BEFORE THE ILLINOIS POLLUTION CONTROL BOARDLERK'S OFFICE

JON CHUALOVSKY,) NOV 0 6 2009
Complainant,	STATE OF ILLINOIS Pollution Control Board
v.) PCB NO. 10-13
COMMONWEALTH EDISON, FRANK CLARK AND TIM JOHNSON,) (Enforcement-Noise)))
Respondents.))

NOTICE OF FILING

TO: Jon Chualovsky 9251 Latrobe

Skokie, Illinois 60077

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

Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board, the Respondents' Motion for an Extension of Time to Answer or Otherwise Respond, copies of which are herewith served upon you.

Bill S. Forcade

Attorney for Respondents

Jenner & Block LLP

353 N. Clark Street

Chicago, IL 60654-3456

312/923-2964

Dated: November 6, 2009

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BEFORE THE ILLINOIS POL	LUTION CONTROL BOARD
JON CHUALOVSKY,	LUTION CONTROL BOARD CEIVED CLERK'S OFFICE
) NOV 0 6 2009
Complainant,	STATE OF ILLINOIS Pollution Control Board
v.) FCB NO. 10-13
COMMONWEALTH EDISON, FRANK) (Enforcement-Noise)
CLARK AND TIM JOHNSON,)
Respondents.)

MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND

NOW COME the Respondents, Commonwealth Edison, Frank Clark and Tim Johnson, by and through their attorney, and respectfully request that this Board grant an extension of time up to and including Friday, February 5, 2010 to Answer or otherwise respond to the Complaint. In support of this Motion, the Respondents state as follows:

- 1. This matter arose from a complaint filed by Jon Chualovsky alleging various noise violations from Respondent Commonwealth Edison's activities.
- 2. Respondents requested an extension of time, until Friday November 6, 2009 to Answer or otherwise respond. The Board granted that request on September 29, 2009.
- 3. Since this action was filed Commonwealth Edison has been: (1) investigating the nature of the claimed noise issues, (2) investigating possible options to mitigate any claimed noise issues relating to Respondent's activities, and (3) communicating with Complainant about the nature of the claimed noise impacts.
- Respondents would like to complete those investigations and meet with
 Complainant to discuss potential options, if any, to reduce noise impacts. These activities could

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not be completed by November 6, 2009. Respondents believe these activities can be completed

by Friday, February 5, 2010.

5. Commonwealth Edison has spoken with Complainant to discuss the noise issues

several times since this complaint was filed.

6. Commonwealth Edison advised Complainant of the need for additional time to

complete evaluation of any noise control options.

7. Complainant informed Commonwealth Edison that he does not object to this

Motion For An Extension Of Time To Answer Or Otherwise Respond.

WHEREFORE, Respondents, Commonwealth Edison, Frank Clark and Tim Johnson,

request that this Board grant them an extension of time up to and including Friday, February 5,

2010 to Answer or otherwise respond to the Complaint.

Bill S. Forcade

Bill S. Forcade

Jenner & Block LLP

Attorney for Respondents 353 N. Clark Street

Chicago, IL 60654-3456

312/923-2964

Dated: November 6, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JON CHUALOVSKY,)
Complainant,)
v.) PCB NO. 10-13) (Enforcement-Noise)
COMMONWEALTH EDISON, FRANK)
CLARK AND TIM JOHNSON,)
Respondents.)

PROOF OF SERVICE

NOW COME the Respondents, Commonwealth Edison, Frank Clark and Tim Johnson, by and through their attorney, and pursuant to the Board's procedural rules, provides proof of service of the attached Motion for Extension of Time to Answer or Otherwise Respond upon Jon Chualovsky, 9251 Latrobe, Skokie, Illinois 60077 and Bradley P. Halloran, Hearing Officer, Illinois Pollution Control Board, James R. Thompson Center, Suite 11-500, 100 W. Randolph Street, Chicago, Illinois 60601, by having a true and correct copy affixed with proper postage placed in the U.S. Mail at Jenner & Block LLP, 353 North Clark Street, Chicago, Illinois 60654-3456, at or before 5:00 p.m., on November 6, 2009, and a true and correct copy of the foregoing Motion was hand delivered to John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, on November 6, 2009.

Bill S. Forcade / Give Bill S. Forcade

Bill S. Forcade Jenner & Block LLP Attorney for Respondents 353 N. Clark Street Chicago, IL 60654-3456 312/923-2964

Dated: November 6, 2009

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