

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC,

Petitioner,

V.

Illinois Environmental Protection Agency,)

Respondent.

PCB No. 04-185

(Trade Secret Appeal)

NOTICE OF FILING

To:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601

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

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

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

Dated: December 15, 2009

Schiff Hardin LLP
Mary Ann Mullin
Bina Joshi
One Westminster Place
Lake Forest, IL 60045
(847) 295-4318
and
233 South Wacker, Suite 6600
Chicago, IL 60606
(312)258-5500
(312)258-5600 (fax)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC,)
)
 Petitioner,)
)
 v.)
)
 Illinois Environmental Protection Agency,)
)
 Respondent.)

PCB No. 04-185
(Trade Secret Appeal)

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 March 19, 2010 to September 20, 2010.

Respectfully submitted,

Midwest Generation EME, LLC

By: /s/ Bina Joshi
Mary A. Mullin
Bina Joshi
Schiff Hardin LLP
One Westminster Place
Lake Forest, IL 60045
(847) 295-4318

Attorneys for
Midwest Generation EME, LLC

Dated: December 15, 2009

CERTIFICATE OF SERVICE

I, the undersigned, 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:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601

Lisa Madigan
Matthew Dunn
Paula Becker Wheeler
Office of the Attorney General
188 West Randolph Street, Suite 2000
Chicago, Illinois 60601

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

Dated: December 15, 2009

/s/ Bina Joshi
Bina Joshi

CERTIFICATE OF SERVICE

I, the undersigned, 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:

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

Dated: December 30, 2009

/s/ Bina Joshi
Bina Joshi