

ILLINOIS POLLUTION CONTROL BOARD
December 12, 2006

| | | |
|------------------------------|---|-----------------------|
| MIDWEST GENERATION EME, LLC, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | PCB 04-216 |
| ILLINOIS ENVIRONMENTAL |) | (Trade Secret Appeal) |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

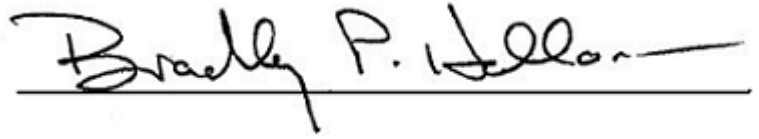
HEARING OFFICER ORDER

On December 5, 2006, all parties participated in a telephonic status conference with the hearing officer. The parties represented that they remain hopeful that a decision by the United States Environmental Protection Agency regarding its determination on confidentiality will be forthcoming in January 2007. Petitioner may file another motion to stay these proceedings prior to the next status conference. It was noted that a ruling by the hearing officer on petitioner's motion to compel is anticipated prior to the next status conference. The petitioner represented that it will file a six-month waiver of the statutory decision deadline.

The parties have submitted an agreed revised discovery schedule. The discovery schedule is accepted as follows. Final interrogatories and final document requests must be served on or before February 28, 2007. Answers to final interrogatories and final document requests must be served on or before March 30, 2007.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on January 23, 2007, at 1:30 p.m. The status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

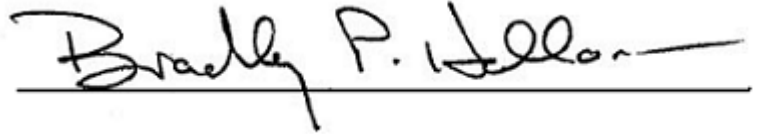
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 12, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 12, 2006:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
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