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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
January 28, 2016

MIDWEST ELECTRIC POWER, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL) PCB 09-94
PROTECTON AGENCY,) (CAAPP Permit Appeal – Air)
)
Respondent.)

HEARING OFFICER ORDER

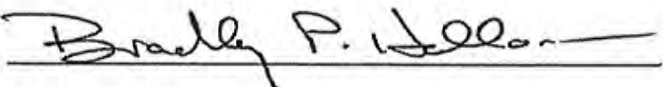
 ORIGINAL

On January 28, 2016, a telephonic status conference was held with the hearing officer. Due to a scheduling conflict, petitioner was unable to appear. The respondent's attorney stated that she and petitioner continue to await further discussions with the Illinois Environmental Protection Agency.

In an effort to assist the Board's understanding the status of the above-captioned appeal, the parties are directed to address the attached questions in a filed written response, either jointly or otherwise, on or before February 19, 2016.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on February 25, 2016, at 1:30 p.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing. If, however, a motion to voluntarily dismiss is filed prior to the next status conference, the conference will be cancelled without further notice.

IT IS SO ORDERED.



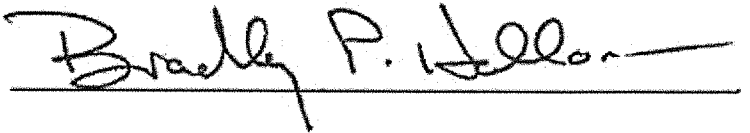
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 28, 2016, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on January 28, 2016:

John T. Therriault
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Ste. 11-500
 Chicago, Illinois 60601



Bradley P. Halloran
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Attachment to Hearing Officer Order**BOARD QUESTIONS**

The Board directs both parties in this case to respond to the following questions:

1. Which permit conditions that were originally challenged have been resolved in settlement negotiations and which ones have not?
2. Has the facility become subject to new operational requirements since this appeal began?
3. Do any new requirements concern the permit conditions challenged in this appeal? If so, are the new requirements more stringent than the challenged permit conditions?
4. When did the parties to this appeal last meet to discuss settlement? Is a future meeting scheduled?
5. Which party made the last settlement proposal and who is reviewing that proposal? Does it resolve the entire appeal or only part of it?
6. What is your best estimate of the date by which this appeal is likely to be settled?