

ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:)
)
)
 COMMONWEALTH EDISON CO.,)
)
 Complainant,)
)
 v.)
)
)
 FREDERICK K. SLAYTON and ANN)
 VOLE SLAYTON, and CIONI)
 EXCAVATING, INC.)
)
 Respondents.)

PCB 2012-50
(Citizens Enforcement – Land)

NOTICE OF FILING

To: Office of the Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the “Complainant Commonwealth Edison Co.’s Motion for Extension of Schedule,” a copy of which is herewith served upon you.

Dated: April 18, 2013

Commonwealth Edison Co.

BY: William G. Dickett / KF
 Alan P. Bielawski
 William G. Dickett
 Katharine B. Falahee
 Sidley Austin LLP
 1 South Dearborn Street
 Chicago, IL 60603

Counsel for Commonwealth Edison Co.

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COMMONWEALTH EDISON CO.,)	
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Complainant,)	
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EXCAVATING, INC.)	
)	
Respondents.)	

COMPLAINANT COMMONWEALTH EDISON CO.'S
MOTION FOR EXTENSION OF SCHEDULE

Complainant, Commonwealth Edison Co. (“Com Ed”), by and through its undersigned attorneys, Sidley Austin LLP, hereby moves to extend the scheduling dates in this matter by five months. In support of this motion, Com Ed states as follows:

1. The current schedule, as set forth in the January 8, 2013 Hearing Officer Order, is as follows: (i) deadline for all parties to add other parties to the proceeding is March 21, 2013; (ii) discovery, including document requests, interrogatories, requests to admit, depositions and subpoenas, is to be concluded on or before April 25, 2013.
2. On the last telephonic status conference on February 11, 2013, Com Ed informed the Hearing Officer that for efficiency reasons for all parties, the schedule may need to be revised to conform to the discovery schedule in the companion state case. Discovery just started in that case.
3. In addition, as Com Ed has noted during prior status conferences, Com Ed deferred discovery last year as a courtesy to Respondents, pending receipt of a settlement offer from Respondent Frederick Slayton. However, Com Ed did not receive any such offer.
4. Com Ed, therefore, requests that the schedule in this matter be extended by five months to promote discovery efficiency between this Board case and the companion state case. Com Ed has not discussed this request with Respondents, but has no objection if they would like to file a response to this motion.

For the foregoing reasons, Com Ed hereby moves to extend the schedule in this matter by five months, resulting in the following new schedule: (i) Deadline for all parties to add other parties to the proceeding is August 21, 2013; and (ii) Discovery, including document requests, interrogatories, requests to admit, depositions and subpoenas, is to be concluded on or before September 25, 2013.

Respectfully submitted,

Commonwealth Edison Co.

BY: William G. Dickett/KF

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Chicago, IL 60603

Dated: April 18, 2013

Counsel for Commonwealth Edison Co.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing motion were mailed, on April 18, 2013, to each of the persons on the attached service list.

William G. Dickett / KF

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SERVICE LIST

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