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October 12, 2007

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


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STATE OF ILLINOIS
Pollution Control Board

Re: Commonwealth Edison Company v. IEPA, PCB 04-215

Dear Mr. Halloran:

Enclosed herein please find Commonwealth Edison Company's Pre-Hearing Disclosures, which we are filing today pursuant to the Scheduling Order in this matter.

Very truly yours,


Roshna Balasubramanian

Enclosures

cc: Paula Becker Wheeler, Illinois Attorney General's Office
Evan McGinley, Illinois Attorney General's Office

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Commonwealth Edison Company,

Petitioner,

v.

Illinois Environmental Protection Agency,

Respondent.

PCB No. 04-215
(Trade Secret Appeal)

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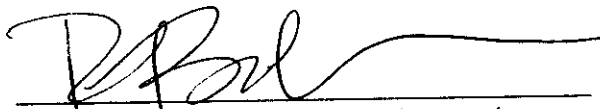
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Paula Becker Wheeler
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Hearing Officer of the Pollution Control Board the Pre-Hearing Disclosures of Commonwealth Edison Company, a copy of which is herewith served upon you.


Roshna Balasubramanian

Dated: October 12, 2007

Byron F. Taylor
Roshna Balasubramanian
Sidley Austin LLP
One South Dearborn
Chicago, Illinois 60603
(312) 853-7000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**PETITIONER COMMONWEALTH EDISON COMPANY'S
PRE-HEARING DISCLOSURES**

Petitioner Commonwealth Edison Company ("ComEd"), by and through its attorneys, submits to the Hearing Officer the following lists of stipulated facts, exhibits, and potential witnesses (collectively hereinafter, "Pre-Hearing Disclosures"), pursuant to the Hearing Officer's Scheduling Order. As Supplemental Discovery in this matter does not close until January 14, 2008, Petitioner may, and reserves the right to, supplement and/or amend its Pre-Hearing Disclosures.

1. Statement of Stipulated Facts: The parties have not agreed to any stipulations at this time.
2. Exhibit List: ComEd attaches hereto as Exhibit A the list of exhibits that it may use at the hearing or offer in evidence. ComEd reserves the right to object on any grounds to Respondent's proposed exhibits and to add any additional exhibits to ComEd's exhibit list after an inspection of Respondent's proposed exhibits or after completion of Supplemental Discovery. ComEd also reserves the right to enter into evidence any exhibit listed on Respondent's exhibit list.

3. List of Potential Witnesses: ComEd may present testimony from the following witnesses:

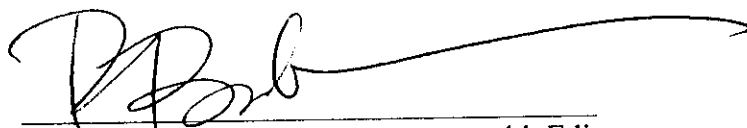
| <u>Name</u> | <u>Title</u> | <u>Areas of Anticipated Testimony</u> |
|-----------------------|--|--|
| i. Darren S. Zurawski | Manager of Property Accounting, Exelon Business Services Company | Description of the Continuing Property Record ("CPR") and its contents; Exelon/ComEd accounting procedures and related documents; <i>and</i> Exelon's internal practices for maintaining confidentiality of the CPR. |
| ii. Elizabeth Meisner | Senior Operations Analyst, Exelon Generation Company LLC | Description of the limited data contained in the GADS excerpt; Description of GADS data, in general, its generation and handling; <i>and</i> |
| iii. Doug Jerzycke | Portfolio Analyst, Exelon Generation Company LLC | Exelon's internal practices for maintaining confidentiality of GADS data. |

Furthermore, ComEd reserves the right to call at the hearing any witness listed on Respondent's List of Potential Witnesses.

Dated: October 12, 2007

Respectfully submitted,

BY:



One of the attorneys for Commonwealth Edison Company

Byron F. Taylor
Roshna Balasubramanian
SIDLEY AUSTIN LLP
1 South Dearborn Street
Chicago, IL 60603
(312) 853-7000

EXHIBIT A

Commonwealth Edison Company v. IEPA, PCB No. 04-215

Petitioner's List of Exhibits

| No. | Description |
|-----|---|
| 1. | Adam Qhader, Sierra Club, Letter to Marilyn Clardy, IEPA FOIA Officer (Oct. 27, 2003) |
| 2. | Joseph E. Svoboda, IEPA Chief Legal Counsel, Letter to Adam Qhader, Sierra Club (Nov. 13, 2003) |
| 3. | Bruce Niles, Sierra Club, E-mail to Marilyn Clardy (Feb. 12, 2004) |
| 4. | Respondent's Response to Petitioner's Second Set of Interrogatories (Sep. 10, 2007) |
| 5. | Respondent's Response to Second Set of Document Requests and accompanying documents (Sep. 10, 2007) |
| 6. | Respondent's Response to Commonwealth Edison Company's Initial Requests for Admission (Aug. 17, 2007) |
| 7. | Respondent's Response to Commonwealth Edison Company's Initial Interrogatories and Initial Request for Production of Documents and accompanying documents (Nov. 22, 2005) |
| 8. | Commonwealth Edison Company's Responses to Respondent's Initial Interrogatories and Request for the Production of Documents and accompanying documents (Nov. 28, 2005) |
| 9. | Byron F. Taylor, Sidley Austin LLP, Letter to Chris Presnall, Assistant Counsel, IEPA (March 11, 2004) |
| 10. | Chris Presnall, Letter to Byron F. Taylor (Apr. 23, 2004) |
| 11. | Chris Presnall, Letter to Byron F. Taylor (Feb. 26, 2004) |
| 12. | IEPA, 2004 Annual Emissions Reporting Instructions and Forms and prior versions |
| 13. | Mary A. Mullin, Schiff Hardin LLP, Letter to Maureen Rudolph, U.S. Department of Justice (Oct. 29, 2002) (redactions in original) |
| 14. | Pauline H. Milius, Chief, Environment and Natural Resources Division, U.S. Department of Justice, Letter to Mary A. Mullin (Nov. 13, 2002) |
| 15. | Byron F. Taylor, Letter to Bertram C. Frey, Acting Regional Counsel, United States Environmental Protection Agency Region 5 (Aug. 5, 2005) |

| No. | Description |
|-----|--|
| 16. | North American Electric Reliability Council, <i>GADS Data Release Guidelines</i> (October 2003) |
| 17. | U.S. Department of Justice, Freedom of Information Act Guide: Exemption 4 (May 2004) |
| 18. | David Cook, Vice Present and General Counsel, NERC, Letter to Jane E. Montgomery, Schiff Hardin LLP (Dec. 23, 2004) |
| 19. | Asset Sale Agreement By And Between Commonwealth Edison Company and Edison Mission Energy As To Fossil Fuel Generating Assets (March 22, 1999) |
| 20. | Correspondence between Fleischmann's Vinegar Company, Inc. and IEPA regarding trade secret claims (September – October 2005) |
| 21. | Fleishmann's Vinegar, Re-submittal of application for construction permit of A19 to Jason Schnepf, IEPA (Oct. 25, 2005) |
| 22. | IEPA, Construction Permit to Fleischmann's Vinegar (Oct. 19, 2005) |
| 23. | Fleishmann's Vinegar, "Project description – Vinegar acetator A19 construction, Application containing confidential information" (July 11, 2005) |
| 24. | Correspondence between Devro-Teepak, Inc. and IEPA regarding trade secret claims (January – April 1998) |
| 25. | Devro-Teepak, Letter to Donald E. Sutton, IEPA (April 19, 2001) |
| 26. | Documents relating to Teepak, LLC,'s air permits and/or applications for same, produced by IEPA in response to ComEd's Second Set of Interrogatories and Second Set of Document Requests |
| 27. | Documents relating to ConocoPhillips' trade secret claim(s) produced by IEPA in response to ComEd's Second Set of Interrogatories and Second Set of Document Requests |
| 28. | Documents relating to Witco Corporation's trade secret claim(s) produced by IEPA in response to ComEd's Second Set of Interrogatories and Second Set of Document Requests |
| 29. | Documents relating to FOIA request for materials regarding H. Kramer plant produced by IEPA in response to ComEd's Second Set of Interrogatories and Second Set of Document Requests |
| 30. | Documents relating to Clorox Bleach's trade secret claim(s) produced by IEPA in response to ComEd's Second Set of Interrogatories and Second Set of Document |

| No. | Description |
|-----|---------------------------------------|
| | Requests |
| 31. | Administrative Record, PCB No. 04-215 |

CERTIFICATE OF SERVICE

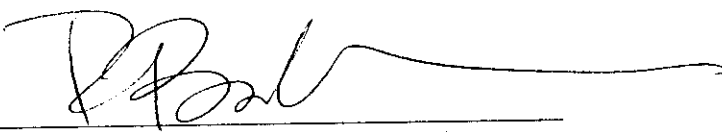
I, the undersigned, certify that I have served the attached Pre-Hearing Disclosures of Commonwealth Edison Company on this 12th day of October, 2007 upon the following persons:

By First Class Mail:

Paula Becker Wheeler
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

By Hand Delivery:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601



Roshna Balasubramanian