

ILLINOIS POLLUTION CONTROL BOARD  
July 22, 2024

ILLINOIS POWER GENERATING )  
COMPANY, )  
 )  
Petitioner, )  
 ) PCB 24-43  
v. ) (Alternative Source Demonstration)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

**HEARING OFFICER ORDER**

On July 1, 2024, petitioner filed a motion to supplement the record. It appears from the motion that petitioner meant the Agency record, not the Board record, but the distinction does not affect the outcome of this order. The Agency filed a response on July 15, 2024. The motion to supplement the Agency record is granted for Appendices 1 and 26-28. The motion is denied for Appendices 2-25.

At this stage of the proceedings, the more than 5,000 pages petitioner seeks to admit is overly broad. The Board has previously held that documents may be supplemented to the Agency record when the Agency relied or should have relied on such documents. Documents may further be admitted as evidence into the Board record where the document is needed to refute an Agency fact or argument. In those cases, there was a clear link between the documents introduced and petitioner's arguments. The Board understood specifically why petitioner needed the documents to be admitted.

In its motion for summary judgment, petitioner will have the opportunity to establish a clear link between its argument and the documents it seeks to admit. The Board has the option of taking official notice or admitting the document to the record.

IT IS SO ORDERED.



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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on July 22, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on July 22, 2024:

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