

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Commonwealth Edison Company,)	
Petitioner)	PCB 04-215
)	Trade Secret Appeal
v.)	
)	
Illinois Environmental Protection Agency,)	
Respondent)	

NOTICE OF FILING

To:	Dorothy Gunn, Clerk	Byron F. Taylor
	Illinois Pollution Control Board	Roshna Balasubramanian
	100 West Randolph	Sidley Austin Brown & Wood LLP
	Suite 11-500	Bank One Plaza
	Chicago, Illinois 60601	10 S. Dearborn
		Chicago, Illinois 60603

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

Please take notice that today we have filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following Respondent IEPA's Motion to Strike Petitioner Commonwealth Edison's Reply in Support of Motion to Stay. A copy is herewith served upon the assigned Hearing Officer and the attorneys for the Petitioner, Commonwealth Edison.

Dated: Chicago, Illinois
October 31, 2005

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**RESPONDENT IEPA'S MOTION TO STRIKE PETITIONER
COMMONWEALTH EDISON'S REPLY IN SUPPORT OF MOTION TO STAY**

Pursuant to 35 Ill. Admin. Code 101.500, Respondent Illinois Environmental Protection Agency ("IEPA") respectfully submits to the Hearing Officer this Motion to Strike Petitioner Commonwealth Edison's Reply in Support of Motion to Stay, and hereby states as follows:

1. On September 23, 2005, Petitioner Commonwealth Edison filed with the Illinois Pollution Control Board (the "Board") a Motion to Stay PCB 04-215.
2. On October 6, 2005, Respondent IEPA filed its response to Petitioner's motion.
3. On October 21, 2005, Petitioner Commonwealth Edison filed with the Board its Reply in Support of Motion to Stay.
4. The Board's procedural rules provide at 101.500(e), concerning motion practice, as follows:

The moving person will not have the right to reply, except as permitted by the Board or the hearing officer to prevent material prejudice. A motion for leave to file a reply must be filed with the Board within 14 days after service of the response.

5. More than 14 days have elapsed since Respondent IEPA filed its response to Petitioner's motion, and no motion for leave to file a reply has been filed with the Board.

6. Accordingly, Respondent IEPA respectfully requests that the Board enter an order striking Petitioner Commonwealth Edison's Reply in Support of Motion to Stay in its entirety.

Dated: Chicago, Illinois
October 31, 2005

Respectfully submitted,

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental
Enforcement/
Asbestos Litigation Division

BY: 

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**Commonwealth Edison Company,
Petitioner**

V.

**Illinois Environmental Protection Agency,
Respondent**

PCB 04-215
Trade Secret Appeal

CERTIFICATE OF SERVICE

I hereby certify that I did on the 31st day of October, 2005 send via electronic filing the following instruments entitled Notice of Filing and Respondent IEPA's Motion to Strike Petitioner Commonwealth Edison's Reply in Support of Motion to Stay, to

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

and send 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
Roshna Balasubramanian
Sidley Austin Brown & Wood LLP
Bank One Plaza
10 S. Dearborn
Chicago, Illinois 60603

Dated: Chicago, Illinois
October 31, 2005

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

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