

SEP 1 5 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS Poliution Control Board

| PEOPLE OF THE STA | · |) | |
|----------------------------|-------------------|---|------------|
| | Complainant, |) | |
| v. | ı |) | PCB 99-134 |
| PEABODY COAL CO | MPANY, a Delaware |) | |
| corporation, | |) | |
| | Respondent. |) | |
| MOTION TO SUBSTITUTE PARTY | | | |

Respondent, Peabody Coal Company, hereby moves the Board to substitute Peabody Coal Company, LLC for Peabody Coal Company as the Respondent in this proceeding, for the reason that Peabody Coal Company, a corporation, has been converted to Peabody Coal Company, LLC, a limited liability company, as of June 11, 2005.

Date: September 12, 2005

Respectfully submitted,

Stephen F. Hedinger

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ATTORNEYS FOR RESPONDENT

RECEIVED CLERK'S OFFICE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing form SUBSTITUTE PARTY has been deposited in the United States mail, first-class postage prepaid, this 12th day of September, 2005, addressed to:

Jane E. McBride Environmental Bureau Attorney General's Office 500 S. Second St. Springfield, IL 62706

Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601

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

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