



IDAHO TRANSPORTATION DEPARTMENT

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November 12, 2010

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Re: Linwood Laughy, Karen Hendrickson, and Peter Grubb v.
ConocoPhillips/Emmert International and ITD
Over-legal Permit

Dear Ms. Havlina, Mr. Thomas, and Mr. Stidham:

On November 2, 2010, the Idaho Transportation Department received a Petition to Intervene in the Contested Case Regarding the Coke Drum Transport Project regarding the ConocoPhillips/Emmert International over-legal permit. On November 9, 2010, Applicants ConocoPhillips/Emmert International filed a response to the Petition.

Pursuant to Idaho Code § 67-5241 and Idaho Rules of Administrative Procedure 04.11.01.100-104, on November 10, 2010, the Department issued over-legal permits to ConocoPhillips/Emmert International and initiated a formal contested case proceeding between the Applicant, ConocoPhillips/Emmert International and the Idaho Transportation Department. As Agency Director, I stayed the use of the Permits issued until after the agency decision on the Petition to Intervene.


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On November 10, 2010 a conference call was initiated with representatives from all parties and interveners present to discuss outstanding issues, Hearing Officer Disqualification process, supplemental issues to be addressed pursuant to my letter of November 10, 2010 and a briefing schedule. Having heard the discussion and arguments of counsel for Applicant, Department and proposed Interveners, and in furtherance thereof and good cause appearing I Order the following:

- Disqualification notices of the appointed hearing officer shall be provided by November 15, 2010;
- Simultaneous briefing by parties and proposed intervener on all issues will be filed by the close of business, November 17, 2010;
- A hearing on the Petition to Intervene will be held Friday, November 19, 2010 at the Headquarters of the Idaho Transportation Department. A specific location will be provided by further notification.

All briefs shall be exchanged between the parties and filed with Stephanie Wright of the Legal Section, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129.

Sincerely,



Brian W. Ness
Director

BWN:sw/lh