

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)

PROPOSED NEW 35 ILL. ADM. CODE 225)
CONTROL OF EMISSIONS FROM)
LARGE COMBUSTION SOURCES)
35 Ill. Adm. Code 225.100, 200)
_____)

R06-25
(Rulemaking – Air)

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APR 17 2006

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: John J. Kim, Managing Attorney
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Illinois Environmental Protection Agency
Division of Legal Counsel
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Marie E. Tipsord, Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Mr. Keith Harley
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205 West Monroe, 4th Floor
Chicago, IL 60606

Please take notice that on April 17, 2006, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board the **PETITIONERS' RESPONSE TO AGENCY MOTION CONCERNING GUIDELINES AND FORMAT OF FIRST HEARING**, a copy of which is herewith served upon you.

By: _____

One of the Attorneys for Petitioners

James T. Harrington
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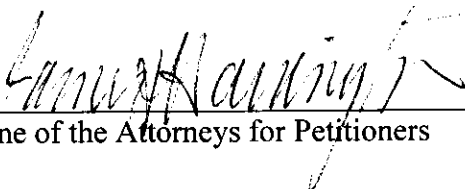
CERTIFICATE OF SERVICE

APR 17 2006

I, James T. Harrington, one of the attorneys for Petitioners, hereby certify that I served a copy of

STATE OF ILLINOIS
Pollution Control Board

**PETITIONERS' RESPONSE TO AGENCY MOTION CONCERNING GUIDELINES AND
FORMAT OF FIRST HEARING** upon those listed on the attached Notice of Filing on April 17, 2006
via First Class Mail, postage prepaid.



One of the Attorneys for Petitioners

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**PETITIONERS' RESPONSE TO AGENCY MOTION CONCERNING
GUIDELINES AND FORMAT OF FIRST HEARING**

NOW COMES Petitioners, Ameren Energy Generating Company, AmerenEnergy Resources Generating Company, and Electric Energy, Inc., by their attorneys, James T. Harrington, David L. Rieser, and McGuireWoods LLP, and responds to the Illinois Environmental Protection Agency's ("IEPA") Motion to the Hearing Officer concerning guidelines and format of the first hearing scheduled for May 8, 2006.

1. These parties have no objection to the Agency's order of presentation.
2. The Board should reject the four day schedule proposed by the IEPA to present all of its witnesses as wholly unrealistic. The expert witnesses presenting highly involved and controversial testimony will be subject to questioning by the Board and interested parties of all viewpoints. It be expected that their oral presentation and questioning by the Board and interested parties will require considerable additional time than allowed by the Agency schedule. Imposing an arbitrary schedule at this time without having a full opportunity to consider the nature of the testimony presented will unnecessarily limit the ability of the Board and participating parties to bring important facts and opinions to light.
3. The Board should also determine that witnesses will need to be available until all Board and interested party questions have been addressed, subject, of course, to the Hearing Officer's right to limit redundant and irrelevant questions. Without this availability, the Board would not be certain of obtaining the best and most thorough record possible. The Board should

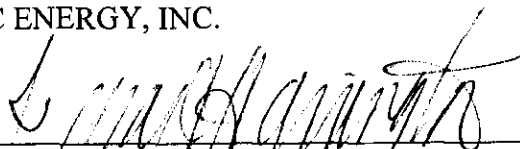
reject written questions to witnesses as an entirely unsatisfactory way to bring forth the truth since there is no ability to ask follow-up questions and it is overly easy to evade, whether intentionally or not, the answer to a written question.

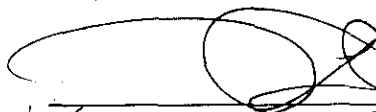
4. Since the Board is currently proceeding as though this is a rulemaking pursuant to Section 28.5 of the Illinois Environmental Protection Act over the objection of these and other parties, there should be no artificial deadline for concluding the hearing, which by provisions of Section 28.5 is required to proceed day-to-day until completed. Having sought to have this matter considered under Section 28.5 which provides for an already truncated process, the Agency should not be allowed to further limit the ability of the Board and other interested parties to thoroughly examine the information and witnesses presented by the Agency.
5. The Board should allow at least nine days for the presentation of IEPA's case and the questioning of its witnesses.

Dated this 17th day of April, 2006.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY
AMERENENERGY RESOURCES GENERATING COMPANY
ELECTRIC ENERGY, INC.

By: 
One of its Attorneys

By: 
One of its Attorneys

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