Electronic Filing - Received, Clerk's Office, 06/03/2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD 04432-0001

MORGAN SOUTHERN COMPANY,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PCB 06-17 (UST Fund Appeal)

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 Td day of June 2011, the following was filed electronically with the Illinois Pollution Control Board: Petitioner's Unopposed Motion for Further 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 June 3, 2011.

eanette M. Podlin

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.

[x]

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BEFORE THE

ILLINOIS POLLUTION CONTROL BOARD

MORGAN SOUTHERN COMPANY,)
Petitioner,)
VS.) PCB 06-17) (UST Fund Appeal
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

UNOPPOSED MOTION FOR FURTHER EXTENSION OF TIME

Petitioner MORGAN SOUTHERN COMPANY ("petitioner"), through its attorneys Swanson, Martin & Bell, LLP, moves the hearing officer for a further 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.
- The hearing officer has previously granted extensions of time for petitioner to respond to the motion for summary judgment. Petitioner's response is currently due on June 6, 2011.
- 3. Petitioner seeks a further extension, to and including June 30, 2011, in which to file a response.
- 4. 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 extension of time.

5. 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 June 30, 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. Ha ▶ vev One of its attorneys

Date: June 3, 2011

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