

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>In the Matter Of:</b>	)	
	)	
<b>JOHNS MANVILLE,</b>	)	
	)	
<b>Complainant,</b>	)	<b>PCB No. 14-3</b>
	)	<b>(Citizens Enforcement)</b>
<b>v.</b>	)	
	)	
<b>ILLINOIS DEPARTMENT OF</b>	)	<b>Hearing Officer Halloran</b>
<b>TRANSPORTATION,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

To: See Attached Service List

Please take note that today, November 13, 2017, I filed in the above-referenced matter **Commonwealth Edison Company's Statement In Response Regarding The Hearing Officer's October 5, 2017 Order**, with the Clerk of the Illinois Pollution Control Board, a copy of which is attached hereto and hereby served upon you.

/s/ Gabrielle Sigel  
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**CERTIFICATE OF SERVICE**

I, GABRIELLE SIGEL, do hereby certify that on November 13, 2017, I caused to be served this **Notice of Filing** and its attached **Commonwealth Edison Company's Statement In Response Regarding The Hearing Officer's October 5, 2017 Order**, by sending the documents via email to all persons listed below, addressed to each person's email address.

/s/ Gabrielle Sigel

Gabrielle Sigel

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>In the Matter of:</b>	)	
	)	
<b>JOHNS MANVILLE, a Delaware corporation,</b>	)	
	)	
<b>Complainant,</b>	)	<b>PCB No. 14-3</b>
	)	<b>(Citizens Enforcement)</b>
<b>v.</b>	)	
	)	
<b>ILLINOIS DEPARTMENT OF TRANSPORTATION</b>	)	<b>Hearing Officer Halloran</b>
	)	
<b>Respondent.</b>	)	

**COMMONWEALTH EDISON COMPANY'S  
STATEMENT IN RESPONSE REGARDING  
THE HEARING OFFICER'S OCTOBER 5, 2017 ORDER**

On October 5, 2017, the Hearing Officer issued an order (“the October 5 Order”) inviting subpoena-recipient Commonwealth Edison Company (“ComEd”) to file a responsive brief regarding certain issues described in its October 5 Order. On October 27, 2017, Complainant Johns Manville (“JM”) and Respondent Illinois Department of Transportation (“IDOT”) separately and simultaneously filed their briefs in response to the October 5 Order.

ComEd is appearing in this case solely to object to the discovery that has been served upon it, and ComEd continues to seek a ruling in its favor with respect to such objections. ComEd’s bases for its objections are stated in its Motion to Quash or for Protective Order in Response to Subpoena *Duces Tecum* (filed on June 20, 2017) and in its *In Camera* Application for Non-Disclosure and for Protective Order (“ComEd’s Application”) (filed on August 4, 2017). ComEd agrees with JM that ComEd’s liability is not before the Board and cannot be adjudicated in a manner that would be binding against ComEd. *See, e.g.*, JM’s Brief Regarding Relevance of Discovery Sought by IDOT (filed on October 27, 2017), pp. 1, 6. ComEd reserves all rights to

pursue any claim it has against IDOT or any other person as a result of the Board's December 15, 2016 Interim Opinion and Order; any other ruling of the Board; and any other of its rights or protections under the law.

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

By:           /s/ Gabrielle Sigel            
One of its attorneys

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Dated: November 13, 2017