

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Wisconsin Electric Power Company,)
d/b/a We Energies,)
)
Petitioner,)
)
v.) PCB 10-11
) (Appeal – Land)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

To: Pollution Control Board
Attn: Clerk
100 West Randolph
James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218


James G. Richardson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Bradley P. Halloran
Hearing Officer
Pollution Control Board
100 West Randolph
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached Motion to Withdraw, a copy of which is herewith served upon you.

Respectfully submitted,

Wisconsin Electric Power Company,

By 
One of its attorneys

Dated: February 4, 2010

Cynthia A. Faur
Quarles & Brady LLP
300 North LaSalle Street
Suite 4000
Chicago, Illinois 60654-3422
(312) 715-5000

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Wisconsin Electric Power Company,)	
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Petitioner,)	
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PROTECTION AGENCY,)	
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MOTION TO WITHDRAW

Petitioner, Wisconsin Electric Power Company (d/b/a We Energies), through its attorneys, Cynthia A. Faur and Quarles and Brady LLP, hereby move to withdraw its Petition For Review (the "Petition") in the above-referenced matter. In support of its Motion, We Energies states as follows:

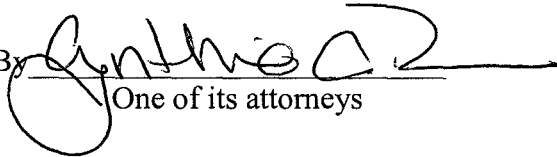
1. At issue in this matter was the Illinois Environmental Protection Agency's (the "Agency's") denial of We Energies' Request for a Beneficial Use Determination pursuant to §3.135(b) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/3.135(b). This denial was issued on June 30, 2009. On April 1, 2009, We Energies had requested a beneficial use determination under § 3.135(b) of the Act to enable it to beneficially use gypsum, created through the operation of flue gas desulfurization ("FGD") systems at its power plants in southeastern Wisconsin, in appropriate agricultural applications in Illinois.

2. On January 29, 2010, the Agency issued a permit to We Energies, which authorizes the land application of FGD gypsum in certain counties in Illinois. Issuance of this permit resolves the issues raised in the Petition.

WHEREFORE, We Energies respectfully requests that the Board grant its Motion to
Withdraw this Petition for Review.

Respectfully submitted,

Wisconsin Electric Power Company,

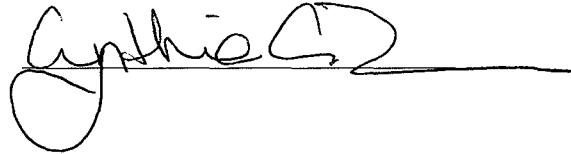
By 
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Cynthia A. Faur
Quarles & Brady LLP
300 North LaSalle Street
Suite 4000
Chicago, Illinois 60654-3422
(312) 715-5000

Dated: February 4, 2010

CERTIFICATE OF SERVICE

The undersigned, an attorney, certify that I have served upon the individuals named on the attached Notice of Filing true and correct copies of the Motion to Withdraw via electronic mail and First Class Mail, postage prepaid on February 4, 2010.

A handwritten signature in black ink, appearing to read "Cynthia", is written over a horizontal line. The signature is stylized and includes a large loop at the end.