

Douglas C. Allen
Attorney at Law
P.O. Box 873
Shelby, MT 59474
Telephone: (406) 424-8020

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12/21/09

DEC 21 2009

Attorney for Respondent

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8

IN THE MATTER OF:	*
Fulton Fuel Company	* Docket #CWA-08-2009-0006
a Montana Corporation	* NOTICE OF APPEARANCE
Respondent.	* MOTION OF FULTON FUEL COMPANY
	* FOR ADDITIONAL TIME TO SUPPLEMENT
	* THE RECORD AND RESPOND TO ORDER
	* TO SHOW CAUSE

To Elyana R. Sutin, Presiding Officer:

Fulton Fuel Company moves the Regional Hearing Officer to grant it an additional period of time to and including the 30th day of December, 2009 within which to SUPPLEMENT the record in the above entitled cause and to show cause why it should not be held in default or be subject to the full amount of the proposed penalty. This Motion is made for the following reasons:

1. The undersigned is an Attorney at Law authorized and admitted to practice in all state and local courts in Montana and in the United States District Court for the District of Montana and the United States Court of Appeals for the Ninth Circuit who has not previously appeared in this matter. The undersigned understood and believed that Fulton Fuel Company was represented in this matter by Renee L. Coppock, attorney with Crowley-Fleck

of Billings, Montana but was advised today by Ms. Coppock that she had not appeared in this matter.

2. The undersigned hereby gives notice of appearance in this matter but will require an extension of time to and including the 30th day of December, 2009 within which to SUPPLEMENT the record and show cause on behalf of Fulton Fuel Company why it should not be held in default or be subject to the full amount of proposed penalty.

Respectfully submitted this 21st day of December, 2009.

Douglas C. Allen
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of December, 2009, I mailed a true and correct copy of the foregoing document, postage prepaid, the following:

Marc D. Weiner
Enforcement Attorney
1595 Wynkoop Street
Denver, CO 80202-1129