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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Commonwealth Edison Company)
Petitioner,)
)
)
v.)
)
Illinois Environmental Protection Agency,)
Respondent)

PCB No. 04-215
(Trade Secret Appeal)

NOTICE OF FILING

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Ann Alexander
Assistant Attorney General and
Environmental Counsel
188 West Randolph Street
Suite 2000
Chicago, Il. 60601

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **Commonwealth Edison Company's Opposition to Consolidation**, a copy of which is herewith served upon you.


Chanté D. Spann

Date: July 26, 2004

Byron F. Taylor
Chanté D. Spann
Sidley Austin Brown & Wood LLP
Bank One Plaza
10 S. Dearborn
Chicago, Illinois 60603
(312) 853-7000

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STATE OF ILLINOIS
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V.

PCB 04-215
Trade Secret Appeal

3. ComEd submitted a statement of justification to the IEPA on March 11, 2004, setting forth the reasons why the materials constitute trade secrets. Midwest Generation also submitted a statement of justification setting forth the reasons why the excerpts from the CPR are trade secrets. The

IEPA denied trade secret status to the majority of the information covered by the ComEd and Midwest Generation statements of justification.

4. On June 2, 2004, ComEd filed a petition for review of the IEPA's denial of trade secret protection to the excerpts from the CPR and the GADs data. ComEd's appeal is PCB No. 04-215. Midwest Generation filed a petition for review of the IEPA's denial of trade secret protection to the excerpts from the CPR on June 3, 2004. Its appeal is PCB No. 04-216.

5. The Board has directed the companies to address whether PCB No. 04-215 and PCB No. 04-216 should be consolidated. *June 17, 2004 Board Order, at 4.*

6. ComEd incorporates by reference "Midwest Generation EME, LLC's Opposition to Consolidation," which has, or will be, filed in PCB No. 04-216, for the reasons stated therein. As explained in Midwest Generation's submission, consolidation of PCB No. 04-215 and PCB 04-216 will cause material prejudice, administrative confusion, and inconvenience to each company.

WHEREFORE, Commonwealth Edison Company respectfully requests that the Board maintain PCB No. 04-215 and PCB No. 04-216 as separate and independent proceedings.

Respectfully submitted,

Commonwealth Edison Company

By: 

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Attorneys for Commonwealth Edison Company

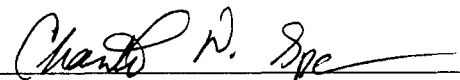
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Notice of Filing and Commonwealth Edison Company's Opposition to Consolidation by U.S. mail on this 26th day of July, 2004 upon the following persons:

Ann Alexander
Assistant Attorney General and
Environmental Counsel
188 West Randolph Street
Suite 2000
Chicago, Il. 60601

Dorothy Gunn, Clerk
Illinois Pollution Control Board
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