

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown, Assistant Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601

Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Respondent, Midwest Generation LLC’s Affidavit of Kristen L. Gale in Support of Motion to Extend Dates of Hearing, copies of which are herewith served upon you.

MIDWEST GENERATION, LLC

By: /s/ Kristen L. Gale

Dated: June 20, 2017

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Respondent, Midwest Generation LLC's Affidavit of Kristen L. Gale in Support of Motion to Extend Dates of Hearing were filed electronically on June 20, 2017 with the following:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed and mailed by First Class Mail, postage prepaid, on June 20, 2017 to the parties listed on the foregoing Service List.

/s/ Kristen L. Gale

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SIERRA CLUB, ENVIRONMENTAL LAW)	
AND POLICY CENTER, PRAIRIE RIVERS)	
NETWORK, and CITIZENS AGAINST)	
RUINING THE ENVIRONMENT)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

AFFIDAVIT OF KRISTEN L. GALE
IN SUPPORT OF MOTION TO EXTEND DATES OF HEARING

1. Midwest Generation, LLC (“MWG”) seeks to extend the date of the Hearing scheduled for July 17 through July 21, 2017, pursuant to 35 Ill. Adm. 101.510.

2. MWG is available for a hearing either the week of October 23 through 27, 2017 or October 30 through Nov. 3, 2017.

3. The factual basis for the request is MWG’s in-house counsel found that he is unavailable to assist or participate in the hearing on the scheduled dates. MWG’s in-house counsel’s presence at the hearing is necessary to assist in making decisions required on the dates of the hearing. Not only will MWG be prejudiced if he were absent, but his presence will expedite the hearing process by assisting in any decision making that may be required on the dates of the hearing.

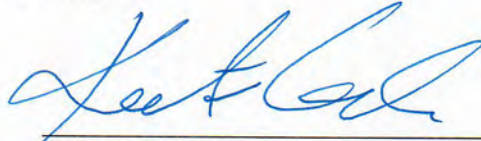
4. A summary of the progress of the proceeding is as followed:

- a. On October 3, 2012, Complainants filed a complaint against MWG for alleged violations of the Illinois Environmental Protection Act.
- b. Between May 27, 2014 through April 1, 2016, the Parties participated in discovery pursuant to an Agreed Discovery Schedule, including exchanges of thousands of documents, exchanges of expert reports, and depositions of witnesses.
- c. On January 19, 2017, the Board denied Complainants’ Partial Motion for Summary Judgment.
- d. On February 9, 2017, the Hearing Officer set this matter for hearing on July 17 through July 21, 2017.

- e. The Parties entered into an Agreed Scheduling Order on April 3, 2017, and have completed all actions in preparation for hearing, other than filing a pre-hearing memoranda, scheduled to be filed on June 26, 2017.
 - f. The Parties are developing exhibit lists and negotiating issues of authenticity.
5. MWG has not previously requested an extension of hearing dates.
6. This request is not the result of MWG's lack of diligence.

I have personal knowledge of the facts stated herein. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.



Kristen L. Gale

Sworn and subscribed before me
This 20th day of June, 2017



Notary Public

