

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

In re Russell City Energy Center)	PSD Appeal No. 10-5 (CALifornians
)	for Renewable Energy, Inc. (CARE)
Russell City Energy Company, LLC)	and Rob Simpson Petitioners
PSD Permit Application No. 15487)	
)	Motion Requesting Leave to
)	File a Reply Brief.

In accordance with the May 6, 2010 Environmental Appeals Board Order Establishing Requirements for Motions to File a Reply Brief Petitioners CALifornians for Renewable Energy, Inc. (CARE) and Rob Simpson respectfully requests leave to conduct discovery and a hearing prior to filing a reply brief in response to the briefs filed by the Bay Area Air Quality Management District (BAAQMD or District) and the project Applicant Russell City Energy Center.

Additional information

Petitioners request the Board take Official Notice of the Petition for Review before the United States Court of Appeals Ninth Circuit of Petitioner, *Robert James Simpson vs. United States Environmental Protection Agency, United States Environmental Protection Agency Administrator Lisa Jackson In her official capacity, North Coast Unified Air Quality Management District, Pacific Gas and Electric Corporation, Bay Area Air Quality Management District, Calpine Corporation, California Energy Commission, and California Public Utilities Commission*, Case No.: 10- 71396.

Petitioners request the Board take Official Notice of the Petition for Review before the United States Department of Labor Administrative Review Board of Petitioner *Michael E. Boyd, Complainant, v. U.S. Environmental Protection Agency, Respondent*, ARB Case No. 10-082 ALJ Case No. 2009-SDW-00005.

Respectfully Submitted,



Michael E. Boyd President

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May 14th, 2010

Verification

I am an officer of the Appellant Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 14th day of May 2010, at San Francisco, California.



Lynne Brown Vice-President
CALifornians for Renewable Energy,
Inc. (CARE)

Certificate of Service

I hereby certify that on May 14, 2010 I sent copies of the foregoing document *Additional information for CARE and Robert Simpson's Request for Leave to File a Reply Brief in the matter of the Russell City PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, 10-05, 10-06* were sent to the following persons by first class mail and email where available.



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