

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,	)	
POWERTON GENERATING STATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-059
	)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

NOTICE OF FILING

To: Pollution Control Board, Attn: Clerk	Robb Layman
James R. Thompson Center	Sally Carter
100 W. Randolph, Suite 11-500	Division of Legal Counsel
Chicago, Illinois 60601	Illinois Environmental Protection Agency
	1021 North Grand Avenue, East
	P.O. Box 19276
	Springfield, Illinois 62794-9276
Bradley Halloran	
Hearing Officer	
Pollution Control Board	
James R. Thompson Center	
100 W. Randolph, Suite 11-500	
Chicago, Illinois 60601	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution control Board Petitioner's **Response to the Agency's Motion for Extension of Time to File Record**, a copy of which is herewith served upon each of you.

  
 \_\_\_\_\_  
 Kathleen C. Bassi

Dated: December 15, 2005

Sheldon A. Zabel  
Kathleen C. Bassi  
Stephen J. Bonebrake  
Joshua R. More  
Kavita M. Patel  
SCHIFF HARDIN, LLP  
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**RESPONSE TO AGENCY'S MOTION  
FOR EXTENSION OF TIME TO FILE RECORD**

NOW COMES Petitioner, Midwest Generation, LLC, by and through its attorneys, Schiff Hardin, LLP, and responds to the Illinois Environmental Protection Agency's ("Agency") Motion for Extension of Time to File Record in the above-captioned matter, stating as follows:

1. The Agency represents in its Motion that the record in this matter is voluminous and that, having insufficient staffing of its own to perform the copying, it has had difficulties in finding a copy service willing to perform the task necessary here. The Agency observes in its Motion that while many permit appeals are protective in nature and so do not necessarily require the filing of a record, the complexities in this appeal make it more likely that the record will be necessary. Finally, the Agency requests an indefinite extension of time in which to file the record.

2. Petitioner agrees that while some issues in this matter may be addressed through discussion and agreement between the parties, it is premature to determine whether that is true for any, much less all, of the issues raised in the appeal. Therefore, it is necessary and appropriate that the Agency file the record in this appeal.

3. Petitioner also understands the Agency's problem in preparing the record for filing and does not object to the Board's granting the Agency an extension of time to file the record. However, Petitioner requests that the Board grant such extension of time until January 26, 2006, with leave to seek a further extension if the Agency has been unable to prepare and file the record by that time.

4. Finally, Petitioner understands that the Agency may seek to reduce its copying burdens relative to the record through filing fewer than the number of copies mandated by the Board's rules. The Agency has discussed this with Petitioner, and Petitioner has no objection to the Board granting the Agency reasonable relief from that requirement.

Respectfully submitted,

MIDWEST GENERATION, LLC,  
POWERTON GENERATING STATION

by

  
One of Its Attorneys

Dated: December 15, 2005

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **Appeal of CAAPP Permit of Midwest Generation, LLC, Powerton Generating Station,**

by electronic delivery upon the following person:

and by electronic and first class mail upon the following person:

Pollution Control Board, Attn: Clerk  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

Robb Layman  
Sally Carter  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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Bradley Halloran, Hearing Officer  
Pollution Control Board  
James R. Thompson Center  
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Kathleen C. Bassi

Dated: December 15, 2005

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