

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	
	)	R 23-18(A)
AMENDMENTS TO 35 ILL. ADM. CODE	)	
201, 202, AND 212	)	(Rulemaking – Air)
	)	
	)	

**NOTICE OF FILING**

**To:** Attached Service List

**PLEASE TAKE NOTICE** that on this day, the 22nd day of August, 2023, I caused to be filed with the Clerk of the Illinois Pollution Control Board **Rain CII Carbon LLC's Motion for Extension of Time to Submit Pre-Filed Testimony**, a true and correct copy of which is attached hereto and hereby served upon you.

/s/ Alexander Garel-Frantzen

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**RAIN CII CARBON LLC’S MOTION FOR EXTENSION OF TIME  
TO SUBMIT PRE-FILED TESTIMONY**

NOW COMES Rain CII Carbon LLC (“Rain Carbon”), by and through its attorneys, ArentFox Schiff LLP, and pursuant to 35 Ill. Adm. Code 35 Ill. Adm. Code 102.402 and 101.522, hereby moves for an extension of time to September 5, 2023, to file its pre-filed testimony for the first public hearing scheduled to be held on September 27, 2023 (the “First Hearing”). In support of this request, Rain Carbon states as follows:

1. Pursuant to the Illinois Pollution Control Board’s (the “Board”) July 6, 2023, Order, Rain Carbon filed its Regulatory Proposal entitled “Amendments to 35 Ill. Adm. Code Parts 212 and 215” and supporting documents on August 7, 2023 (the “Proposed Rulemaking”). As Rain Carbon was unable to participate in Docket No. R23-18, it had a limited time period in which to prepare the Proposed Rulemaking to meet the Board’s deadline of August 7.

2. On August 17, 2023, the Board scheduled two public hearings in this matter, the First Hearing on September 27, and the Second Hearing on November 1, 2023. Rain Carbon intends to participate in both hearings.

3. The Hearing Officer Order dated August 17 directs any participant who intends to testify at the First Hearing to submit its pre-filed testimony and related exhibits by August 28, 2023.

4. In advance of the First Hearing, Rain Carbon is in the process of preparing pre-filed testimony and the technical support document and modeling that support the Proposed

Rulemaking. Rain Carbon is requesting a brief extension until September 5, 2023, to finalize both of those submissions due to the short timeframe in which to file the pre-filed testimony under the Hearing Officer Order. The extension will still allow sufficient time for parties to submit any pre-filed questions to Rain Carbon by the September 20, 2023, deadline.

WHEREFORE, for the reasons stated herein, Rain Carbon respectfully requests that the Hearing Officer enter an order (i) granting Rain Carbon's motion, (ii) extending the deadline for Rain Carbon to submit pre-filed testimony for the First Hearing until September 5, 2023, and (iii) granting such other relief as the Hearing Officer deems appropriate.

Respectfully submitted,

Rain CII Carbon LLC

By: /s/ David M. Loring  
David M. Loring

Dated: August 22, 2023

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 22nd day of August, 2023, I have electronically served a true and correct copy of **Rain CII Carbon LLC's Motion for Extension of Time to Submit Pre-Filed Testimony** by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the persons identified on the attached Service List.

My e-mail address is [Alex.Garel-Frantzen@afslaw.com](mailto:Alex.Garel-Frantzen@afslaw.com).

The number of pages in the e-mail transmission is 6.

The e-mail transmission took place before 5:00 p.m.

/s/ Alexander J. Garel-Frantzen

Alexander J. Garel-Frantzen

Dated: August 22, 2023

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