

ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION EME, LLC

Petitioner,

v.

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY,

Respondent.

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PCB 04-185

(Trade Secret Appeal)

NOTICE OF FILING

To: Illinois Pollution Control Board, Attn: Clerk
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Paula Becker Wheeler
Assistant Attorney General
Office of the Attorney General
69 West Washington
Suite 1800
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, a copy of which is herewith served upon you.

/s/ Bina Joshi

Bina Joshi
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
(312)258-5500

Dated: May 22, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC,)	
)	
Petitioner,)	
)	PCB No. 04-185
v.)	(Trade Secret Appeal)
)	
Illinois Environmental Protection Agency,)	
)	
Respondent.)	

**MIDWEST GENERATION EME, LLC'S
WAIVER OF DEADLINE FOR BOARD ACTION**

Pursuant to 35 Ill. Admin. Code §101.308(c)(2), Midwest Generation EME, LLC hereby waives the statutory decision deadline for Board action in the above-captioned matter from September 18, 2009 to March 19, 2010.

Respectfully submitted,

Midwest Generation EME, LLC

By: /s/ Bina Joshi
Mary A. Mullin
Bina Joshi
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
(312)258-5500

Attorneys for
Midwest Generation EME, LLC

Dated: May 22, 2009

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have served the attached **Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, by U.S. Mail, upon the following persons:

To:	Illinois Pollution Control Board, attn: Clerk	Paula Becker Wheeler
	100 West Randolph	Assistant Attorney General
	Suite 11-500	Office of Attorney General
	Chicago, Illinois 60601	69 West Washington Street
		Suite 1800
		Chicago, Illinois 60602
	Brad Halloran	
	Hearing Officer	
	Illinois Pollution Control Board	
	100 West Randolph	
	Suite 11-500	
	Chicago, Illinois 60601	

Dated: May 22, 2009

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: /s/ Bina Joshi

Bina Joshi
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312)258-5500

One of the Attorneys for
Midwest Generation EME, LLC