

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 24 2004

Midwest Generation EME, LLC  
Petitioner,

PCB 04-185  
Trade Secret Appeal

STATE OF ILLINOIS  
Pollution Control Board

v.

Illinois Environmental Protection Agency,  
Respondent.

NOTICE OF FILING

To:

Robb Layman  
Sally A. Carter  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Andrew N. Sawula  
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6600 Sears Tower  
Chicago, IL 60606

Brad 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 the SIERRA CLUB'S Motion For Leave To File A Reply To Midwest Generation's Response To Sierra Club's Motion For Intervention, a copy of which is herewith served upon you.

  
Keith Harley

Dated: June 24, 2004

Keith Harley  
Chicago Legal Clinic, Inc.  
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STATE OF ILLINOIS  
Pollution Control Board

Case No. PCB 04-185

**MOTION FOR LEAVE TO FILE SIERRA CLUB'S REPLY TO MIDWEST  
GENERATION'S RESPONSE TO SIERRA CLUB'S MOTION FOR  
INTERVENTION**

Pursuant to 35 Ill. Adm. Code 101.500(E), Sierra Club respectfully submits this Motion For Leave to Reply to Midwest Generation's Response to Sierra Club's Motion for Intervention. In support of this Motion, the Sierra Club asserts the following:

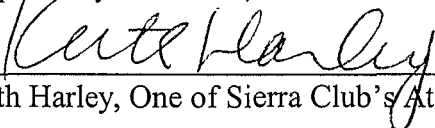
1. On May 27, 2004, Sierra Club filed a Motion for Intervention ("MOI") in the above captioned proceeding on the basis that the final order of the Board may adversely affect and materially prejudice its interests.
2. On June 14, 2004, Midwest Generation filed its Response to Sierra Club's Motion for Intervention, raising several detailed arguments in opposition to Sierra Club's Motion For Intervention.
3. In order to provide a more complete argument to respond to Midwest Generation's detailed objections, on June 18, 2004, Sierra Club submitted its Reply to Midwest Generation's Response.

4. As requested by the Hearing Officer, Sierra Club now formally requests leave to file its Reply, as submitted to the Illinois Pollution Control Board on June 18, 2004.

5. Granting leave to file the Reply will not unduly delay nor materially prejudice or interfere with an orderly and efficient proceeding, and will provide a full, fair and complete opportunity for Sierra Club to respond to Midwest Generation's objections, thus aiding the Board's deliberative process.

WHEREFORE, for the reasons stated above, the Sierra Club respectfully requests that the Illinois Pollution Control Board enter an Order giving leave for the Sierra Club to file its Reply.

Respectfully submitted,

  
Keith Harley, One of Sierra Club's Attorneys

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**CERTIFICATE OF SERVICE**

I, KEITH HARLEY, an attorney, certify that true copies of the foregoing Motion for Leave to File A Reply To Midwest Generation's Response To Sierra Club's Motion For Intervention was mailed by First Class Mail, by depositing the same in the U.S. Mail depository located at 220 West Monroe, Chicago, Illinois, in an envelope with sufficient postage prepaid on June 24, 2004, to the following:

Robb Layman  
Sally A. Carter  
Illinois Environmental Protection Agency  
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