

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)
)
 Complainants,)
)
 v.)
)
 MIDWEST GENERATION, LLC,)
)
 Respondents)

PCB No. 13-15
 (Citizens Enforcement – Water)

NOTICE OF PARTIAL LIFT OF STAY BY BANKRUPTCY COURT

Pursuant to the Order in this matter dated February 7, 2013, Complainants Citizens Against Ruining the Environment (“CARE”), Environmental Law & Policy Center (“ELPC”), Prairie Rivers Network and Sierra Club hereby provide timely notice to the Board and the hearing officer that on April 22, 2013, the bankruptcy court in *In Re: Edison Mission Energy et al.*, Case No. 12-49219, pending before the Honorable Jacqueline P. Cox of the United States Bankruptcy Court of the Northern District of Illinois, issued an Order Granting in Part the Environmental Law and Policy Center’s Motion for Relief from Stay and Continuing Hearing, attached hereto as Ex. A. This order lifts the automatic stay imposed by the bankruptcy code as to this matter (PCB No. 2013-015) “for the sole purpose of adjudicating [Midwest Generation’s] motion to dismiss.”

Respectfully submitted,



Jennifer L. Cassel
Faith E. Bugel
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
jcassel@elpc.org
312-795-3726 (phone)
312-795-3730 (fax)

*Attorneys for ELPC, Sierra Club and
Prairie Rivers Network*

Abel Russ
Whitney Ferrell
Environmental Integrity Project
One Thomas Circle, Suite 900
Washington, DC 20005
aruss@environmentalintegrity.org
wferrell@environmentalintegrity.org
202-263-4453 (phone)
202-296-8822 (fax)

*Attorneys for Sierra Club and
Prairie Rivers Network*

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606
kharley@kentlaw.iit.edu
312-726-2938 (phone)
312-726-5206 (fax)

Attorney for CARE

Exhibit A:

April 22, 2013 Order
(Case No. 12-49219)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division



In Re:) BK No.: 12-49219
Edison Mission Energy, et al.) (Jointly Administered)
) Chapter: 11
) Honorable Jacqueline Cox
)
)
Debtor(s))

**Order Granting in Part the Environmental Law and Policy Center's
Motion for Relief from Stay and Continuing Hearing**

This matter having come before the Court on the motion of the Environmental Law and Policy Center ("ELPC") for entry of an order for relief from stay in order to continue a proceeding against Debtor Midwest Generation LLC ("MWG") before the Illinois Pollution Control Board, IPCB Case No. 2013-015; due and proper notice of the Motion having been provided; and the Court having considered the pleadings and having heard oral argument;

IT IS HEREBY ORDERED THAT

1. The motion is granted in part, and the proceeding before the Illinois Pollution Control Board may continue, at this time, for the sole purpose of adjudicating MWG's motion to dismiss;
2. This matter is continued to June 19, 2013 at 10:30 a.m.

Enter: 

United States Bankruptcy Judge

Dated: *April 22, 2013*

Prepared by:
Katherine Stadler
Jennifer Vandermeuse
GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703
Telephone: (608) 284-2654
Email: kstadler@gklaw.com

Counsel to The Environmental Law and Policy Center

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF PARTIAL LIFT OF STAY BY BANKRUPTCY COURT** was served to all parties of record listed below by United States Mail, postage prepaid, on May 22, 2013.

/s/ Erin Morse
Erin Morse
Legal Assistant
Environmental Law and Policy Center
35 E Wacker Drive, Suite 1600
Chicago, Illinois 60601
312-795-3718

PCB 2013-015 SERVICE LIST:

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603

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