



December 11, 2013

Via Electronic Filing and FedEx

Public Utility Commission
Attn: Filing Center
3930 Fairview Industrial Drive SE
PO Box 1088
Salem, OR 97308

Re: Docket No. LC 57: Sierra Club's Motion for Leave to File Supplemental Comments to Respond to Final Regional Haze Federal Implementation Plan (FIP) for Wyoming

Please find enclosed the original and one (1) copy of Sierra Club's Motion for Leave to File Supplemental Comments in the above-referenced docket. This document has been e-filed with the Commission and served on parties via email.

Please let me know if you have any questions. Thank you.

Respectfully submitted,

/s/ Derek Nelson

Derek Nelson
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cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 57

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2013 Integrated Resource Plan

MOTION FOR LEAVE TO FILE
SUPPLEMENTAL COMMENTS TO
RESPOND TO FINAL REGIONAL
HAZE FEDERAL
IMPLEMENTATION PLAN (FIP)
FOR WYOMING

In accordance with OAR 860-001-0420, Sierra Club hereby requests leave to allow Staff and intervenors to file voluntary supplemental comments on January 17, 2014 to respond to the expected issuance of a final rulemaking promulgating a federal implementation plan (“FIP”) for the State of Wyoming to meet federal regional haze implementation plan requirements. By court order on November 18, 2013, the U.S. District Court for the District of Colorado extended the deadline for EPA to issue a final rule for Wyoming’s regional haze FIP to January 10, 2014. (Attachment 1.)

The final FIP implementing the regional haze rule in Wyoming will have significant impacts on the regulatory requirements at PacifiCorp’s Naughton, Jim Bridger, Dave Johnston, and Wyodak coal plants. Under the modified procedural schedule approved by Administrative Law Judge Shani Pines on December 3, 2013, Staff and intervenor final comments are due January 10, 2014, the same day as the expected final rule from EPA. As a result, Staff and intervenors will be unable to incorporate any analysis of the final rule into their comments. Sierra Club therefore requests that the Commission allow Staff and intervenors to submit voluntary supplemental comments by January 17, 2014 (one week later) that are limited in scope to

only address issues related to the final FIP implementing the regional haze rule in Wyoming. All other aspects of the procedural schedule, as modified by the December 3, 2013 order, would remain the same. This schedule will still allow PacifiCorp to reply to all comments by the currently scheduled deadline of February 4, 2014.

In accordance with the requirements of OAR 860-001-0420(3), Sierra Club has contacted all parties on the service list for this docket. Staff, the Citizens' Utility Board ("CUB"), Renewable Northwest Project ("RNP") and Natural Resources Defense Council ("NRDC") support Sierra Club's motion. Pacific Power, Northwest Energy Coalition ("NWEC"), Industrial Customers of Northwest Utilities ("ICNU"), and the Oregon Department of Energy ("ODOE") do not oppose the request. At the time the motion was filed, Sierra Club had not received responses from Portland General Electric ("PGE") or Idaho Power Company regarding their position on the motion.

WHEREFORE Sierra Club respectfully requests that the Commission grant this motion for leave to file voluntary supplemental comments by January 17, 2013 to respond to the final regional haze FIP for Wyoming.

Dated: December 11, 2013

Respectfully submitted,

/s/ Travis Ritchie
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Attachment 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-00001-CMA-MEH
(Consolidated with 11-cv-00743-CMA-MEH)

WILDEARTH GUARDIANS,
NATIONAL PARKS CONSERVATION ASSOCIATION, and
ENVIRONMENTAL DEFENSE FUND,

Plaintiffs,

v.

LISA P. JACKSON, in her official capacity as Administrator,
United States Environmental Protection Agency,

Defendant,

STATE OF NORTH DAKOTA, and
NORTH DAKOTA DEPARTMENT OF HEALTH,

Intervenors.

ORDER TO MODIFY CONSENT DECREE

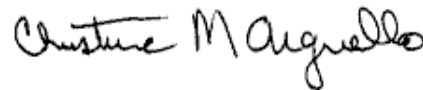
This matter comes before the Court on Defendant's Second Unopposed Motion to Modify Consent Decree (Doc # 73). The Court has considered the motion and being fully advised, ORDERS that Defendant's Second Unopposed Motion to Modify Consent Decree is GRANTED.

It is FURTHER ORDERED that Paragraph 7 of the Consent Decree entered by this Court on September 27, 2011, (Doc. # 67), and as modified by its Order dated December 13, 2012 (Doc. # 71), is hereby further modified as follows:

7. EPA shall by January 10, 2014, sign a notice of final rulemaking promulgating a FIP for the State of Wyoming, to meet the regional haze implementation plan requirements that were due by December 17, 2007, under the requirements of 40 C.F.R. § 51.309(g), unless, by January 10, 2014, EPA has signed a notice of final rulemaking unconditionally approving a SIP, or promulgating a partial FIP and partial unconditional approval of a SIP, for the State of Wyoming that meets the regional haze implementation plan requirements that were due by December 17, 2007, under the requirements of 40 C.F.R. § 51.309(g).

DATED: November 18, 2013

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of December, 2013, I caused to be served the foregoing MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMMENTS OF SIERRA CLUB on all party representatives on the official service list for this proceeding via electronic mail.

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Dated this 11th day of December, 2013 at San Francisco, CA.

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