04432-0001

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORGAN SOUTHERN COMPANY,	)
Petitioner,	<b>\</b>
vs.	PCB 06-17 (UST Fund Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	) (0011 and Appeal)
Respondent.	)

### **NOTICE OF FILING**

To: James G. Richardson

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

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

PLEASE TAKE NOTICE that on this 18th day of April 2011, the following was filed electronically with the Illinois Pollution Control Board: Petitioner's Unopposed Motion for **Extension of Time,** which is attached and herewith served upon you.

MORGAN SOUTHERN COMPANY

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

Elizabeth S. Harvey John P. Arranz SWANSON, MARTIN & BELL, LLP 330 North Wabash Avenue, Suite 3300 Chicago, Illinois 60611 Telephone: (312) 321-9100

#### **CERTIFICATE OF SERVICE**

I, the undersigned non-attorney, state that I served a copy of the foregoing to counsel of record via U.S. Mail at 330 North Wabash Avenue, Chicago, IL 60611, at or before 5:00 p.m. on April 18, 2011.

Jeanette M. Pollin

Jeanette M. Podlin

[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.

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VS.	)	PCB 06-17 (UST Fund Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	ý	

## **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.
- 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.
- 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.
- Counsel for IEPA has no objection to petitioner's requested extension, and has authorized petitioner's counsel to so state.

Electronic Filing - Received, Clerk's Office, April 18, 2011

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: <u>s/Elizabeth S. Harvey</u>
One of its attorneys

Date: April 18, 2011

Elizabeth S. Harvey John P. Arranz Swanson, Martin & Bell, LLP 330 North Wabash Avenue Suite 3300 Chicago, Illinois 60611 312/321-9100