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October 12, 2007

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STATE OF ILLINOIS
Pollution Control Board

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

Re: **Midwest Generation EME, LLC v. Illinois Environmental
Protection Agency**
IPCB 04-216

Dear Mr. Halloran,

Pursuant to the Scheduling Order issued in this matter, enclosed please find Petitioner, Midwest Generation EME, LLC's initial witness and exhibit lists. As Supplemental Discovery in this matter does not close until January 14, 2008, Petitioner anticipates the Pre-hearing Disclosures will require amendment.

Thank you for your attention this matter.

Very truly yours,

Andrew N. Sawula

ANS:rl

Enclosures

cc: Paula Becker Wheeler, Illinois Attorney General's Office
Evan McGinley, Illinois Attorney General's Office
Dan McDevit, Midwest Generation
Sheldon Zabel, Schiff Hardin
Mary Ann Mullin, Schiff Hardin

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC
Petitioner,

v.

Illinois Environmental Protection Agency,
Respondent.

PCB 04-216
Trade Secret Appeal

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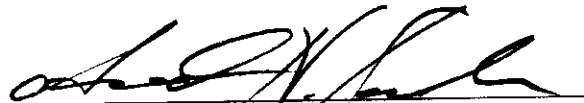
STATE OF ILLINOIS
Pollution Control Board

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 Midwest Generation EME, LLC, a copy of which is herewith served upon you.



Andrew N. Sawala

Dated: October 12, 2007

Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5500

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

Midwest Generation EME, LLC,)
)
Petitioner,)
)
v.)
)
Illinois Environmental Protection Agency,)
)
Respondent.)

ORIGINAL

PCB No. 04-216
(Trade Secret Appeal)

**PRE-HEARING DISCLOSURES OF
PETITIONER MIDWEST GENERATION EME, LLC'S**

Petitioner Midwest Generation EME, LLC ("Midwest Generation"), 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 anticipates the Pre-hearing Disclosures will require amendment.

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

3. List of Potential Witnesses: Midwest Generation may present testimony

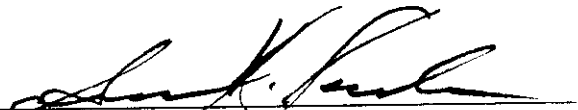
from the following witnesses:

<u>Name</u>	<u>Title</u>	<u>Company</u>
1. Michale J. King	Senior Vice President	National Economic Research Associates, Inc.
2. Fred McCluskey	Vice President, Technical Services	Midwest Generation EME, LLC
3. Scott Miller	Senior Engineer	Midwest Generation EME, LLC
4. Audrey L. Marovitz	Paralegal	Schiff Hardin LLP

Furthermore, Midwest Generation 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 Midwest
Generation, EME, LLC

Sheldon A. Zabel
Mary Ann Mullin
Andrew N. Sawula
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Exhibit A

Midwest Generation EME, LLC v. IEPA, PCB No. 04-216: Petitioner's List of Exhibits

Exhibit No.	Description
1.	Respondent's Response to Midwest Generation's Initial Interrogatories, PCB 04-216 (November 28, 2005)
2.	Respondent's Response to Midwest Generation's Initial Request to Produce Documents, PCB 04-216 (November 28, 2005)
3.	Respondent's Response to Petitioner's Second Set of Interrogatories (September 10, 2007)
4.	Response to Second Set of Document Requests, including all documents produced therein (September 10, 2007)
5.	Respondent's Response to Petitioner's Initial Requests for Admission (August 17, 2006)
6.	Sample 2004 Annual Emissions Reporting Instructions and Forms
7.	Trade Secret Regulations at 35 Illinois Administrative Code Part 130
8.	Freedom of Information Act Regulations at 2 Illinois Administrative Code 1828
9.	February 21, 1991 Federal Register provision Volume 56 p. 7043 et.seq.
10.	February 26, 2004 letter to Byron Taylor of Sidley Austin from Chris Pressnall of IEPA
11.	March 11, 2004 letter to Chris Pressnall of IEPA from Byron Taylor of Sidley Austin
12.	March 11, 2004 letter from Andrew N. Sawula of Schiff Hardin LLP to Chris Pressnall of IEPA.
13.	April 23, 2004 letter from Chris Pressnall of IEPA to Byron Taylor of Sidley Austin Brown & Wood LLP
14.	April 23, 2004 letter from Chris Pressnall of the IEPA to Andrew N. Sawula of Schiff Hardin LLP
15.	August 4, 2005 letter from Sheldon A. Zabel of Schiff Hardin to Bertram Frey of USEPA.
16.	Aug. 5, 2005 letter from Byron F. Taylor, Sidley Austin Brown & Wood LLP, to Bertram C. Frey, USEPA with attachments.
17.	June 2, 2006 letter from Sheldon A. Zabel of Schiff Hardin LLP to Bertam C. Frey of USEPA with attachments.
18.	Printout from IEPA's web site regarding definition of emission data
19.	Federal definition of Emission Data (40 CFR part 2.301(a)(2)(i)(B)).
20.	Expert Report of Michael J. King
21.	Permits and Permit applications in 04-216 administrative record, bates range 00002-00928.
22.	Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (April 4, 2006)
23.	February 14, 1997 Edison Mission Energy Corporate Policy Statement re: Confidential and Proprietary Information.

Exhibit No.	Description
24.	January 5, 2000 Midwest Generation EME, LLC Corporate Policy Statement re: Confidential and Proprietary Information.
25.	Letter from John E. Bryson, Chairman , President and Chief Operating Officer, Edison International, to employees re: Information Management Program.
26.	January 5, 2000 Midwest Generation EME, LLC Corporate Policy Statement re: records retention.
27.	Sample printout of Quarterly Acid Rain and No _x SIP Electronic Data Reports submitted to USEPA pursuant to 40 CFR Parts 75 and 96.
28.	Sample ERNS VOM Ozone Season Reports submitted annually to IEPA pursuant to 35 ILL. Admin. Code 205.
29.	Sample Title V Application and Update submitted to IEPA pursuant to 35 Ill Admin. Code 270 and 40 CFR Part 70.
30.	Sample Quarterly Fuel Reports submitted to IEPA pursuant to state permits and 35 Ill. Admin. Code 214.
31.	Sample Annual Toxic Release Inventory submitted to USEPA pursuant to 40 CFR Part 355.

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Pre-Hearing Disclosures of Midwest Generation EME, LLC, by first class mail on this 12th day of October, 2007 upon the following persons:

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



Andrew N. Sawula