

**BEFORE THE ALASKA PUBLIC OFFICES COMMISSION**

ALASKA PUBLIC OFFICE COMMISSION )  
 )  
 v. )  
 )  
RENEWABLE RESOURCES COALITION, INC., )  
AMERICANS FOR JOB SECURITY, )  
ALASKANS FOR CLEAN WATER, INC., and )  
ROBERT B. GILLAM )

OAH No. 09-0231-APO  
Agency No. 09-01-CD

**ORDER CONTINUING HEARING AND SETTING PROCEDURE FOR  
CONSIDERATION OF PROPOSED SETTLEMENT**

The parties' joint motion requesting hearing on consent decree, filed January 22, 2010, is granted as set forth below:

1. The hearing scheduled for February 3-5, 2010 at the Workers Compensation Appeals Commission hearing room is continued. If the proposed settlement is not approved, a new hearing date will be scheduled.
2. All deadlines to respond to motions, file pre-hearing briefs, or otherwise prepare for the hearing on the merits are continued. If the proposed settlement is not approved, new prehearing deadlines will be set.
3. A hearing to consider the proposed consent decree will be held on Thursday, February 4, 2010 at 9:00 a.m. at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska. Counsel should set aside the full day for this proceeding.
  - a. An initial session will consider whether it is in the public interest to accept the proposed consent decree.
  - b. A subsequent session will be held later the same day, if necessary, to determine the amount to insert in the blank in paragraph 5 on page 12 of the proposed consent decree. As agreed in the January 22 motion, each side's presentation will be limited to 30 minutes in this second session, should it occur. In addition, the complainants will be given 15 minutes for argument.
4. No later than close of business on Thursday, January 28, 2010, each proponent of the proposed consent decree shall file a brief addressing the following matters:
  - a. Do the parties concur that paragraph 4 on page 12 should be modified to provide that a copy of the consent decree should be placed in the file of each party signing the consent decree?

b. What is the potential maximum fine for each allegation still pending against each respondent? The method of calculation should be explained for each figure given.

c. Is it the parties' intent that the amount to be inserted in the blank in paragraph 5 on page 12 of the proposed consent decree is left to the commission's binding decision following argument as provided in 3-b and 6 of this order? Is it the parties' intent that the commission's discretion in selecting this figure is (i) limited to the choice of \$60,000 or \$100,000; (ii) limited to the range between \$60,000 and \$100,000; or (iii) unlimited, so long as the figure does not exceed actual reimbursable cost?

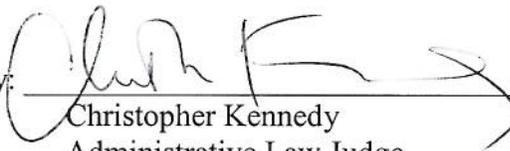
d. (Staff only) What is the amount of the Commission's costs to date in this matter? The response to this question should be broken down by category, and should include a category for the staff's cost of participating in the mediation with Judge Reese.

5. No later than close of business on Monday, February 1, 2010, the complainants may file a written comment on the proposed consent decree.

6. No later than close of business on Tuesday, February 2, 2010, as offered in the January 22 motion, the staff, RRC, and AFCW/Gillam shall submit briefs, not to exceed 5 pages, addressed solely to their respective positions on the appropriate amount to insert in the blank in paragraph 5 on page 12 of the proposed consent decree and the appropriate methodology for selecting that amount.

7. Notwithstanding the prior request that counsel reserve a tentative time for a status conference on January 26, 2010, none will be held.

DATED this 25<sup>th</sup> day of January, 2010.

By:   
Christopher Kennedy  
Administrative Law Judge

**Certificate of Service:** The undersigned certifies that on the 25<sup>th</sup> day of January, 2010, a true and correct copy of this document was emailed or faxed to:

- ◆ Scott Kendall and Timothy McKeever, counsel for respondents Alaskans for Clean Water, Inc. & Robert Gillam;
- ◆ Matthew Singer and Charles Dunnagan, counsel for complainants Pebble Limited Partnership and Renewable Resources Coalition;
- ◆ Peter Maasen, counsel for respondent Renewable Resources Coalition, Inc.; and
- ◆ Thomas Dosik, Assistant Attorney General, counsel for the APOC staff.

A copy of this document was provided by the same means to Holly Hill, Executive Director of APOC; William Milks, counsel to the Commission; and Elizabeth Hickerson, Commission Chair.

By:   
Kimberly DeMoss