

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 06 2009

STATE OF ILLINOIS  
Pollution Control Board

JON CHUALOVSKY, )  
)  
Complainant, )  
)  
v. )  
)  
COMMONWEALTH EDISON, FRANK )  
CLARK AND TIM JOHNSON, )  
)  
Respondents. )


PCB NO. 10-13  
(Enforcement-Noise)

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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**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.
4. Respondents would like to complete those investigations and meet with Complainant to discuss potential options, if any, to reduce noise impacts. These activities could

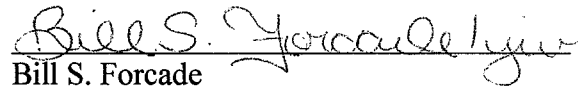
not be completed by November 6, 2009. Respondents believe these activities can be completed by Friday, February 5, 2010.

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.

  
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