

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 9 2006

STATE OF ILLINOIS
Pollution Control Board

In The Matter of:

Proposed New 35 Ill. Adm. Code 225
Control of Emissions from
Large Combustion Sources

)
)
)
)
)

No. R06-25
(Rulemaking - Air)

NOTICE OF FILING

TO: See attached Service List

PLEASE TAKE NOTICE that on May 9, 2006, I filed with the Office of the Clerk of the Pollution Control Board, Participants DYNEGY MIDWEST GENERATION INC., KINCAID GENERATION, LLC, and MIDWEST GENERATION LLC's MOTION FOR REVISED REQUEST FOR ECONOMIC IMPACT STUDY, copies of which are herewith served upon you.

By: _____



Bill S. Forcade

Bill S. Forcade
Katherine Rahill
JENNER & BLOCK LLP
Attorneys for Kincaid Generation, LLC
One IBM Plaza
Chicago, IL 60611
(312) 222-9350

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 9 2006

STATE OF ILLINOIS
Pollution Control Board

In The Matter of:)	
)	
Proposed New 35 Ill. Adm. Code 225)	No. R06-25
Control of Emissions from)	(Rulemaking – Air)
Large Combustion Sources)	

MOTION FOR REVISED REQUEST FOR ECONOMIC IMPACT STUDY

NOW COME Participants DYNEGY MIDWEST GENERATION, INC., KINCAID GENERATION, L.L.C., and MIDWEST GENERATION, L.L.C., by and through their attorneys, Jenner & Block LLP, and Schiff Hardin, LLP, and move the Board to issue a revised request for an Economic Impact Study. In support of their request, Participants state as follows:

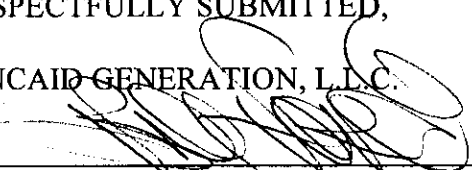
1. On or about March 16, 2006, while acting pursuant to the Agency's request for consideration of the above-captioned matter under Section 28.5 of the Illinois Environmental Protection Act (the "Act"), Acting Chairman G. Tanner Girard sent a letter to Jack Lavin, Director of the Department of Commerce and Economic Opportunity (the "Department"), requesting an Economic Impact Study (a copy is attached).
2. That letter asked the Department to act on the request pursuant to the expedited schedule set by the Board under Section 28.5 of the Act.
3. On May 1, 2006, Judge Patrick J. Londrigan issued a Preliminary Injunction prohibiting the Board and the Agency from proceeding with this rulemaking under the authority of Section 28.5 or the expedited schedule set by the Board pursuant to Section 28.5 (a copy of which is attached).
4. Participants believe the March 16, 2006 letter to be an action by the Board pursuant to Section 28.5, an action enjoined by the May 1, 2006 Preliminary Injunction.

Therefore, the Board is required to submit a new request for an ECIS to the Department pursuant to Section 27.

WHEREFORE, for the reasons set forth above, Participants DYNEGY MIDWEST GENERATION, INC., KINCAID GENERATION, L.L.C., and MIDWEST GENERATION, L.L.C., request that the Board issue a revised Request for Economic Study to the Department stating the above-captioned matter will proceed under Section 27 of the Act, not Section 28.5; and request that the letter advise the Department that it has additional time, consistent with the current hearing schedule.

RESPECTFULLY SUBMITTED,

KINCAID GENERATION, L.L.C.

By: 
One of its attorneys

DYNEGY MIDWEST GENERATION, INC., and
MIDWEST GENERATION, LLC

By: /s/ Kathleen C. Bassi
Kathleen C. Bassi

Dated: May 9, 2006

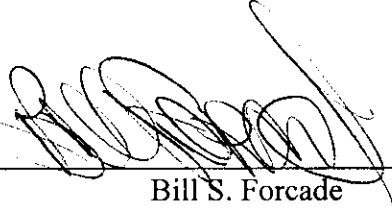
Bill S. Forcade
Katherine Rahill
JENNER & BLOCK LLP
One IBM Plaza
Chicago, IL 60611
(312) 222-9350
Fax: 312-527-0484

Kathleen C. Bassi
Sheldon A. Zabel
Stephen J. Bonebrake
Joshua R. More
Glenna L. Gilbert
SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606
312-258-5500
Fax: 312-258-5600

CERTIFICATE OF SERVICE

I, Bill S. Forcade, an attorney, hereby certify that I served a copy of the foregoing Motion, via first-class mail, postage fully prepaid, upon the parties on the attached Service List this 9th day of May, 2006:

By: _____

A handwritten signature in black ink, appearing to read "Bill S. Forcade", is written over a horizontal line. The signature is stylized and cursive.

Bill S. Forcade

SERVICE LIST

Gina Roccaforte, Assistant Counsel
Charles Matoesian, Assistant Counsel
John J. Kim, Managing Attorney
Air Regulatory Unit
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218

Bruce Nilles
Sierra Club
214 N. Henry Street, Suite 203
Madison, WI 53703

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
188 West Randolph St., 20th Floor
Chicago, IL 60601

William A. Murray
Special Assistant Corporation Counsel
Office of Public Utilities
800 East Monroe
Springfield, Illinois 62757

Christopher W. Newcomb
Karaganis, White & Mage., Ltd.
414 North Orleans Street, Suite 810
Chicago, Illinois 60610

David Rieser
James T. Harrington
McGuire Woods LLP
77 West Wacker, Suite 4100
Chicago, Illinois 60601

Faith E. Bugel
Howard A. Learner
Meleah Geertsma
Environmental Law and Policy Center
35 East Wacker Drive, Suite 1300
Chicago, Illinois 60601

N. LaDonna Driver
Katherine D. Hodge
Hodge Dwyer Zeman
3150 Roland Avenue, P.O. Box 5776
Springfield, Illinois 62705-5776

Keith I. Harley
Chicago Legal Clinic
205 West Monroe Street, 4th Floor
Chicago, Illinois 60606

S. David Farris
Manager, Environmental, Health and Safety
Office of Public Utilities, City of Springfield
201 East Lake Shore Drive
Springfield, Illinois 62757

Marie Tipsord
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

Kathleen C. Bassi
Sheldon A. Zabel
Stephen J. Bonebrake
Joshua R. More
Glenna L. Gilbert
SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606