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November 20, 2008

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W. Suite 600
Washington, DC 20005

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ENVIR. APPEALS BOARD

Re: Intent to File a Response *In re: Desert Rock Energy Company, LLC, PSD Permit No. AZP 04-01, PSD Appeal Nos. 08-03, 08-04, 08-05 & 08-06*


Dear Ms. Durr:

Through this letter, Desert Rock Energy Company, LLC notifies the Board that it intends to respond to the State of New Mexico's MOTION TO SUPPLEMENT THE RECORD ON APPEAL OR, IN THE ALTERNATIVE FOR REMAND AND REOPENING OF THE PUBLIC COMMENT PERIOD filed on November 18, 2008, in the above referenced matter. We will file the response on or before December 3, 2008, unless the Board would prefer a response before that time. We respectfully request that the Board consider our response before ruling on the pending motion.

If you have any questions, please feel free to contact me at 202-828-5852.

Very truly yours,

Bracewell & Giuliani LLP



Jeffrey R. Holmstead

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Intent to File a Response in the matter of Desert Rock Energy Company, LLC, PSD Permit No. AZP 04-01 were served by United States First Class Mail on the following persons, this 20th day of November 2008:

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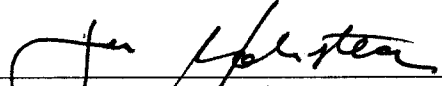
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