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ENVIRONMENTAL  
APPEALS BOARD

M. "Sam" Sandmire  
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November 21, 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, D.C. 20005

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, Diné Power Authority, 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. Unless the Board would prefer it before that time, we will file the response on or before December 3, 2008. 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 (503) 226-8639.

Sincerely,



M. "Sam" Sandmire

cc: Service List  
Diné Power Authority

## CERTIFICATE OF SERVICE

I hereby certify that I served 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 21<sup>st</sup> day of November, 2008:

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
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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
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