

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUN 29 2004

Commonwealth Edison Company,
Petitioner

v.

Illinois Environmental Protection Agency,
Respondent

STATE OF ILLINOIS
Pollution Control Board
PCB 04-215
Trade Secret Appeal

NOTICE OF FILING

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Sheldon A. Zabel
Mary A. Mullin
Andrew N. Sawula
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Keith Harley
Annie Pike
Chicago Legal Clinic, Inc.
205 West Monroe, 4th Floor
Chicago, Illinois 60606

Please take notice that today we have filed with the Office of the Clerk of the Pollution Control Board an original (1) and nine (9) copies of a Notice of Appearance and Response by Respondent Illinois Environmental Protection Agency to Sierra Club's Motion for Intervention, a copy of which is herewith served upon the assigned Hearing Officer, the attorneys for the Petitioner, Commonwealth Edison Company, and the attorneys for the Sierra Club

Dated: Chicago, Illinois
June 29, 2004

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/
Asbestos Litigation Division

BY: 

Ann Alexander, Assistant Attorney General and
Environmental Counsel

Paula Becker Wheeler, Assistant Attorney General

188 West Randolph Street, Suite 2000

Chicago, Illinois 60601

312-814-3772

312-814-2347 (fax)

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Trade Secret Appeal Control Board

NOTICE OF APPEARANCE

The undersigned attorneys hereby file their appearance on behalf of Respondent

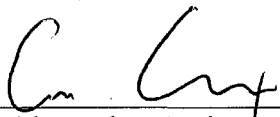
Illinois Environmental Protection Agency.

Dated: Chicago, Illinois
June 29, 2004

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/
Asbestos Litigation Division

BY:


Ann Alexander, Assistant Attorney General and
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STATE OF ILLINOIS
Pollution Control Board

**RESPONSE BY RESPONDENT ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY TO SIERRA CLUB'S MOTION FOR INTERVENTION**

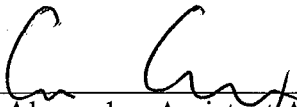
Respondent Illinois Environmental Protection Agency, by its attorneys, supports the motion of Sierra Club, filed June 21, 2004, to intervene in the captioned matter, on condition that Sierra Club be ordered to abide by the limitations on its participation specified herein. Those limitations are that Sierra Club shall (1) not be allowed to control any decision deadline; (2) be barred from serving discovery, interrogatories, and requests to admit; (3) be barred from conducting any depositions; (4) be bound by all Board and hearing officer orders issued to date; (5) not be allowed to raise any issues that were raised and decided, or might have been raised, earlier in this proceeding; and (6) not be provided, in connection with this proceeding, with the subject documents for which trade secret protection is claimed, until and unless those claims are finally resolved against petitioner Midwest Generation EME, LLC.

Dated: Chicago, Illinois
June 29, 2004

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/
Asbestos Litigation Division

BY:


Ann Alexander, Assistant Attorney General and
Environmental Counsel

Paula Becker Wheeler, Assistant Attorney General

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PCB 04-215

Trade Secret Appeal

CERTIFICATE OF SERVICE

I hereby certify that I did on the 22nd Day of June 2004 send by First Class Mail, with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and nine (9) copies of the following instruments entitled Notice of Appearance, Notice of Filing, and Response by Respondent Illinois Environmental Protection Agency to Sierra Club's Motion for Intervention to

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Byron F. Taylor
Chante D. Spann
Sidley Austin Brown & Wood LLP
Bank One Plaza
10 S. Dearborn
Chicago, Illinois 60603

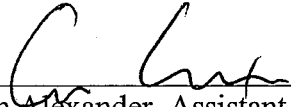
Keith Harley
Annie Pike
Chicago Legal Clinic, Inc.
205 West Monroe, 4th Floor
Chicago, Illinois 60606

Dated: Chicago, Illinois
June 29, 2004

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/
Asbestos Litigation Division

BY:


Ann Alexander, Assistant Attorney General and
Environmental Counsel

Paula Becker Wheeler, Assistant Attorney General
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