



NIXON PEABODY LLP

ATTORNEYS AT LAW

Clinton Square
P.O. Box 31051
Rochester, New York 14603-1051
(585) 263-1000
Fax: (585) 263-1600

Scott M. Turner, Esq.
Direct Dial: (585) 263-1612
E-Mail: sturner@nixonpeabody.com

15
JUL 29 2005
FEDERAL EXPRESS

July 28, 2005

VIA FACSIMILE AND FEDERAL EXPRESS

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

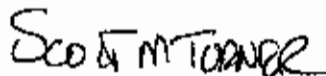
RE: In re: Prairie State Generating Station
Permit No. 189808AAB
PSD Appeal No. 05-05

Dear Ms. Durr:

Enclosed please find an original and five copies of a Motion for Leave to File a Brief as Amici Curiae by the 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 (the "Public Power Participants"). Should the Board grant the Motion, also enclosed for the Board's consideration are an original and five copies of the Public Power Participants' Brief as Amici Curiae.

If you have any questions concerning these materials, please call me at 585-263-1612.

Very truly yours,


Scott M. Turner

cc: Petitioners
Robb H. Layman
Kevin J. Finto
Bertram C. Frey

15

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

APR 10 2005
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

In re:

Prairie State Generating Station

Permit No. 189808AAB

PSD Appeal No. 05-05

MOTION FOR LEAVE TO FILE A BRIEF AS AMICI CURIAE

Pursuant to 40 C.F.R. § 124.19 and Environmental Appeals Board Practice Manual § III.D.7, the 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 (the "Public Power Participants") hereby move for leave to file an amici curiae brief in connection with the petition for review filed by American Bottom Conservancy, American Lung Association of Metropolitan Chicago, Clean Air Task Force, Health and Environmental Justice-St. Louis, Lake County Conservation Alliance, Sierra Club and Valley Watch ("Petitioners"). The petition for review challenges the decision by the Illinois Environmental Protection Agency ("IEPA") to issue a Prevention of Significant Deterioration ("PSD") permit to Prairie State Generating Company, LLC ("Prairie State") for the construction of a 1,500 MW coal-fired electric generating station ("Prairie State Generating Station") in Washington County, Illinois.

The Public Power Participants have committed to acquire, in total, a 47 percent undivided ownership interest in the Prairie State Generating Station and its electric output. That output is a major element of the Public Power Participants' plans to provide economical and reliable electric

power to their customers near the end of this decade and beyond. For that reason, the Public Power Participants respectfully request that the Board grant leave to file an amici brief explaining their need for an expeditious conclusion to this proceeding. The Public Power Participants' brief is enclosed for the Board's consideration, should this motion be granted. All correspondence regarding this matter should be served on the undersigned.

Dated: July 28, 2005

Respectfully submitted,

NIXON PEABODY LLP

On behalf of the Public Power Participants

By: Scott M. Turner
Scott M. Turner

1300 Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1612
Fax: (585) 263-1600

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of July, 2005, copies of the foregoing Public Power Participants' Motion for Leave to File a Brief as Amici Curiae and proposed Brief of the Public Power Participants as Amici Curiae were served by first class mail, postage prepaid to:

Bruce Nilles
Sierra Club
214 N. Henry St., Suite 203
Madison, Wisconsin 53704

Verena Owen
Lake County Conservation Alliance
421 Ravine Road
Waukegan, Illinois 60096

Ann Brewster Weeks
Clean Air Task Force
18 Tremont Street, Suite 530
Boston, Massachusetts 02108

John Blair
Valley Watch
800 Adams Avenue
Evansville, Indiana 47713

Kathy Andria
American Bottom Conservancy
614 N. 7th Street
East St. Louis, Illinois 62201-1372

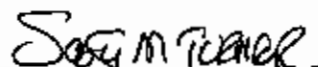
Kathleen Logan-Smith
Heath & Environmental Justice - St. Louis
P.O. Box 2038
St. Louis, Missouri 63158

Brian Urbaszewski
American Lung Association
of Metropolitan Chicago
1440 W. Washington Blvd.
Chicago, Illinois 60607

Bertram C. Frey
Acting Regional Counsel
Office of Regional Counsel, Region V
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Robb H. Layman
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Kevin J. Finto
Hunton & Williams LLP
Riverfront Plaza, East Tower
91 East Byrd Street
Richmond, Virginia 23219-4074



Counsel for the Public Power Participants