

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB,)	
)	
Petitioner)	
)	
v.)	PCB 13-27
)	(Citizens Enforcement - Air)
MIDWEST GENERATION, LLC.)	
)	
Respondent.)	

NOTICE OF FILING

TO:

John Therriault, Assistant Clerk
Carol Webb, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
john.therriault@illinois.gov

David L. Wentworth II
Hasselberg, Williams, Grebe, Snodgrass &
Birdsall
124 SW Adams, Suite 360
Peoria, IL 61602-1320
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David C. Bender
McGillivray, Westerberg & Bender
211 S. Paterson Street, Suite 320
Madison, WI 53703
bender@mwattorneys.com

Chris Foley
Midwest Generation, LLC
500 W. Madison Street, Suite 2640
Chicago, IL 60661

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board, the attached **APPEARANCE OF STEPHEN BONEBRAKE, APPEARANCE OF BINA JOSHI AND NOTICE OF EXPIRATION OF AUTOMATIC STAY**, copies of which are herewith served upon you.

MIDWEST GENERATION, LLC,

By: 
Bina Joshi

Dated: December 13, 2013

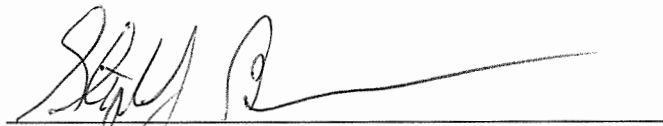
Stephen Bonebrake
Bina Joshi
SCHIFF HARDIN LLP
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
Tel: 312-258-5500

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APPEARANCE

I, Stephen Bonebrake, hereby file my appearance in this proceeding on behalf of Midwest Generation, LLC.



Stephen Bonebrake
Schiff Hardin LLP
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
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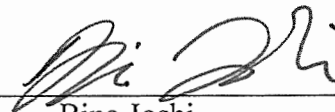
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APPEARANCE

I, Bina Joshi, hereby file my appearance in this proceeding on behalf of Midwest Generation, LLC.



Bina Joshi
Schiff Hardin LLP
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
312-258-5500
bjoshi@schiffhardin.com

Dated: December 13, 2013

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NOTICE OF EXPIRATION OF AUTOMATIC STAY

NOW COMES Respondent, MIDWEST GENERATION, LLC (“MWG”), by and through its attorneys, to notify the Board that this proceeding is no longer subject to the automatic stay provision of the United States (“U.S.”) Bankruptcy Code.

In an order dated February 7, 2013, the Illinois Pollution Control Board (“Board”) recognized that this proceeding was subject to the “automatic stay” provision of Section 362(a) of the U.S. Bankruptcy Code (11 U.S.C. 362(a)). *Sierra Club v. Midwest Generation, LLC*, PCB 13-27 (Feb. 7, 2013) (“Order”). The Board did not accept the petitioner’s complaint for hearing and ordered that all “time periods under the Board’s procedural rules for any filings responsive to the complaint shall remain stayed until the Board orders otherwise.” Order, p. 4. The Board then directed the parties to notify the Board within 30 days after the expiration of the automatic stay for this proceeding. *Id.*

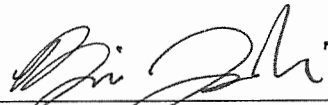
On November 13, 2013, the U.S. Bankruptcy Court for the Northern District of Illinois, Eastern Division,¹ lifted the automatic stay for this proceeding pursuant to Section 362(d)(1) of the U.S. Bankruptcy Code. This filing is intended to fulfill the Board’s request for notification within 30 days after the expiration of the automatic bankruptcy stay for this proceeding. Under the Board’s Order, the time periods for any filing responsive to the

¹ *In re: Edison Mission Energy, et al.*, Case No. 12-49210 (Nov. 13, 2013) (Bankr. N.D. Ill.).

complaint shall begin to run once the Board, by future order, lifts its current stay of this proceeding.

Respectfully submitted,

MIDWEST GENERATION, LLC

By: 
One of Its Attorneys

Stephen Bonebrake
Bina Joshi
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233 South Wacker Drive, Suite 6600
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sbonebrake@schiffhardin.com

Dated: December 13, 2013

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 13th day of December, 2013, I have served electronically the attached, the attached **APPEARANCE OF STEPHEN BONEBRAKE, APPEARANCE OF BINA JOSHI AND NOTICE OF EXPIRATION OF AUTOMATIC STAY**, upon the following persons:

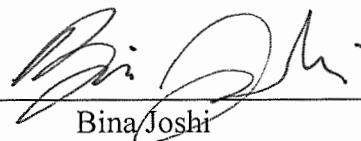
John Therriault, Assistant Clerk
Carol Webb, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

and electronically and by first class mail, postage affixed, upon:

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Snodgrass & Birdsall
124 SW Adams, Suite 360
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By: 
Bina Joshi

Dated: December 13, 2013

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