

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

04432-0001

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

MORGAN SOUTHERN COMPANY,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

) PCB 06-17
) (UST Fund Appeal)
)
)
)
)

UNOPPOSED MOTION FOR EXTENSION OF TIME

Petitioner MORGAN SOUTHERN COMPANY ("petitioner"), through its attorneys Swanson, Martin & Bell, LLP, moves the hearing officer for an extension of time to respond to respondent the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S ("IEPA") motion for summary judgment.

1. IEPA has filed a motion for summary judgment in its favor. Petitioner received that motion on April 7, 2011.
2. Pursuant to the Board's procedural rules, petitioner's response is due on April 21, 2011. Petitioner seeks a short extension, to and including May 2, 2011, in which to file a response.
3. This motion is not made for purposes of delay, but to allow petitioner sufficient time to fully analyze and act in response to (EPA's motion. No party will be prejudiced by the short extension of time.
4. Counsel for IEPA has no objection to petitioner's requested extension, and has authorized petitioner's counsel to so state.

WHEREFORE, petitioner MORGAN SOUTHERN COMPANY moves for an extension of time, to and including May 2, 2011, to respond to IEPA's motion for summary judgment, and for such other relief as the hearing officer deems appropriate.

MORGAN SOUTHERN COMPANY

By: s/Elizabeth S. Harvey
One of its attorneys

Date: April 18, 2011

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