

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB . 4 2010

STATE OF ILLINOIS
Pollution Control Board

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

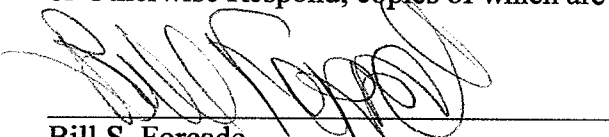
PCB NO. 10-13
(Enforcement-Noise)

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' Agreed 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: February 4, 2010

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**AGREED 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, July 30, 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. Respondents requested, and Complainant agreed to an additional extension of time, until Friday February 5, 2010 to Answer or Otherwise Respond. The Board granted that request on December 2, 2009.
4. 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.

This document was filed on recycled paper.

5. Representatives of Commonwealth Edison met with Complainant to discuss potential options to reduce noise impacts. These activities could not be completed by February 5, 2010. Respondents believe these activities can be completed by Friday, July 30, 2010.

6. Commonwealth Edison advised Complainant of the need for additional time to complete several 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 until July 30, 2010.

WHEREFORE, Respondents, Commonwealth Edison, Frank Clark and Tim Johnson, request that this Board grant them an extension of time up to and including Friday, July 30, 2010 to Answer or Otherwise Respond to the Complaint.



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353 N. Clark Street
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Dated: February 4, 2010

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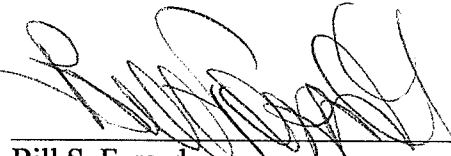
**COMMONWEALTH EDISON, FRANK
CLARK AND TIM JOHNSON,**

Respondents.

**PCB NO. 10-13
(Enforcement-Noise)**

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 Agreed 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 February 4, 2010, and a true and correct copy of the foregoing Motion was hand delivered to the Office of the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, on February 4, 2010.



Bill S. Forcade

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

Dated: February 4, 2010

