

**ILLINOIS POLLUTION CONTROL BOARD**

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	)	
<b>Commonwealth Edison Company and</b>	)	
<b>Midwest Generation EME, LLC</b>	)	
<b>Petitioners,</b>	)	<b>PCB 04-215 and</b>
	)	<b>PCB 04-216</b>
<b>v.</b>	)	<b>(Consolidated</b>
	)	<b>Trade Secret Appeals)</b>
	)	
<b>Illinois Environmental Protection Agency,</b>	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

To:

Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601

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

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **Commonwealth Edison Company and Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, a copy of which is herewith served upon you.

/s/ Bina Joshi

Bina Joshi

Dated: December 15, 2009

Schiff Hardin LLP  
Mary Ann Mullin  
Bina Joshi  
One Westminster Place  
Lake Forest, IL 60045  
(847) 295-4318, and  
233 South Wacker, Suite 6600  
Chicago, IL 60606  
(312)258-5500  
(312)258-5600 (fax)

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<b>Midwest Generation EME, LLC</b>	)	
<b>Petitioners,</b>	)	<b>PCB 04-215 and</b>
	)	<b>PCB 04-216</b>
<b>v.</b>	)	<b>(Consolidated</b>
	)	<b>Trade Secret Appeals)</b>
	)	
<b>Illinois Environmental Protection Agency,</b>	)	
<b>Respondent.</b>	)	

**COMMONWEALTH EDISON COMPANY AND MIDWEST GENERATION EME,  
LLC'S  
WAIVER OF DEADLINE FOR BOARD ACTION**

Pursuant to 35 Ill. Admin. Code §101.308(c)(2), Commonwealth Edison Company and Midwest Generation EME, LLC hereby waive the statutory decision deadline for Board action in the above-captioned matter from March 19, 2010 to September 20, 2010.

Dated: December 15, 2009

Respectfully submitted,

Commonwealth Edison Company

Midwest Generation EME, LLC

By: /s/ Margaret R. Sobota  
Byron F. Taylor  
Margaret R. Sobota  
Sidley Austin LLP  
One South Dearborn  
Chicago, Illinois 60603  
(312) 853-4717  
(312) 853-7036 (fax)

By: /s/ Bina Joshi  
Mary Ann Mullin  
Bina Joshi  
Schiff Hardin LLP  
One Westminster Place  
Lake Forest, IL 60045  
(847) 295-4318  
and  
233 South Wacker, Suite 6600  
Chicago, IL 60606  
(312)258-5500  
(312)258-5600 (fax)

Attorneys for Commonwealth Edison  
Company

Attorneys for Midwest Generation EME, LLC

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached **Commonwealth Edison Company and Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, by U.S. Mail, upon the following persons:

Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601

Lisa Madigan  
Matthew Dunn  
Paula Becker Wheeler  
Office of the Attorney General  
188 West Randolph Street, Suite 2000  
Chicago, Illinois 60601

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

Dated: December 15, 2009

/s/ Bina Joshi

Bina Joshi

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached **Commonwealth Edison Company and Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, by U.S. Mail, upon the following persons:

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

Dated: December 30, 2009

/s/ Bina Joshi  
Bina Joshi