

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 19 2004

Midwest Generation EME, LLC
Petitioner,

v.

Illinois Environmental Protection Agency,
Respondent.

STATE OF ILLINOIS
Pollution Control Board
PCB 04-216
Trade Secret Appeal

ORIGINAL

NOTICE OF FILING

To: Lisa Madigan
Attorney General of the State of Illinois
Matthew Dunn
Environmental Enforcement/
Asbestos Litigation Division
Ann Alexander
Assistant Attorney General and
Environmental Counsel
188 West Randolph Street, Suite 2000
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-
100 W. Randolph Street
Chicago, Illinois 60601

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board an original (1) and nine (9) copies of Midwest Generation EME, LLC's Motion for An Extension of Time to File Motion for Reconsideration of the Illinois Pollution Control Board's June 17, 2004 Order, a copy of which is herewith served upon you.

BY: Mary Ann Mullin
Mary Ann Mullin

Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5687

Dated: Chicago, Illinois
July 19, 2004

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Motion for an Extension of Time to File Motion for Reconsideration of the Illinois Pollution Control Board's June 17, 2004 Order, by US Mail, upon the following persons:

Lisa Madigan
Attorney General of the State of Illinois
Matthew Dunn
Environmental Enforcement/
Asbestos Litigation Division
Ann Alexander
Assistant Attorney General and
Environmental Counsel
188 West Randolph Street, Suite 2000
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

Dated: Chicago, Illinois
July 19, 2004

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: Mary A. Mullin

Mary A. Mullin

SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5540

One of the Attorneys for
Midwest Generation EME, LLC

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**MIDWEST GENERATION'S MOTION FOR AN EXTENSION OF TIME TO FILE
MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL
BOARD'S JUNE 17, 2004 ORDER**

Petitioner, Midwest Generation EME, LLC ("Midwest Generation"), moves the Hearing Officer, pursuant to Illinois Pollution Control Board (the "Board") Procedural Rules 101.502 and 101.522 to grant a three-week extension of time to file its Motion for Reconsideration of the Illinois Pollution Control Board's June 17, 2004 Order. In support of this Motion, Petitioner states as follows:

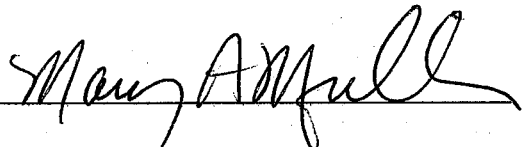
1. In its June 17, 2004 Order, the Board accepted Petitioner's Petition for Review in this matter and held that hearings in this matter would be based exclusively on the record before IEPA at the time it issued its trade secret determination. June 17, 2004 Order at 4. Petitioner received this Order on June 22, 2004. Pursuant to the Board's procedural rules, Petitioner's Motion for Reconsideration is due July 27, 2004.

2. Petitioner is in need of a three-week extension of time to file its Motion for Reconsideration due in part to counsel's vacation schedules and due in part to the briefing schedules for other issues in this case.
3. Petitioner has discussed this extension with Respondent, Illinois Environmental Protection Agency. Respondent has no objection to this extension.

Accordingly, Petitioner respectfully requests that it be granted until August 17, 2004 to file its Motion for Reconsideration of the June 17, 2004 Order.

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: 

Mary Ann Mullin

SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5540

One of the Attorneys for
Midwest Generation EME, LLC

Dated: Chicago, Illinois
July 19, 2004