

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
	)	
SIERRA CLUB, ENVIRONMENTAL	)	
LAW AND POLICY CENTER,	)	
PRAIRIE RIVERS NETWORK, and	)	
CITIZENS AGAINST RUINING THE	)	
ENVIRONMENT	)	
	)	PCB 2013-015
Complainants,	)	(Enforcement – Water)
	)	
v.	)	
	)	
MIDWEST GENERATION, LLC,	)	
	)	
Respondent.	)	

NOTICE OF FILING

TO: John Therriault, Assistant Clerk	Attached Service List
Illinois Pollution Control Board	
James R. Thompson Center	
100 West Randolph Street, Suite 11-500	
Chicago, IL 60601	

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Midwest Generation LLC's Agreed Motion to Extend the Discovery Schedule and Modify the Discovery Order and Proposed Hearing Officer Order, copies of which are herewith served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: September 30, 2015

Jennifer T. Nijman  
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10 South LaSalle Street, Suite 3600  
Chicago, IL 60603  
(312) 251-5255

**SERVICE LIST**

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San Francisco, CA 94105

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation LLC's Agreed Motion to Extend the Discovery Schedule and Modify the Discovery Order and Proposed Hearing Officer Order was filed electronically on September 30, 2015 with the following:

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

and that true copies were mailed by First Class Mail, postage prepaid, on September 30, 2015 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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	)	
MIDWEST GENERATION, LLC,	)	
	)	
Respondent.	)	

**AGREED MOTION TO EXTEND THE DISCOVERY SCHEDULE AND  
MODIFY THE DISCOVERY ORDER**

Respondent, Midwest Generation, LLC, by and through counsel, requests that the Illinois Pollution Control Board Hearing Officer enter an order extending the discovery schedule, by agreement of the Parties. In support of its motion, Respondent states the following:

1. On June 9, 2014, the Hearing Officer entered an order establishing the discovery schedule for both Complainants and Respondent (collectively “the Parties”).
2. On February 4, 2015, Complainants filed an Agreed Motion to Extend the Discovery Schedule and a Proposed Order. On February 11, 2015, Hearing Officer Halloran granted the extension of the discovery schedule.
3. On April 29, 2015, Complainants requested and Respondent agreed to a Second Agreed Revised Discovery Schedule. On May 5, 2015, Hearing Officer Halloran accepted the schedule.

4. On August 19, 2015, Respondent requested and Complainants agreed to revise the discovery schedule and extend all dates by one month. On August 26, 2015, Hearing Officer Halloran accepted the schedule.

5. On September 25, 2015, due to a health emergency, Respondent requested and Complainants agreed to revise the discovery schedule and extend all dates.

WHEREFORE, Midwest Generation, LLC respectfully requests that the Hearing Officer accept the agreed proposed revised schedule:

- a. Respondent's written expert witness report(s) shall be served on or before November 1, 2015;
- b. Complainants' written expert witness reply(ies) shall be served on or December 8, 2015;
- c. Depositions of expert witnesses shall begin no earlier than January 1, 2016 and be completed on or before April 1, 2016;
- d. Dispositive motions shall be filed on or before June 1, 2016.

MIDWEST GENERATION, LLC.

By /s/ Jennifer T. Nijman  
One of Its Attorneys

Jennifer T. Nijman  
Kristen L. Gale  
NIJMAN FRANZETTI LLP  
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MIDWEST GENERATION, LLC,	)	
	)	
Respondent	)	

**PROPOSED HEARING OFFICE ORDER**

The Parties have submitted an Agreed Motion to Extend the Discovery Schedule and Modify the Discovery Order. After reviewing the proposed amended discovery schedule and proposed amended scope of discovery, discovery shall be amended as follows:

- a. Respondent's written expert witness report shall be served on or before November 1, 2015;
- b. Complainants' written expert witness reply shall be served on or December 8, 2015;
- c. Depositions of expert witnesses shall begin no earlier than January 1, 2016 and be completed on or before April 1, 2016;
- d. Dispositive motions shall be filed on or before June 1, 2016.