

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
)
AMENDMENTS TO) **R18-20**
35 ILL. ADM. CODE 225.233,) **(Rulemaking – Air)**
MULTI-POLLUTANT STANDARDS (MPS))

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **RESPONSE TO REQUEST FOR MODIFICATION OF HEARING HOURS ON JANUARY 17, 2018**, copies of which are herewith served upon you.

/s/ Amy Antonioli
Amy Antonioli

Dated: November 28, 2017

Amy Antonioli
SCHIFF HARDIN LLP
233 South Wacker Drive
Suite 7100
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312-258-5500

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**RESPONSE TO REQUEST FOR MODIFICATION OF
HEARING HOURS ON JANUARY 17, 2018**

NOW COME Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC and Electric Energy, Inc. (collectively, “Dynegy”), by their attorneys, Schiff Hardin LLP, and offer the following response to the Environmental Groups’ Request for Modification of Hearing Hours on January 17, 2018, filed on November 21, 2017.

Despite the Hearing Officer’s statement in her November 8, 2017 Notice of Hearings that “the Board will extend the hearing on January 17, 2018, until 5:45 p.m. and *absolutely no later*” (emphasis added), the Eco-Justice Collaborative, Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Prairie Rivers Network, Respiratory Health Association, and the Sierra Club (collectively, “Environmental Groups”) unilaterally contacted the Peoria Public Library Main Branch to inquire about extended hours of operation without engaging the Illinois Pollution Control Board (“Board”) or all stakeholders. If the Board is inclined to grant the request, Dynegy does not object to shifting the designated hearing schedule to extend later in the evening on January 17, 2018 to accommodate the attendance of interested members of the public.

To balance the interests of the participants and members of the public, and in an effort to conserve the Board’s resources, Dynegy does not object to convening the hearing at 11am and

extending the hearing until 7pm or until the end of public comment, whichever comes first. Under this approach, the hearing would retain an 8-hour maximum time limit. Dynegy proposes having a public comment period beginning at 5pm that would remain open until at least 5:40pm as set forth in the prehearing notice, and would continue as needed until the end of oral public comment, but would not extend beyond 7pm. After 5:40pm, once all commenters that are present have completed making statements on the record, the Board would adjourn the hearing as is common Board practice. If additional time is needed to complete or respond on the record to questions associated with written testimony the Board would continue the hearing on the following day, January 18, 2018.

The Environmental Groups' main concern is allowing members of the public to speak, listen and ask questions. However, the Board and its procedural rules place no limits on these activities. As the Hearing Officer noted in her November 8, 2017 Notice of Hearings, "written public comment may be filed with the Board at any time until the conclusion of the comment period," and the Board will give written public comments the same weight as oral public comments. 35 Ill. Adm. Code 101.628. Moreover, hearing transcripts are generally available within days after the conclusion of the hearing and written comments can and often do include questions for the witnesses. Therefore, limiting the hearing to reasonable evening hours will in no way limit or restrict the ability of interested persons to comment on the record during the designated public comment period.

Respectfully submitted,

/s/ Amy Antonioli

Dated: November 28, 2017

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Amy Antonioli
Ryan Granholm
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 28th day of November, 2017, I have electronically served the attached **RESPONSE TO REQUEST FOR MODIFICATION OF HEARING HOURS ON JANUARY 17, 2018**, upon all parties on the attached service list.

My e-mail address is aantoniolli@schiffhardin.com;

The number of pages in the e-mail transmission is 6.

The e-mail transmission took place after 5:00 p.m.

/s/ Amy Antonioli

Amy Antonioli

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