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STATE OF ILLINOIS
Pollution Control Board

December 21, 2007

VIA FACSIMILE 312-795-3730
THEN U.S. MAIL

Faith E. Bugel
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1300
Chicago, Illinois 60601

**Re: Midwest Generation, LLC's Petitions for Adjusted Standards
IL PCB Matter Nos. AS 07-03 and AS 07-04**

Dear Ms. Bugel,

Late yesterday afternoon it came to my attention that you filed on December 6, 2007 motions by the Environmental Law & Policy Center to intervene in the above-referenced adjusted standard proceedings. In the copies on the Board's website of your certificates of service for the motions, dated December 6, 2007, you state that the motions were served upon Sheldon Zabel, Kathleen Bassi and me as counsel for Midwest Generation, LLC. However, I was unaware of the motions prior to mention of them yesterday during the Board meeting, and through further investigation I have determined that the motions were never served upon us. As you know, under the Board's rules the movant has the duty to properly serve motions and the time to respond to motions is triggered by proper service. See 35 IAC 101.304 and 101.500.

I tried to call you about this matter this morning but could not reach you on the telephone. I also tried to call Rachael Doctors today to see if she had been served with a copy of your motions, but I was unable to reach her either. This letter confirms that, as I mentioned in my voicemail message, your motions have not been served and, therefore, no response period with respect to your motions has begun to run. I have not yet an opportunity to speak with my client about whether we would oppose the motions if and when the motions are properly served. However, I anticipate that your motions would be opposed.



Faith E. Bugel
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I would be happy to discuss this matter at your convenience.

Sincerely,

SJB

Stephen J. Bonebrake

SJB:zh

cc: Rachel L. Doctors (Illinois EPA)
Bradley P. Halloran (Illinois Pollution Control Board) ✓
Kathleen C. Bassi
Sheldon A. Zabel

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