

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)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown, Clerk	Attached Service List
Illinois Pollution Control Board	
60 E. Van Buren St., Ste. 630	
Chicago, Illinois 60605	

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Midwest Generation, LLC's Motion to Correct Hearing Transcripts, a copy of which is hereby served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: July 26, 2023

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3400
Chicago, IL 60603
(312) 251-5255
jn@nijmanfranzetti.com
sf@nijmanfranzetti.com
kg@nijmanfranzetti.com

SERVICE LIST

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605
Brad.Halloran@illinois.gov

Albert Ettinger
7100 N. Greenview
Chicago, IL 60626
Ettinger.Albert@gmail.com

Keith Harley
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, IL 60606
Kharley@kentlaw.edu

Abel Russ
For Prairie Rivers Network
Environmental Integrity Project
1000 Vermont Avenue, Suite 1100
Washington, DC 20005
aruss@environmentalintegrity.org

Faith E. Bugel
Attorney at Law
Sierra Club
1004 Mohawk
Wilmette, IL 60091
fbugel@gmail.com

Greg Wannier, Associate Attorney
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
Greg.wannier@sierraclub.org

Megan Wachspress
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
Megan.wachspress@sierraclub.org

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation, LLC's Motion to Correct Hearing Transcripts was filed electronically on July 26, 2023 with the following:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605

and that true copies of the pleading were emailed on July 26, 2023 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

**MIDWEST GENERATION, LLC’S MOTION TO CORRECT
HEARING TRANSCRIPTS**

Pursuant to 35 Ill. Adm. Code 101.604, Respondent Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits to the Hearing Officer this motion to correct the transcripts for the June 15, 2023 hearing dates and states as follows:

- 1) Pursuant to the Hearing Officer’s July 11, 2023 Order, corrections regarding the June 15, 2023 hearing transcripts are due on or before July 26, 2023.
- 2) MWG has noted the following typographical errors in the June 15 hearing transcript and June 15 NDI hearing transcript and requests that the Hearing Officer direct the court reporter to make the following corrections and resubmit the corrected transcripts:

June 15, 2023 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
4	2-5	Also Present: Ms. Dagmara Avelar, Public Comment Ms. Destiny Ortiz, Public Comment Ms. Ann Taylor, Public Comment	Also Present: Mr. James Thorn, Public Comment Mr. Mark Wehling, Public Comment
20	10	and every other number in the report is incorrect;	and every other number in the report is correct ;

Page No.	Line No.	Now Reads	Requested Correction
23	6	, Powers and	, Powerton
43	14	example is a damn that's	example is a dam that's
43	18	damn does not	dam does not
45	17	a damn that	a dam that
51	11-12	that I rely upon dollar signs.	that "I rely upon dollar signs."
71	17	We're black	We're back

June 15, 2023 NDI Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
2-180	Heading	April 15, 2023	June 15, 2023
31	20	Mr. Quarrels'	Mr. Quarles '
32	2	Mr. Quarrels	Mr. Quarles
32	6	Mr. Quarrels	Mr. Quarles
33	4	complainant's prior counsel of removal?	complainants' prior expert of removal?
70	20	And that's David Kalin?	And that's David Callen ?
71	1	Mr. Kalin, right?	Mr. Callen , right?
71	12	comes from Mr. Kalin, correct?	comes from Mr. Callen , correct?
71	13	I asked Mr. Kalin.	I asked Mr. Callen .
91	11	testimony of M. Reyes. I think it's Maria Reyes.	testimony of M. Race . I think it's Maria Race .
94	18	Reyes' timeline of events, testimony of Maria Reyes	Race's timeline of events, testimony of Maria Race
116	15	I'm okay using the energy WACC.	I'm okay using the NRG WACC.
121	9	it was unknown what the briefing would end.	it was unknown when the briefing would end.
134	14	Mr. Kalin	Mr. Callen
134	16	Mr. Kalin	Mr. Callen
135	3	Mr. Kalin	Mr. Callen
135	20	Mr. Kalin	Mr. Callen
136	7	Mr. Kalin	Mr. Callen
136	11	Kalin,	Callen ,
136	23	Mr. Kalin	Mr. Callen
140	16	Maria Reyes	Maria Race
161	9	Maria Reyes	Maria Race

WHEREFORE, for the reasons stated above, MWG requests that the Hearing Officer direct the court reporter to correct the June 15 hearing transcript and June 15 NDI hearing transcript and resubmit the corrected transcripts.

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Kristen L. Gale
One of Its Attorneys

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
Drew Nishioka
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3400
Chicago, IL 60603
312-251-5255