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FILE NO. 60644.000002

FILED  
JUL 11 2005  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND

July 7, 2005

**Via Hand Delivery**

Ms. Eureka Durr  
Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Re: Prairie State Generating Station  
Permit Number 189808AAB  
PSD Permit Appeal No. PSD 05-05

Dear Ms. Durr:

Enclosed for filing is one original and five copies of Prairie State Generating Company, LLC's Motion for Leave to Intervene in the above captioned matter.

Please note that my last name is "Finto," not "Sinto." Thank you.

Sincerely,

*Kevin Finto/MBJ*

Kevin J. Finto

KJF:lo  
Enclosure

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

RECEIVED  
U.S. E.P.A.

2005 JUL -7 11 30 58

ENVIR. APPEALS BOARD

**IN THE MATTER OF:** )  
**PRAIRIE STATE** )  
**GENERATING STATION** ) **PSD APPEAL: PSD 05-05**  
**APPLICATION NUMBER: 01100065** )  
**PSD PERMIT NUMBER: 189808AAB** )  
 )

**PRAIRIE STATE GENERATING COMPANY, LLC'S MOTION  
FOR RESPONSE DATE CONSISTENT WITH IEPA'S RESPONSE DATE**

Intervenor Prairie State Generating Company, LLC ("Prairie State") hereby moves for a response date that is consistent with the deadline for Respondent, Illinois Environmental Protection Agency ("IEPA"), to respond to the Petition for Review filed by Petitioners. Good cause exists for this motion.

By Order dated June 16, 2005, Prairie State's response is due July 11, 2005. This is the same as IEPA's original deadline to respond to the Petition for Review. IEPA has now moved for an extension of time until July 29, 2005. If the Board grants IEPA's motion, Prairie State requests that its deadline also be changed to be consistent with IEPA's new deadline. This will prevent piecemeal filings in support of the Permit at issue. More important, this could eliminate duplicative filing of exhibits from the record in support of the Permit. Petitioners have filed a voluminous appendix of exhibits. IEPA has been directed to file relevant parts of the administrative record with its response (*see* Letter dated June 10, 2005 from Eureka Durr, Clerk, to Renee Cipriano, IEPA Director). Prairie State likewise plans to file its own appendix of exhibits, doubtless with many of the same items as IEPA. If the Board desires and directs IEPA and Prairie State to coordinate and file a combined appendix, then Prairie State will endeavor to

work with IEPA to file a combined appendix, to the extent logistically feasible, on the deadline set by the Board.

For the foregoing reasons, Prairie State respectfully requests that this Board grant Prairie State's motion for a response date consistent with IEPA's response date.

Respectfully submitted,

Kevin Finto/MBS

Kevin J. Finto

*Counsel of Record*

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Dated this 7<sup>th</sup> day of July, 2005.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of July, 2005, copies of the foregoing Motion were served by first class mail, postage prepaid to:

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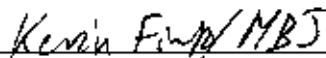
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