

BEFORE THE

ILLINOIS POLLUTION CONTROL BOARD
MORGAN SOUTHERN COMPANY,

Petitioner,

VS.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 06-17
(UST Fund Appeal)

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MAY 12 2011

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

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

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

PLEASE TAKE NOTICE that on this 12nd day of May 2011, the following was filed electronically with the Illinois Pollution Control Board: **Petitioner's Unopposed Motion for Further Extension of Time**, which is attached and herewith served upon you.

MORGAN SOUTHERN COMPANY

By: s/Elizabeth S. Harvey One of its attorneys

Elizabeth S. Harvey
John P. Arranz
SWANSON, MARTIN & BELL, LLP 330
North Wabash Avenue, Suite 3300
Chicago, Illinois 60611
Telephone: (312) 321-9100

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the foregoing to counsel of record via U.S. Mail at 330 North Wabash Avenue, Chicago, IL 60611, at or before 5:00 p.m. on May 12, 2011.

Janette M. Podda

☒ Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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1. IEPA has filed a motion for summary judgment in its favor. Petitioner received that motion on April 7, 2011.
2. On May 3, 2011, the hearing officer granted petitioner's unopposed motion for a second extension of time, so that petitioner's response is due on May 13, 2011.
3. Petitioner seeks a further extension, to and including June 6, 2011, in which to file a response.
- 4., This motion is not made for purposes of delay, but to allow petitioner sufficient time to fully analyze and act in response to IEPA's motion. No party will be prejudiced by the extension of time.

5. Counsel for IEPA has no objection to petitioner's requested extension, and has authorized petitioner's counsel to so state.

WHEREFORE, petitioner MORGAN SOUTHERN COMPANY moves for an extension of time, to and including June 6, 2011, to respond to (EPA's motion for summary judgment, and for such other relief as the hearing officer deems appropriate.

MORGAN SOUTHERN COMPANY

By: /s/ _____ /
Elizabeth S. Harvey_One of its attorneys

Date: May 12, 2011

Elizabeth S. Harvey
John P. Arranz
Swanson, Martin & Bell, LLP
330 North Wabash Avenue
Suite 3300
Chicago, Illinois 60611
312/321-9100

