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OCT 21 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION EME, LLC
Petitioner,

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**
Respondent.

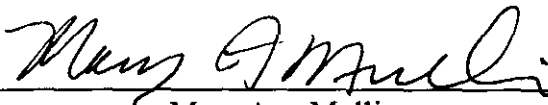
PCB 04-185
(Trade Secret Appeal)

NOTICE OF FILING

To: Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

Lisa Madigan
Matthew Dunn
Ann Alexander
Paula Becker Wheeler
Office of the Attorney General
188 West Randolph Street, Suite 2000
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board Midwest Generation EME, LLC's Waiver of Deadline for Board Action, a copy of which is herewith served upon you.


Mary Ann Mullin

Dated: October 21, 2005

Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5687

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**WAIVER OF DEADLINE
FOR BOARD ACTION**

Pursuant to 35 Ill. Adm. Code 101.308(c)(2) and 101.514, in the event that the Illinois Pollution Control Board grants Midwest Generation EME LLC's ("Midwest Generation") Motion to Stay PCB 04-185, Midwest Generation hereby waives the statutory deadline for Board action in the above-captioned matter from April 11, 2006, until twelve months after the stay is lifted.

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: 

Sheldon A. Zabel

Mary A. Mullin

SCHIFF HARDIN LLP

6600 Sears Tower

Chicago, Illinois 60606

(312) 258-5540

Attorneys for

Midwest Generation EME, LLC

Dated: October 21, 2005

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Midwest Generation EME, LLC's Waiver of Deadline for Board Action, by U.S. Mail, upon the following persons:

Lisa Madigan
Matthew Dunn
Ann Alexander
Paula Becker Wheeler
Office of the Attorney General
188 West Randolph Street, Suite 2000
Chicago, Illinois 60601

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Dated: Chicago, Illinois
October 21, 2005

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: 
Mary A. Mullin

SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5687

One of the Attorneys for
Midwest Generation EME, LLC