

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
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.

/s/ Mary Ann Mullin

Mary Ann Mullin

Dated: May 21, 2008

Schiff Hardin LLP
One Westminster Place
Lake Forest, IL 60045
(847) 295-4318

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 04-185
)	(Trade Secret Appeal)
)	
Illinois Environmental Protection Agency,)	
)	
Respondent.)	

**MIDWEST GENERATION EME, LLC'S
WAIVER OF DEADLINE FOR BOARD ACTION**

Pursuant to 35 Ill. Admin. Code §101.308(c)(2), Midwest Generation EME, LLC hereby waives the statutory decision deadline for Board action in the above-captioned matter from September 20, 2008 to March 19, 2009.

Respectfully submitted,

Midwest Generation EME, LLC

By: /s/ Mary Ann Mullin
Mary A. Mullin

Schiff Hardin LLP
One Westminster Place
Lake Forest, IL 60045
(847) 295-4318

Attorneys for
Midwest Generation EME, LLC

Dated: May 21, 2008

CERTIFICATE OF SERVICE

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

Lisa Madigan
Matthew Dunn
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
May 21, 2008

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: /s/ Mary Ann Mullin

Mary Ann Mullin

SCHIFF HARDIN LLP
One Westminster Place
Lake Forest, Illinois 60045
(847) 295-4318

One of the Attorneys for
Midwest Generation EME, LLC