

**ORIGINAL**  
**ILLINOIS POLLUTION CONTROL BOARD**

**RECEIVED**  
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OCT 21 2005

STATE OF ILLINOIS  
Pollution Control Board

MIDWEST GENERATION EME, LLC  
Petitioner,  
  
v.  
  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Respondent.

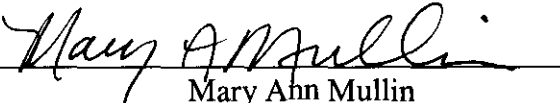
PCB 04-216  
(Trade Secret Appeal)

**NOTICE OF FILING**

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

Lisa Madigan  
Matthew Dunn  
Ann Alexander  
Paula Becker Wheeler  
Office of the Attorney General  
188 West Randolph Street, Suite 2000  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board Midwest Generation EME, LLC's Waiver of Deadline for Board Action, a copy of which is herewith served upon you.

  
Mary Ann Mullin

Dated: October 21, 2005

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

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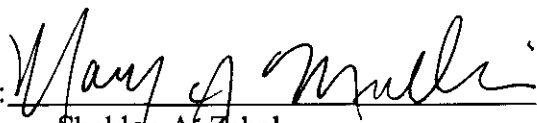
)  
) **PCB 04-216**  
) **(Trade Secret Appeal)**  
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**WAIVER OF DEADLINE  
FOR BOARD ACTION**

Pursuant to 35 Ill. Adm. Code 101.308(c)(2) and 101.514, in the event that the Illinois Pollution Control Board grants Midwest Generation EME, LLC's ("Midwest Generation") Motion to Stay PCB 04-216, Midwest Generation EME, LLC hereby waives the statutory deadline for Board action in the above-captioned matter from March 29, 2006, until twelve months after the Stay is lifted.

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By:   
Sheldon A. Zabel  
Mary A. Mullin

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

Attorneys for  
Midwest Generation EME, LLC

Dated: October 21, 2005

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STATE OF ILLINOIS  
Pollution Control Board

CERTIFICATE OF SERVICE  
ORIGINAL

I, the undersigned, certify that I have served the attached Midwest Generation EME, LLC's Waiver of Deadline for Board Action, by U.S. Mail, upon the following persons:

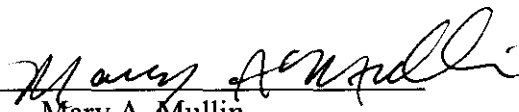
Lisa Madigan  
Matthew Dunn  
Ann Alexander  
Paula Becker Wheeler  
Office of the Attorney General  
188 West Randolph Street, Suite 2000  
Chicago, Illinois 60601

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Dated: Chicago, Illinois  
October 21, 2005

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By:   
Mary A. Mullin

SCHIFF HARDIN LLP  
6600 Sears Tower  
Chicago, Illinois 60606  
(312) 258-5687

One of the Attorneys for  
Midwest Generation EME, LLC