

04432-0001

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

MORGAN SOUTHERN COMPANY,)	
)	
Petitioner,)	
)	
vs.)	PCB 06-17
)	(UST Fund Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: James G. Richardson	Bradley P. Halloran, Hearing Officer
Illinois Environmental Protection Agency	Illinois Pollution Control Board
Division of Legal Counsel	James R. Thompson Center
1021 North Grand Avenue East	100 West Randolph Street
P.O. Box 19276	Suite 11-500
Springfield, IL 62794-9276	Chicago, IL 60601

PLEASE TAKE NOTICE that on this 2nd day of May 2011, the following was filed electronically with the Illinois Pollution Control Board: **Petitioner's Unopposed Motion for Second Extension of Time**, which is attached and herewith served upon you.

MORGAN SOUTHERN COMPANY

By: s/Elizabeth S. Harvey
One of its attorneys

Elizabeth S. Harvey
John P. Arranz
SWANSON, MARTIN & BELL, LLP
330 North Wabash Avenue, Suite 3300
Chicago, Illinois 60611
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CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the foregoing to counsel of record via U.S. Mail at 330 North Wabash Avenue, Chicago, IL 60611, at or before 5:00 p.m. on May 2, 2011.



Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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UNOPPOSED MOTION FOR SECOND EXTENSION OF TIME

Petitioner MORGAN SOUTHERN COMPANY ("petitioner"), through its attorneys Swanson, Martin & Bell, LLP, moves the hearing officer for a second extension of time to respond to respondent the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S ("IEPA") motion for summary judgment.

1. IEPA has filed a motion for summary judgment in its favor. Petitioner received that motion on April 7, 2011.
2. On April 19, 2011, the hearing officer granted petitioner's unopposed motion for extension of time, so that petitioner's response is due on May 2, 2011.
3. Petitioner seeks a short second extension, to and including May 13, 2011, in which to file a response. A second extension is needed due to family matters, now resolved, in petitioner's counsel's family.
4. This motion is not made for purposes of delay, but to allow petitioner sufficient time to fully analyze and act in response to IEPA's motion. No party will be prejudiced by the short extension of time.

5. Counsel for IEPA has no objection to petitioner's requested extension, and has authorized petitioner's counsel to so state.

WHEREFORE, petitioner MORGAN SOUTHERN COMPANY moves for an extension of time, to and including May 13, 2011, to respond to IEPA's motion for summary judgment, and for such other relief as the hearing officer deems appropriate.

MORGAN SOUTHERN COMPANY

By: s/Elizabeth S. Harvey
One of its attorneys

Date: May 2, 2011

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John P. Arranz
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