@aterwynne.com

November 26, 2008

VIA UPS OVERNIGHT

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 "G" Street, N.W., Suite 600
Washington, D.C. 20005

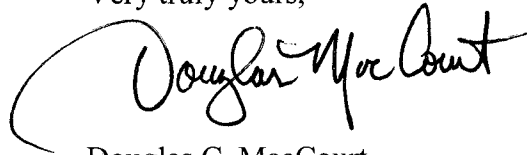
Re: Desert Rock Energy Company, LLC
PSD Appeal Nos. 08-03 and 08-04
PSD Permit No. AZP 04-01

Dear Clerk of the Board:

Enclosed are an original and five copies of the Diné Power Authority's Support of, and Request for an Expedited Ruling on the U.S. Environmental Protection Agency's Motion to Extend Time in the above referenced matter. Also enclosed is an extra copy of the Diné Power's Support of, and Request for an Expedited Ruling, along with a self-addressed, stamped envelope, which we ask that you file stamp and return to our office.

Please feel free to contact me if you have any questions.

Very truly yours,



Douglas C. MacCourt

Enclosures

cc: Service List
Diné Power Authority

502703/1/DCM/100334-0002

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:

DESERT ROCK ENERGY COMPANY, LLC

PSD PERMIT NO. AZP 04-01

**PSD APPEAL NOS. 08-03, 08-04,
08-05 and 08-06**

**DINÉ POWER AUTHORITY'S SUPPORT OF, AND REQUEST FOR AN EXPEDITED
RULING ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S
MOTION TO EXTEND TIME**

Diné Power Authority ("Diné Power") respectfully submits this motion in support of the United States Environmental Protection Agency's ("EPA's") motion to extend time filed today, November 26, 2008, and requests that the EAB rule on the above-referenced motion at the EAB's earliest convenience.

Diné Power understands that the deadline for parties to respond to the pending Petition for Review, to supplement briefs and amicus briefs is December 3, 2008. Diné Power also understands that the deadline for parties to respond to New Mexico's motion to supplement the Administrative Record (dated November 17, 2008) may also be due on or about December 3, 2008. EPA consulted with Diné Power concerning its motion to extend the deadline by 35 days to respond to petitions, supplemental briefs, and New Mexico's motion, and the reasons therefore. On November 26, 2008, the EPA provided Diné Power with a copy of the EPA's motion. Diné Power supports the EPA's motion, and requests that, given the proximity of the

///


///

///

pending deadlines and the intervening holiday, the Environmental Appeals Board act on the EPA's motion at its earliest convenience.

DATED this 26th day of November, 2008.

ATER WYNNE LLP
222 SW Columbia, Suite 1800
Portland, Oregon 97201-6618

By: 

Douglas C. MacCourt
E-Mail: dcm@aterwynne.com
Michael J. (Sam) Sandmire
E-Mail: mjs@aterwynne.com
Tel: 503/226-1191; Fax: 503/226-0079

Attorneys for Diné Power Authority

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DINÉ POWER AUTHORITY'S SUPPORT OF, AND REQUEST FOR AN EXPEDITED RULING ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S MOTION TO EXTEND TIME on the following:

Jeffrey R. Holmstead
Richard Alonso
Bracewell & Giuliani LLP
2000 K Street, N.W.
Washington, D.C. 20006
Attorneys for Desert Rock Energy
Company, LLC

Seth T. Cohen
Assistant Attorney General
Office of the Attorney General of
New Mexico
Water, Environment and Utilities Division
P.O. Drawer 1508
Santa Fe, NM 87504-1508

Nicholas Persampieri
Earthjustice
1400 Glenarm Place, Suite 300
Denver, CO 80202

Ann Brewster Weeks
Clean Air Task Force
18 Tremont Street, Suite 530
Boston, MA 02108

Brian Doster
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Deborah Jordan
Director, Air Division (ATTN: AIR-3)
EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Kevin Lynch
Environmental Defense Fund
Climate and Air Program
2334 N. Broadway
Boulder, CO 80304

Patrice Simms
Natural Resources Defense Council
1200 New York Avenue NW, Suite 400
Washington, D.C. 20005

John Barth
P.O. Box 409
Hygiene, CO 80533

Leslie Barnhart
Eric Ames
Special Assistant Attorneys General
New Mexico Environment Dept.
P.O. Box 26110
Santa Fe, NM 87502-6110

Amy R. Atwood, Senior Attorney
Public Lands Program
Center for Biological Diversity
P.O. Box 11374
Portland, OR 97211-0347

Leslie Glustrom
4492 Burr Place
Boulder, CO 80303

CERTIFICATE OF SERVICE


Mark Wenzler
Director, Clean Air and Climate
Programs
National Parks Conservation
Association
1300 19th Street NW, Suite 300
Washington DC 20036

Ann Lyons
Office of the Regional Counsel
EPA Region 9
75 Hawthorne Street
San Francisco, CA 941050-3901

George E. Hays
Attorney at Law
236 West Portal Avenue #110
San Francisco, CA 94127

by United States First Class Mail a true and correct copy thereof to said parties on the date stated
below.

DATED this 26th day of November, 2008.



Douglas C. MacCourt
Attorneys for Diné Power Authority

CERTIFICATE OF SERVICE

ATER WYNNE LLP
222 SW COLUMBIA, SUITE 1800
PORTLAND, OR 97201-6618
(503) 226-1191

502687/1/MJS/100334-0002