

## ILLINOIS POLLUTION CONTROL BOARD

October 14, 2009

MIDWEST GENERATION, LLC, -	)	
POWERTON GENERATING STATION,	)	
	)	
Petitioner,	)	
	)	PCB 08-23
v.	)	(Permit Appeal – Air)
	)	
ILLINOIS ENVIROMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**HEARING OFFICER ORDER**

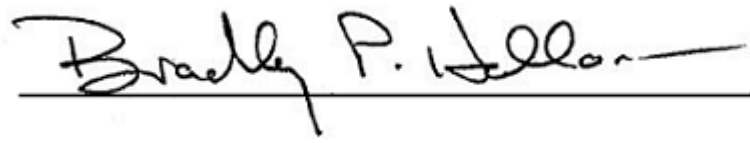
On October 13, 2009, all parties participated in a telephonic status conference with the hearing officer. The respondent's counsel, an attorney for the Illinois Environmental Protection Agency (Agency) stated that the Illinois Attorney General's Office (AGO) has instructed the Agency to have no communication with the petitioner at this time. Agency counsel stated that they will abide to the AGO's request.

The petitioner stated that it will file an additional waiver of the statutory decision deadline to and including May 20, 2010.

At the next telephonic status conference noted below, the hearing officer directs that a legal representative, either from the Agency or the AGO, to appear and participate on behalf of the respondent.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on December 17, 2009, 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.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a solid horizontal line.

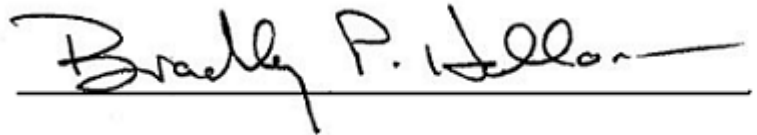
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 14, 2009, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 14, 2009:

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

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
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PCB 2008-023

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