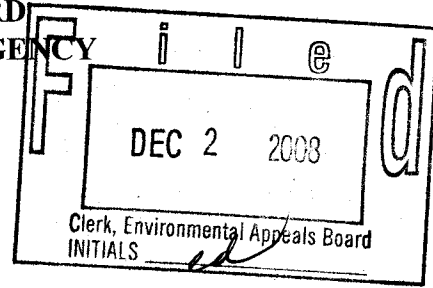


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re: _____)
Desert Rock Energy Company, LLC _____)
PSD Permit No. AZP 04-01 _____)
_____)

PSD Appeal Nos. 08-03, 08-04,
08-05 & 08-06

**ORDER GRANTING DESERT ROCK'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO PETITIONS AND SUPPLEMENTAL BRIEFS**

On December 1, 2008, the Board issued an order in the above-captioned matter granting a motion for extension of time to the United States Environmental Protection Agency, Region 9 ("Region") and Diné Power Authority ("DPA"). *See generally* Order Granting Motion for Extension of Time to Respond to Petitions and Supplemental Briefs. The Board granted the Region and DPA thirty-five additional days, until January 8, 2009, in which to file a response to the petitions and supplemental briefs that have been filed in this case. *Id.* at 3. At that time, the Board had not received a motion or request from Desert Rock similarly requesting an extension and therefore did not grant an extension to Desert Rock. The Board noted, however, that it would consider any request for an extension from Desert Rock filed prior to the due date of December 3, 2008. *Id.*

Later that day, the Board received a motion from Desert Rock requesting a 35-day extension of time in which to file its response. *See* Motion for Extension of Time to Respond to the Petitions for Review and Supplemental Briefs. Desert Rock indicates that it is requesting the additional time "to ensure an orderly presentation of argument in this proceeding, and to further


explore the implications of the Board's decision in *In re Deseret Power Electric Cooperative*, PSD Appeal No. 07-03, which was issued on November 13, 2008, and New Mexico's recent motion to supplement the administrative record." *Id.* at 1.

For these reasons and for the reasons articulated in its earlier order granting an extension of time, the Board GRANTS Desert Rock a 35-day extension of time to file a response brief in this case. Accordingly, Desert Rock is hereby ordered to file its response by January 8, 2009.

So ordered.

Dated: 12/2/08

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Desert Rock's Motion for Extension of Time to Respond to Petitions and Supplemental Briefs in the matter of Desert Rock Energy Company, LLC, PSD Appeal Nos. 08-03, 08-04, 08-05, & 08-06 were sent to the following persons in the manner indicated:

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Annette Duncan
Secretary