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AUG 05 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

Commonwealth Edison Company )  
Petitioner, )  
 )  
 )  
v. )  
 )  
Illinois Environmental Protection Agency, )  
Respondent )

PCB No. 04-215  
(Trade Secret Appeal)

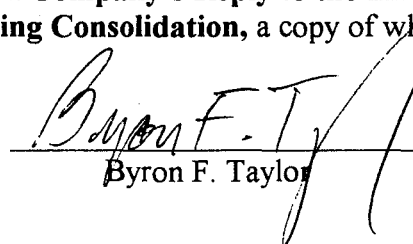
NOTICE OF FILING

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

Ann Alexander  
Assistant Attorney General and  
Environmental Counsel  
188 West Randolph Street  
Suite 2000  
Chicago, Il. 60601

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

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **Commonwealth Edison Company's Reply to the IEPA's Response to the Board's June 17 Order Concerning Consolidation**, a copy of which is herewith served upon you.

  
Byron F. Taylor

Date: August 5, 2004

Byron F. Taylor  
Chanté D. Spann  
Sidley Austin Brown & Wood LLP  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**AUG 05 2004**

Commonwealth Edison Company,  
Petitioner

STATE OF ILLINOIS  
Pollution Control Board

v.

PCB 04-215  
Trade Secret Appeal

Illinois Environmental Protection Agency,  
Respondent

**COMMONWEALTH EDISON COMPANY'S  
REPLY TO THE IEPA'S RESPONSE TO THE BOARD'S  
JUNE 17 ORDER CONCERNING CONSOLIDATION**

Pursuant to the June 17, 2004 order entered by the Illinois Pollution Control Board ("Board") in the above-referenced proceeding, Commonwealth Edison Company ("ComEd") hereby respectfully submits its Reply to the IEPA's Response to the Board's June 17 Order Concerning Consolidation and hereby states as follows:

1. On July 26, 2004, ComEd filed its Opposition to Consolidation and incorporated by reference "Midwest Generation EME, LLC's Opposition to Consolidation," which was filed in PCB No. 04-216, for the reasons stated therein.
2. On July 26, 2004, the IEPA filed its Response to the Board's June 17 Order Concerning Consolidation. The IEPA asserted that PCB 04-215 and PCB 04-216 concern the same set of documents and that the administrative record of the appeals are close to identical. IEPA Response to the Board's June 17 Order Concerning Consolidation, Par. 1. For these reasons, the IEPA argued that consolidation of these two cases would be convenient, expeditious, and lead to a complete determination of claims. The IEPA did not include any additional information to support this claim. The IEPA also argued that material prejudice would not result and that the burdens of proof in the two appeals does not vary. IEPA Response to the Board's

June 17 Order Concerning Consolidation, Par. 2. However, the IEPA provided no support for such assertions.

3. The IEPA is incorrect in its assertion that the two appeals concern the same set of documents. PCB 04-215 concerns excerpts from the CPR and GADs data. PCB 04-216 only concerns excerpts from the CPR. While both cases concern excerpts from the CPR, the interests in that information differ between ComEd, as former owner of the coal-fired generating stations, and Midwest Generation, as the current owner of the coal-fired generating stations. Each company maintains its own set of corporate policies and procedures protecting the information, and the information has competitive value to the companies for different reasons.

4. Accordingly, consolidation of these two appeals could result in a proceeding that is inconvenient and confusing. Further, consolidation will not alleviate the time, resources or expenses incurred by any party or the Board.

WHEREFORE, Commonwealth Edison Company respectfully requests that the Board maintain PCB 04-215 and PCB 04-216 as separate and independent proceedings.

Respectfully submitted,

Commonwealth Edison Company

By: 

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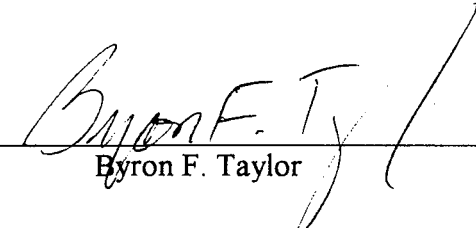
**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached Notice of Filing and Commonwealth Edison Company's Reply to the IEPA's Response to the Board's June 17 Order Concerning Consolidation by U.S. mail on this 5th day of August, 2004 upon the following persons:

Ann Alexander  
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