

Utah Attorney General's Office

Memorandum

To: Utah Air Quality Board

From: Fred Nelson, Assistant Attorney General



Re: In the Matter of Sevier Power Company Power Plant, DAQE-AN2529001-04

Date: March 22, 2006

These matters are on the Board agenda as action items for the April 6, 2006, meeting:

1. Sierra Club's renewed request to stay proceedings.
2. Executive Secretary's Motion for Judgment on the Pleadings.
Sevier Citizens raised 14 issues in its Request for Agency Action dated March 16, 2005 (see Attachment E). The Executive Secretary has moved for Judgment on the Pleadings on issues 1-3, 6-7, and 10-13, which if granted, would leave issues 4-5, 8-9, and 14 for the Richfield hearing on May 10, 2006.
3. Executive Secretary's Motion to Dismiss the Sevier Citizens initial Request for Agency Action, dated November 1, 2004 (see Attachment D).
4. Pre-hearing conference.

The attached documents are provided for Board review in consideration of these action items:

- A. Letter from Sierra Club and Grand Canyon Trust to the Board dated March 13, 2006.
- B. Executive Secretary's Reply to Sierra Club's Withdrawal from Amicus Status dated March 20, 2006.
- C. PacifiCorp's Reply to the Sierra Club and Grand Canyon Trust's Declination to Participate any further as Amicus dated March 20, 2006.
- D. Sevier County Citizens For Clean Air and Water's ("Sevier Citizens") initial Request for Agency Action dated November 1, 2004.
- E. Sevier Citizens' Request for Agency Action dated March 16, 2005 (without attachments which supported its Petition to Intervene, already granted by the Board).
- F. Sevier Power Company's Answer to Sevier Citizens Request for Agency Action dated June 10, 2005.
- G. Executive Secretary's Response to Sevier Citizens' Request for Agency Action, dated June 10, 2005.
- H. Executive Secretary's Motion for Judgment on the Pleadings, dated February 27, 2006, and Memorandum in Support.
- I. Sevier Citizens' Response to Executive Secretary's Motion for Judgment on the Pleadings, dated March 13, 2006.
- J. Executive Secretary's Reply to Sevier County Citizens' Response to Motion for Judgment on the Pleadings dated March 20, 2006.



K. PacifiCorp's Reply to the Sevier County Citizens for Clean Air and Water's Opposition to the Executive Secretary's Motion for Judgment on the Pleadings dated March 20, 2006.

L. Executive Secretary's Motion to Dismiss Sevier Citizens' first Request for Agency Action, dated February 27, 2006, and Memorandum in Support.

M. Sevier Citizens' Response to Executive Secretary's Motion to Dismiss dated March 13, 2006, and Memorandum in Support.

N. Executive Secretary's Reply to Sevier County Citizens' Response to Motion to Dismiss for Failure to State a Claim on Which Relief can be Granted, dated March 20, 2006.

O. Sevier Power Company's Memorandum in Support of Executive Secretary's Motions for Dismissal, dated March 15, 2006.

P. Witness Lists for:

Sevier Citizens dated February 15, 2006

Sevier Power Company dated February 23, 2006

Executive Secretary dated February 15, 2006



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