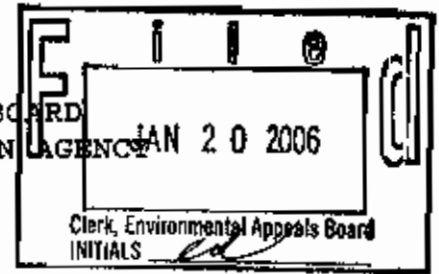


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re: _____)
_____)
Prairie State Generation _____)
Company, LLC _____)
_____)
_____)

PSD Appeal No. 05-05

ORDER GRANTING EXTENSION OF TIME

On December 12, 2005, the Environmental Appeals Board ("Board") issued an order requesting that the U.S. Environmental Protection Agency's Office of General Counsel ("OGC") and U.S. EPA's Region 5 (the "Region") jointly file a brief addressing issues related to the above-captioned matter. These issues arise in the context of a Clear Air Act prevention of significant deterioration ("PSD") permit decision, Permit No. 189808AAB (the "Permit"), Illinois Environmental Protection Agency ("IEPA") issued to Prairie State Generating Company, LLC ("Prairie State"). The Board requested that OGC and the Region file their brief on or before Friday, January 20, 2006.

Before the Board at this time is the request filed by OGC and the Region that we grant a 60-day extension of the time for them to file their brief. OGC and the Region state that the Board's order asks them to "address legal and policy questions of nationwide significance that are currently under review in the

Office of Air and Radiation, in consultation with OGC and the Regions." They also state that the additional time will ensure that the response "will be informed by the potential ramifications it has for the PSD program and the energy policy of the United States." They also represent that IEPA does not oppose the requested extension of time, that the Petitioners take no position on the request, and that Prairie State opposes the request.

An opposition has been filed by the "Public Power Participants"¹ who state that delay jeopardizes completion of Prairie State's facility in time to meet the Public Power Participants customers' energy needs and that they believe that OGC and the Region should be able to respond to the Board's order without lengthy policy deliberations.

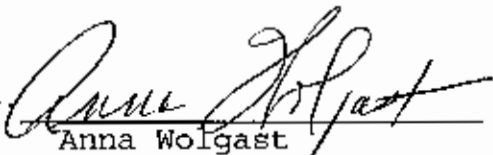
Upon consideration, we have determined to grant a 45-day extension of time within which we request that OGC and the Region file their brief. In requesting briefing, the Board stated that we believe further briefing from OGC and the Region would be helpful in this case. We are concerned that OGC's and the Region's brief would not provide the anticipated assistance if, due to time constraints, it fails to represent a fully developed Agency position informed by a deliberative process involving all

¹ The Public Power Participants are the Indiana Municipal Power Agency, the Missouri Joint Municipal Electric Utility Commission, the Northern Illinois Municipal Power Cooperative, and the Kentucky Municipal Power Agency.

relevant Agency offices and informed by the potential ramifications for the PSD program and other applicable law and policy. Nevertheless, we are mindful of the pressures faced by the permit applicant and our objective to resolve PSD matters as quickly as possible. Accordingly, OGC and the Region should file their brief on or before Tuesday, March 7, 2006.

So ordered this 20th day of January, 2006.

ENVIRONMENTAL APPEALS BOARD

By 
Anna Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time, in the matter of Prairie State Generation Company, LLC, PSD Appeal No. 05-05, were sent to the following persons in the manner indicated:

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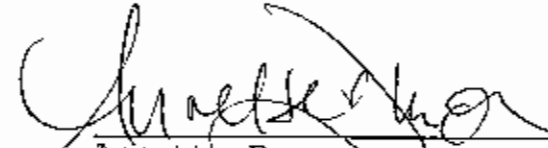
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Date: JAN 20 2006


Annette Duncan
Secretary