

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 13-24
	)	(Variance – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**


To:

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

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

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

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **MIDWEST GENERATION, LLC'S MOTION FOR EXTENSION OF TIME FOR AND LEAVE TO FILE SUPPLEMENTAL RESPONSE TO QUESTIONS FOR PETITIONER**, copies of which are herewith served upon you.

  
\_\_\_\_\_  
Andrew N. Sawula

Dated: January 18, 2013

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**MIDWEST GENERATION, LLC’S MOTION FOR EXTENSION OF TIME FOR AND  
LEAVE TO FILE A SUPPLEMENTAL RESPONSE TO QUESTIONS FOR  
PETITIONER**

Petitioner Midwest Generation, LLC (“MWG”), by and through its attorneys, Schiff Hardin LLP and Christopher M. Foley, pursuant to 35 Ill. Adm. Code §§ 101.500 and 101.522, requests that the Illinois Pollution Control Board (the “Board”) grant MWG additional time to complete its response to the Board’s Questions for Petitioner, issued by the Hearing Officer on December 24, 2012, with leave to file a supplemental response through February 15, 2013.

In support of this Motion, Petitioner states as follows:

1. On November 30, 2012, MWG filed a Petition for Variance from provisions of the Combined Pollutant Standard and from a portion of the order in Midwest Generation, LLC – Waukegan Generating Station v. IEPA, PCB 12-121 (Aug. 23, 2012) (“Variance Petition”) with the Board.

2. The Illinois Environmental Protection Agency (“IEPA”) published notice of the Variance Petition in various periodicals on December 12 and December 13, 2012, pursuant to 415 ILCS 5/37(a) and 35 Ill. Adm. Code 104.214(a).

3. On December 20, 2012, the Board issued an order accepting MWG's Variance Petition for hearing, without ruling on the sufficiency of the Petition.

4. On December 24, 2012, the Hearing Officer issued an order directing MWG to respond to a set of Questions for Petitioner. MWG's response to the Questions for Petitioner is due by 4:30 p.m. on Friday, January 18, 2013. MWG timely submitted its response.

5. MWG has attempted to respond to all of the questions set forth by the Board based upon available information. MWG determined that to more fully respond to Question Nos. 4 and 5, it would need to engage a consultant and prepare analyses. Midwest Generation believes that such analyses would be of assistance to the Board in its evaluation. Those analyses, however, could not be completed by the deadline. Accordingly, MWG requests additional time to complete its response and leave to file a supplement to its response to Question Nos. 4 and 5, through February 15, 2013, more than two weeks before the close of the record.

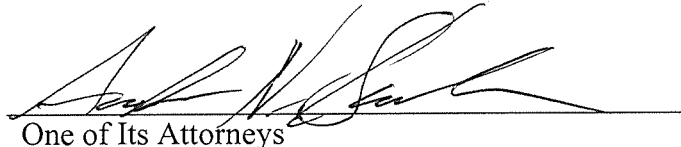
6. During a January 17, 2013, telephonic status conference with the Hearing Officer and IEPA, MWG raised its request for an extension of time with the Hearing Officer and IEPA. IEPA has indicated that it has no objection to this request.

7. While MWG is requesting additional time through February 15, 2013, MWG will provide the consultant's analyses to the Board through a supplemental response as quickly as possible.

WHEREFORE, Midwest Generation, LLC respectfully requests that the Illinois Pollution Control Board grant it additional time to complete its response with leave, through February 15, 2013, to file a supplemental response to the Hearing Officer's December 24, 2012, Questions for Petitioner.

MIDWEST GENERATION, LLC

by:

  
One of Its Attorneys

Dated: January 18, 2013

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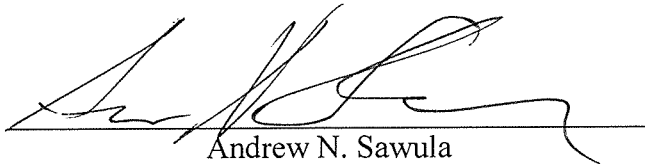
**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 18th day of January, 2013, I have served electronically the attached **MIDWEST GENERATION, LLC'S MOTION FOR EXTENSION OF TIME FOR AND LEAVE TO FILE SUPPLEMENTAL RESPONSE TO QUESTIONS FOR PETITIONER**, upon the following persons:

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

Bradley P. Halloran, Hearing Officer  
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