

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2022

IN THE MATTER OF:)
)
PETITION OF MIDWEST GENERATION)
LLC FOR AN ADJUSTED STANDARD)
FROM 35 ILL. ADM. CODE 845.740(a) AND)
FINDING OF INAPPLICABILITY OF 35) AS 21-1
ILL. ADM. CODE 845) (Adjusted Standard – Land)
)
)

HEARING OFFICER ORDER

On April 19, 2022, the petitioner, Midwest Generation LLC (MWG), filed a motion for one of its expert witnesses to testify remotely. (Mot.). MWG requests that one of its witnesses, Mr. Mateusz Radlinski, testify remotely for the hearing commencing on June 28, 2022, at the Will County Office Building, Joliet, Illinois.

MWG states that Mr. Radlinski resides in Menlo Park, California. His testimony is expected to consist of approximately 1 hour. Mot. at 4. MWG states that “Mr. Radlinski’s testimony is limited to his opinion on the qualities, and chemical formation of poz-o-pac material.”. If testifying in-person, Mr. Radlinski is likely to spend 20 hours of travel and one or two nights in a hotel at a “significant cost.” *Id.*

MWG states that it will provide the WebEx host and will provide the WebEx platform, including screens, cameras, microphones, and speakers. *Id.* MWG further states that it has contacted personnel at the Will County Office Building and the personnel confirmed that the room where the hearing will be held is “fully equipped for a person to appear remotely *via* a WebEx connection and confirmed that the parties have permission to use the equipment during the hearing.” *Id.* at 4-5. MWG states that it will “schedule a date and time before to the hearing with [Will County Office personnel] and Mr. Radlinski to confirm that the equipment at the Will County Office Building and Mr. Radlinski’s equipment are set up correctly to ensure a successful connection on the hearing date.” *Id.* at 4-5.

Section 101.500(b) of the Board’s procedural rules provide that the factors to be considered before ordering a hearing *via* videoconference include “cost-effectiveness, efficiency, facility accommodations, witness availability, public interest, the parties preferences, and the proceeding’s complexity and contentiousness.” *Id.*

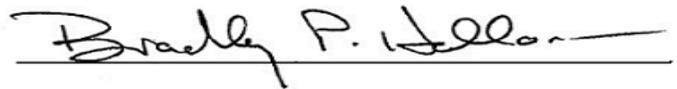
MWG also notes in its motion that the Illinois Environmental Protection Agency (IEPA), through its attorney, does not object to MWG’s motion. Mot. at 1.

MWG’s motion requesting its witness, Mr. Radlinski, to testify remotely is granted based on the specific circumstances in this case. The hearing officer makes Section 101.500(b)

determination on a case-by-case basis. In this case, MWG has satisfactorily put forth reasons for its motion to be granted, including the length of Mr. Radlinski's testimony, the distance and cost incurred should Mr. Radlinski be required to appear in-person at the hearing, the ability of MWG to provide the WebEx platform, and to dedicate a MWG representative to act as WebEx host, providing cameras, screens, speakers and microphones, confirming that the Will County Office Building is equipped for presenting a person remotely, assurances that MWG will test the equipment with Will County personnel and its witness, Mr. Radlinski, and that the IEPA does not object to MWG's motion

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on June 21, 2022, at 10:00 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. The petitioner is to provide a call-in number. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

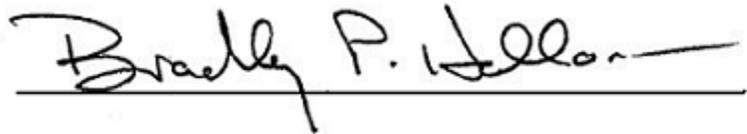
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on May 16, 2022, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was delivered to the following on May 16, 2022:

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Illinois Pollution Control Board
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