

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>SIERRA CLUB</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>ILLINOIS POWER GENERATING</b>	)	<b>PCB 19-078</b>
<b>COMPANY, ILLINOIS POWER</b>	)	<b>(Enforcement – Water)</b>
<b>RESOURCES GENERATING, LLC,</b>	)	
<b>ELECTRIC ENERGY, INC. and VISTRA</b>	)	
<b>ENERGY CORP.</b>	)	
	)	
<b>Respondents.</b>	)	

**NOTICE OF FILING**

To:

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

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Faith E. Bugel  
1004 Mohawk  
Wilmette, IL 60091  
fbugel@gmail.com

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an **Agreed Motion to Extend the Closure of Fact Discovery**, copies of which are hereby served upon you.

    /s/ Robert Middleton  
Robert A.H. Middleton

Dated: November 3, 2020

Daniel J. Deeb  
Joshua R. More  
Ryan C. Granholm  
Robert A.H. Middleton  
Schiff Hardin LLP  
(312) 258-5500  
233 South Wacker Drive, Ste. 7100  
Chicago, IL 60606

*Attorneys for Respondents*

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 3rd day of November, 2020 I have served electronically the attached **Agreed Motion to Extend the Closure of Fact Discovery**, upon the following persons by e-mail at the email addresses indicated below:

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
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I further certify that my email address is [rmiddleton@schiffhardin.com](mailto:rmiddleton@schiffhardin.com); the number of pages in the email transmission is 7; and the email transmission took place today before 5:00 p.m.

*/s/ Robert Middleton*

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**AGREED MOTION TO EXTEND THE CLOSURE OF FACT DISCOVERY AND  
MODIFY THE DISCOVERY ORDER**

Respondents Electric Energy, Inc.; Illinois Power Generating Company; Illinois Power Resources Generating, LLC; and Vistra Energy Corp. (collectively, “Respondents”) by their attorneys, Schiff Hardin LLP, and Complainant Sierra Club (“Complainant”) (collectively, the “Parties”) request the Illinois Pollution Control Board Hearing Officer enter an order extending the discovery deadline, by agreement of the Parties. In support of their motion the Parties state as follows:

1. On November 19, 2019, the Hearing Officer issued an initial discovery schedule in this matter. Pursuant to that discovery schedule, the Parties have issued their initial written discovery requests. The November 19 Order set July 17, 2020 as the close of fact discovery.

2. On June 29, 2020, the Hearing Officer granted Sierra Club’s Unopposed Motion to Extend the Closure of Fact Discovery. The June 29 Order set November 20, 2020 as the close of fact discovery.

3. Since the entry of the June 29 Order, the Parties have continued to work cooperatively through the discovery process, though discovery has been complicated by the COVID-19 Pandemic.

4. To accommodate delays caused by the COVID-19 Pandemic and to facilitate ongoing settlement discussions, the Parties agreed to revise the discovery schedule and extend the close of fact discovery by three months, to February 19, 2021. A Proposed Discovery Order is attached.

5. In so agreeing, neither Party is conceding or otherwise adopting any position on whether further delay of this deadline will become necessary.

6. Further, the Parties request adjournment of the Telephonic Status Conference set for November 5, 2020 at 12:00 pm.

WHEREFORE, the Parties respectfully request that the Hearing Officer:

- a. Accept the agreed proposed revised fact discovery closure date of February 19, 2021; and
- b. Adjourn the November 5, 2020 Telephonic Status Conference.

Dated: November 3, 2020

/s/ Greg Wannier  
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/s/ Daniel J. Deeb

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**PROPOSED HEARING OFFICER ORDER**

The Parties have submitted an Agreed Motion to Extend the Closure of Fact Discovery and Modify the Discovery Order. After reviewing the Motion and proposed schedule, the Hearing Officer orders:

- a. Close of fact discovery, including depositions of lay or fact witnesses, must be completed on or before February 19, 2021; and
- b. The Telephonic Status Conference set for November 5, 2020 is adjourned.

IT IS SO ORDERED.

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Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 w. Randolph Street  
Chicago, Illinois 60601  
312.814.8917  
Brad.Halloran@illinois.gov

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*/s/ Robert Middleton*

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