

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT,)	
)	
Complainants,)	
)	
v.)	PCB No-2013-015
)	(Enforcement – Water)
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE INTERIM ORDER AND OPINION AND REQUEST FOR EXPEDITED DECISION**, copies of which are served on you along with this notice.

Respectfully submitted:
MIDWEST GENERATION, LLC.

By /s/ Kristen L. Gale
One of Its Attorneys

Dated: July 17, 2019

Jennifer T. Nijman
Kristen L. Gale
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10 South LaSalle Street, Suite 3600
Chicago, IL 60603
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SERVICE LIST

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Respondent, Midwest Generation LLC's Motion for Extension of Time to File Motion for Reconsideration and/or Clarification filed electronically on July 17, 2019 with the following:

Don Brown
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were mailed by First Class Mail, postage prepaid, on July 17, 2019 to the parties listed on the foregoing Service List.

/s/ Kristen L. Gale

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AND POLICY CENTER, PRAIRIE RIVERS)	
NETWORK, and CITIZENS AGAINST)	
RUINING THE ENVIRONMENT,)	PCB No-2013-015
)	(Enforcement – Water)
Complainants,)	
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v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE INTERIM ORDER AND OPINION AND REQUEST FOR EXPEDITED DECISION

Respondent, Midwest Generation, LLC, (“MWG”) by and through counsel, requests that the Hearing Officer enter an order granting MWG’s request to extend the time to file its Motion for Reconsideration and/or Clarification to September 9, 2019 and also requests for an expedited decision. In support of its motion, MWG states the following:

1. On June 21, 2019, MWG received the Illinois Pollution Control Board’s (“Board”) Interim Order and Opinion (“Interim Order”) on the liability phase of this lawsuit.
2. Pursuant to Board Rule 101.520, a party must file a motion for reconsideration or modification within 35 days after receipt of the order, which in this case would be July 26, 2019. 35 Ill. Adm. Code 101.520. Additionally, pursuant to Board Rule 101.522, the Hearing Officer may extend the time for filing any document or doing any act required by the rules for good cause shown and after notice to the opposite party. 35 Ill. Adm. Code 101.522.
3. MWG requests an extension of 45 days to file a motion for reconsideration and/or clarification of the Interim Order. This extension is for good cause because of the scope and

complexity of the Board's Order. The Board's 93-page Interim Order involves complicated legal conclusions and contains findings that require clarification in order to understand the scope of and prepare for the damages phase of the case. Additionally, MWG's counsel have long scheduled vacations in August. Thus, MWG requires additional time to adequately address the significant issues presented in the Order. Both the Hearing Officer and the Board have noted the length and complexity of this proceeding and have granted appropriate extensions throughout.

4. Due to the imminent deadline to file the motion to reconsider (July 26), MWG requests an expedited decision by the Hearing Officer. If the Hearing Officer seeks oral argument on the motion, MWG requests an immediate phone conference to discuss the motion. MWG's counsel is available this week for a phone conference.

5. There is no scheduled hearing date, so an extension for filing the motion does not prejudice any party.

6. MWG contacted Complainants and Complainants did not agree to the request.

WHEREFORE, MWG respectfully requests an extension of time allowing them an additional 45 days, or until September 9, 2019, to file its motion and requests an expedited decision.

MIDWEST GENERATION, LLC.

By /s/ Kristen L. Gale
One of Its Attorneys

Date: July 17, 2019

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