

**BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA**

In the matter of the
application for an
amendment of a Major
Facility Siting Act
certificate by Talen
Montana LLC

EMERGENCY MOTION FOR
EXPEDITED RELIEF FROM
ARM 17.20.1803(d)
BY WESTMORELAND MINING LLC
AND WESTMORELAND ROSEBUD
MINING LLC

1. Westmoreland Mining LLC and Westmoreland Rosebud Mining LLC (“Contesters”) submit this Emergency Motion respectfully requesting that the Board grant expedited relief waiving application of the 15-day deadline set forth in ARM 17.20.1803(d) or hold that it does not apply as a matter of law.

2. Given the high stakes of this matter, Contesters further request that the Board consider this Emergency Motion or otherwise address the issue and grant the requested relief at the special telephonic meeting scheduled for May 22, 2019, at 2:00 pm to enable Contesters to seek relief from a district court under MCA 2-4-701 if necessary.

3. The facts giving rise to this matter are more fully set forth in the Notice of Contest filed by Contesters on May 17, 2019, and in the accompanying Brief in Support. The Notice and accompanying exhibits are attached as Exhibits 1 through 4 to this Emergency Motion and incorporated herein by reference.

Respectfully Submitted this 20th Day of May 2019.

/s/ Rosario C. Doriott Domínguez

*On behalf of Contesters Westmoreland Mining LLC,
and Westmoreland Rosebud Mining LLC.*

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Certificate of Service

I certify that on May 20, 2019, in accordance with BER Policy No. 2002.01.01 and applicable law, I mailed an original copy of this Motion for Expedited Relief and Brief in Support with all accompanying exhibits to the Secretary, Board of Environmental Review, Department of Environmental Quality, Metcalf Building, 1520 East Sixth Avenue, P.O. Box 200901, Helena, MT 59620-0901, with copies by e-mail to the following:

Board of Environmental Review, at ber@mt.gov

Ms. Lindsay Ford, Board Secretary, at Lindsay.Ford@mt.gov

Sarah Clerget, at SClerget@mt.gov

Aleisha Solem, at asolem@mt.gov

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/s/ Rosario C. Doriott Domínguez

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