

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**Commonwealth Edison Company,
Petitioner**

v.

**Illinois Environmental Protection Agency,
Respondent**

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)
)

**PCB 04-215
Trade Secret Appeal**

NOTICE OF FILING

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

Byron F. Taylor
Roshna Balasubramanian
Sidley Austin Brown & Wood LLP
One South Dearborn Street
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 via electronic filing a Motion for an Extension of Time to Respond to Petitioner's Motion for an Interlocutory Appeal of Order denying Motions to Compel. A copy is herewith served upon the assigned Hearing Officer and the attorneys for the Petitioner, Commonwealth Edison.

Dated: Chicago, Illinois
June 14, 2007

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement
Asbestos Litigation Division

BY: Paula B. Wheeler
Paula Becker Wheeler, Assistant Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312-814-1511

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**RESPONDENT'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
PETITIONER'S MOTION FOR AN INTERLOCUTORY APPEAL**

Now comes Respondent Illinois Environmental Protection Agency (IEPA or the "Agency"), by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 101.500(d) of the Illinois Pollution Control Board's Procedural Regulations, and moves for an extension of time to respond to Petitioner's Motion for an Interlocutory Appeal of Order Denying Motions to Compel Discovery, and in support thereof states as follows:

1. Assistant Attorney General Ann Alexander is leaving the Attorney General's Office effective today's date. Assistant Attorney General Paula Wheeler is assisting on the case.
2. In addition to her own caseload, Ms. Wheeler is also handling, at this time, the other two related Trade Secret Appeals filed before the Board, PCB 04-216, PCB 04-185.
3. A Response will be filed on today's date to a similar Motion on the related case of PCB 04-216.

4. Due to a heavy caseload and Ms. Alexander's departure, Respondent is asking for an additional fourteen days to respond to this Petitioner's Motion for an Interlocutory Appeal of Order Denying Motions to Compel.

Conclusion

For the foregoing reasons, Respondent respectfully moves for additional time to respond to Petitioner's Motion for Interlocutory Appeal of Order denying Motions to Compel.

Dated: Chicago, Illinois
June 14, 2007

Respectfully submitted,

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental
Enforcement
Asbestos Litigation Division

BY: *Paula B. Wheeler*

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CERTIFICATE OF SERVICE

I hereby certify that I did on the 14th day of June, 2007 send by United States mail a copy of Respondent's Motion for an Extension of Time to Respond to Petitioner's Motion for an Interlocutory Appeal, to:

Byron F. Taylor
Roshna Balasubramanian
Sidley Austin Brown & Wood LLP
One South Dearborn Street
Chicago, Illinois 60603

Dated: Chicago, Illinois
June 14, 2007

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement
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