

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-----------------------------------|---|-----------------------------|
| NRG WHOLESale GENERATION LP |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB NO. 15-085 |
| |) | (CAAPP Permit Appeal – Air) |
| ILLINOIS ENVIRONMENTAL PROTECTION |) | |
| AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
john.therriault@illinois.gov

Bradley P. Halloran, Hearing Officer
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NRG Wholesale Generation LP
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Andrew N. Sawula
SCHIFF HARDIN LLP
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PLEASE TAKE NOTICE that today, on behalf of proposed petitioner Aurora Generation, LLC, a **Joint Motion for Substitution of Petitioner**, an **Appearance of Byron F. Taylor** and an **Appearance of Katharine Newman**, were electronically filed with the Office of the Clerk of the Illinois Pollution Control Board.

Dated: August 10, 2016

Respectfully submitted,
Aurora Generation, LLC

/s/ Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603

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JOINT MOTION FOR SUBSTITUTION OF PETITIONER

Petitioner, NRG WHOLESale GENERATION LP (“NRG”) and proposed petitioner, AURORA GENERATION, LLC (“Aurora Generation”), move this Board to allow the substitution of Aurora Generation as the petitioner, in place of NRG. In support of this motion, NRG and Aurora Generation state as follows:

1. NRG filed the original petition for review of the CAAPP Permit for Shelby County Generating Station on October 29, 2014, requesting review of a permit issued to NRG on September 25, 2014 (I.D. No. 043407AAF), for the operation of Aurora Station located at 2909 North Eola Road, Aurora, Illinois.
2. On July 12, 2016, Aurora Station was acquired by proposed petitioner Aurora Generation, at which time ownership and operation of the station by NRG ceased.
3. On July 11, 2016, Aurora Generation requested an administrative amendment to CAAPP Permit No. 043407AAF from the Illinois Environmental Protection Agency (“IEPA”) to transfer the permit to Aurora Generation. IEPA acknowledged the name and ownership change on July 12, 2016. *See* Ex. A (July 12, 2016 IEPA Acknowledgment of Name/Ownership Change – CAAPP Permit), attached.

WHEREFORE, petitioner, NRG WHOLESale GENERATION LP and proposed petitioner, AURORA GENERATION, LLC, respectfully request that the Board dismiss NRG WHOLESale GENERATION LP as a party in this matter and substitute as the petitioner, AURORA GENERATION, LLC.

Respectfully submitted,

NRG Wholesale Generation LP
Petitioner

By: /s/ Andrew N. Sawula

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Aurora Generation, LLC
Proposed Petitioner

By: /s/ Byron F. Taylor

Byron F. Taylor
Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603
bftaylor@sidley.com
knewman@sidley.com

Dated: August 10, 2016

Exhibit A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

217/785-1705

ACKNOWLEDGMENT OF NAME/OWNERSHIP CHANGE - CAAPP PERMIT

July 12, 2016

Aurora Generating Station
Attn: Bob Issac
2909 Eola Road
Aurora, IL 60504

Application No.: 02030076
I.D. No.: 043407AAF
Date Received: June 30, 2016
Source Location: 2909 Eola Road, Aurora, IL 60504

The Illinois EPA acknowledges your request for the following changes to your CAAPP Permit. The Illinois EPA has appropriately updated its CAAPP records accordingly, and is treating this request as an application for an administrative amendment. The following updates to our records are as follows:

| Current Permit Shows: | Pending Permit to be Issued will Show: | Change Type |
|--|--|----------------------|
| NRG Wholesale Generation, LP-Aurora Generating Station | Aurora Generation, LLC-Aurora Generating Station | Source |
| NRG Wholesale Generation, LP-Aurora Generating Station | Aurora Generation, LLC-Aurora Generating Station | Owner |
| NRG Wholesale Generation, LP-Aurora Generating Station | Aurora Generation, LLC-Aurora Generating Station | Operator |
| James D. Brown | Anthony Hammond | Responsible Official |

The above referenced CAAPP Permit application is currently pending; therefore, your request has been forwarded to the engineer assigned to the pending application. The requested changes will be reflected in the issued CAAPP Permit; however until then please attach a copy of this letter to the front of the most recently issued CAAPP Permit.

Of note, your request only addresses the CAAPP Permit and the underlying permits that have been incorporated into it to date. Construction permits that have not yet been incorporated into the CAAPP permit must be requested under a separate name/ownership submittal.

This letter does not constitute any final action taken on the pending CAAPP Permit application.

Page 2

If you have any questions regarding this matter, please contact Jim Scott at 217/785-1705.

Raymond E Pilapil /wom

Raymond E. Pilapil
Manager, Permit Section
Division of Air Pollution Control

REP:jws

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APPEARANCE OF BYRON F. TAYLOR

I hereby file my appearance in this proceeding, on behalf of Aurora Generation, LLC.

Dated: August 10, 2016

/s/ Byron F. Taylor

Byron F. Taylor
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Chicago, Illinois 60603
(312) 853-4717
bftaylor@sidley.com

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APPEARANCE OF KATHARINE F. NEWMAN

I hereby file my appearance in this proceeding, on behalf of Aurora Generation, LLC.

Dated: August 10, 2016

/s/ Katharine F. Newman

Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603
(312) 853-2038
knewman@sidley.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on August 10, 2016, I electronically served the attached **Joint Motion for Substitution of Petitioner, Appearance of Byron F. Taylor and Appearance of Katharine Newman** on the following persons:

John T. Therriault, Clerk
Illinois Pollution Control Board
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Robert Petti
Assistant Attorney General
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/s/ Katharine F. Newman

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Dated: August 10, 2016