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

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

**RESPONSE OF PRAIRIE STATE GENERATING CO., LLC
TO PETITIONERS' MOTION FOR LEAVE TO FILE RESPONSE BRIEF**

Intervenor Prairie State Generating Co., LLC ("PSGC"), by counsel, hereby files this response opposing the Petitioners' Motion for Leave to File Response Brief. In seeking to file a response to EPA's brief, Petitioners are attempting to further delay the decision in this case.

On December 12, 2005, the Board requested EPA to provide its views on various matters that the parties had fully briefed to assist the Board in resolving this case. The Board should not allow its request to EPA to be turned into an opportunity for Petitioners to reargue these issues and to delay further a decision. The Board has sufficient information to understand the parties' respective positions and to issue a decision without additional briefing. Petitioners have offered inaccurate assertions* but no valid reasons as to why they should be allowed to reargue their case.

* Contrary to Petitioners assertion, EPA's arguments are not novel as both the Illinois Environmental Protection Agency ("IEPA") and PSGC made the same arguments in their briefs — the source is a power plant with an associated mine (mine-mouth facility) and requiring the use of low-sulfur coal would redefine the project. *See e.g.*, IEPA Brief at 63-70; PSGC Brief at 43-46; *see also*, Responsiveness Summary at 23.

Moreover, in granting Petitioners' previous request to file a reply brief, the Board recognized the need to expedite consideration of this case and stated that "[n]o further responses will be permitted in this matter." Order Granting Motion to File Reply Brief, at 3 (Aug. 19, 2005) (emphasis added). The Board again was cognizant of the need to resolve this matter expeditiously in granting EPA a 45-day extension to file its brief in response to the Board's request. Order Granting Extension of Time, at 3 (Jan. 20, 2006). To allow Petitioners to file a reply to EPA's brief would certainly be contrary to the August 19, 2005 Order and to the expeditious consideration of this case.

Finally, as the Amicus filings in this case note, an expeditious resolution of this proceeding is critical. *See e.g.*, Brief as *Amici Curiae* of Indiana Municipal Power Agency, the Missouri Joint Municipal Electric Utility Commission, the Northern Illinois Municipal Power Agency, Soyland Power Cooperative, Inc., Wolverine Power Supply Cooperative, Inc., and the Kentucky Municipal Power Agency.

For these reasons, PSGC respectfully requests that the Board deny Petitioners' Motion for Leave to File Reply.

Respectfully submitted,



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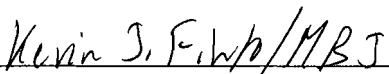
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