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February 7, 2008

VIA HAND DELIVERY

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

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2008 FEB -7 PM 4:03
ENVIR. APPEALS BOARD

Re: *In re Deseret Power Electric Cooperative*, PSD Appeal Number 07-03

Dear Clerk of the Board:

Enclosed please find an original and six copies of Permittee's Motion for Extension of Time to File a Response. Please return a file-marked copy to the awaiting courier.

Please do not hesitate to contact me at (202) 282-5000 if you have any questions or concerns.

Sincerely,



Luke Goodrich

Clerk of the Board
February 7, 2008
Page 2

Via U.S. Mail with enclosures

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

In re:

Deseret Power Electric Cooperative

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PSD Appeal No. 07-03

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ENVIR. APPEALS BOARD

PERMITTEE'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE

Pursuant to Part III.D.7.b of the Environmental Appeals Board ("Board") Practice Manual, Permittee Deseret Power Electric Cooperative respectfully requests an extension of the February 21, 2008, deadline, by which Permittee, EPA Region VIII, and any supporting *amici curiae* must file a response to Petitioner Sierra Club's Opening Brief, until March 21, 2008. In support of this request, Permittee states as follows:

1. In its Order Granting Review, dated November 21, 2007, the Board established a briefing schedule requiring: (1) the Sierra Club and any supporting amici to submit an opening brief, if any, by January 31, 2008; (2) EPA Region VIII, Permittee, and any supporting amici to submit a response brief, if any, by February 21, 2008; and (3) any reply briefs to be filed by March 6, 2008.

2. On January 31, 2008, the Sierra Club filed its 40-page Opening Brief and several substantial exhibits.

3. On the same day, twenty *amici curiae*—including eight state Attorneys General, eleven NGOs, and one individual—filed a total of five *amicus* briefs and a variety of new exhibits in support of the Sierra Club.

4. An initial reading of the *amicus* briefs suggests that they raise several new legal arguments not raised by the Sierra Club and introduce a substantial amount of additional factual, scientific, and technical information.

5. Permittee received a service copy of Sierra Club's brief on February 4, 2008. To date, Permittee still has not received a service copy of two of the *amicus* briefs, but was able to obtain those briefs from the Board's website on February 6, 2008.

6. The Board would benefit from "a complete response to the petition . . . in order for the Board to give appropriate consideration to the issues presented to it for resolution." Order of Oct. 26, 2007, *In re ConocoPhillips Co.*, PSD Appeal No. 07-02 (granting a motion for extension of time).

7. Permittee anticipates that it, and any supporting *amici*, will be unable to submit a complete response to the briefs of the Sierra Club and *amici* by February 21, 2008.

8. In a pending appeal raising similar issues, *In re ConocoPhillips Co.*, PSD Appeal No. 07-02, the Board partially granted two separate motions for an extension of time filed by the permitting authority—for a total of 37 additional days—in spite of the fact that the Permittee had filed a motion for expedited consideration. See Order of Oct. 1, 2007 (granting a 33-day extension of time); Order of Oct. 26, 2007 (granting a 4-day extension of time).

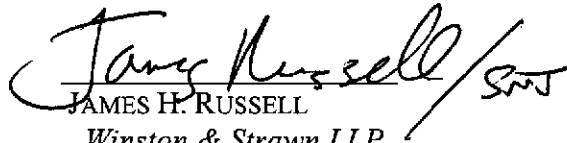
9. In another recent appeal raising similar issues, *In re Christian County Generation, LLC*, PSD Appeal No. 07-01, the Board granted a motion for a 30-day extension of time filed by EPA's Office of Air and Radiation and Office of General Counsel. Order of Aug. 20, 2007.

10. Because the filing and pendency of the Sierra Club's petition has prevented the challenged permit from taking effect, an extension of time would not result in any hardship or prejudice to the Sierra Club, its *amici*, or Region VIII.

11. The Sierra Club concurs in this request for an extension.

For these reasons, Permittee respectfully requests the Board to enter an order extending the time by which Permittee, Region VIII, and any supporting *amici* may file a response brief to and including Friday, March 21, 2008.

Respectfully submitted,

A handwritten signature in cursive script that reads "James H. Russell" followed by a stylized flourish or initials.

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2008, a true and correct copy of Permittee's Motion For Extension Of Time To File A Response was hand-delivered to the Clerk of the Board and sent via United States Mail, postage prepaid, to:

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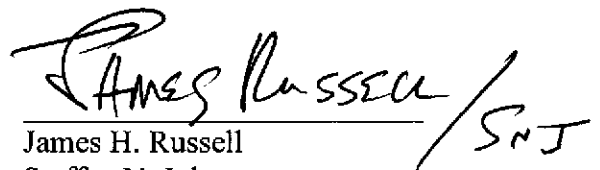
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