

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

IN THE MATTER OF:

POWER HOLDINGS OF ILLINOIS, LLC

)  
) PSD APPEAL NO. 09-04  
)

**NOTICE**

To:

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

David C. Bender  
McGillivray Westerberg & Bender LLC  
305 S. Paterson Street  
Madison, Wisconsin 53703

Robert Kaplan  
Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency,  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3507

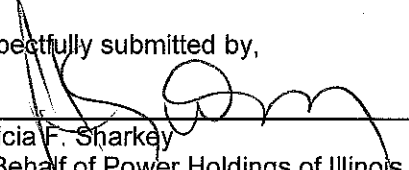
John J. Kim  
Chief Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

Matthew Dunn  
Chief, Environmental Enforcement Division  
Office of the Attorney General  
100 West Randolph Street  
12<sup>th</sup> Floor  
Chicago, Illinois 60601

Susan Hedman  
Environment & Energy Counsel  
Office of the Illinois Attorney General  
69 W. Washington – 18<sup>th</sup> Floor  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Clerk of the Environmental Appeals Board on behalf of the Permittee, POWER HOLDINGS OF ILLINOIS, LLC, **Permittee's Request for Leave to Withdraw Objection and Motion for Reconsideration of Order Extending Time to File Response to Petition for Review**, a copy of which is herewith served upon you.

Respectfully submitted by,

  
\_\_\_\_\_  
Patricia F. Sharkey  
On Behalf of Power Holdings of Illinois, LLC

Dated: January 13, 2010

Patricia F. Sharkey  
McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, Illinois 60601-1818  
(312) 750-8601  
Illinois Attorney No. 6181113

Certificate of Service

I hereby certify that on the 13th day of January 2010, I did send, the attached **Permittee's Request for Leave to Withdraw Objection and Motion for Reconsideration of Order Extending Time to File Response to Petition for Review** to the following persons by Federal Express for next-day delivery and, in addition, by electronic filing to the Clerk of the Board:

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

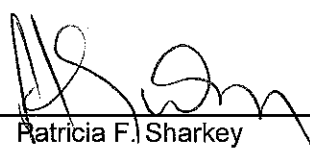
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By:   
Patricia F. Sharkey

Dated: January 13, 2010

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

<b>In the Matter of:</b>	)	
	)	
<b>Power Holdings of Illinois, LLC</b>	)	<b>PSD Appeal No. 09-04</b>

**Permittee's Request for Leave to Withdraw Objection  
and Motion for Reconsideration of Order Extending Time to File Response  
to Petition for Review**

Power Holdings of Illinois, LLC ("Power Holdings"), the Permittee in this matter, hereby requests leave to withdraw two portions of its filing made on January 7, 2010. Specifically, Power Holdings requests leave to withdraw its Objection and Motion for Reconsideration. Power Holdings remains very concerned about undue delay in this proceeding and is not requesting leave to withdraw its Motion for Expedited Review which was filed together with its Objection and Motion for Reconsideration.

In support thereof, Power Holdings states:

1. Power Holdings filed Permittee's Objection, Motion for Reconsideration of Order Extending Time to File Response to Petition for Review, and Motion for Expedited Review on January 7, 2010.
2. The Objection and Motion for Reconsideration were filed in response to the State of Illinois' January 4, 2010 Motion for a 60-day extension of time in which to file both the Administrative Record and its Response Brief and the Board's January 5, 2010 Order granting that Motion for Extension.
3. On January 11, 2010, Power Holdings and the State of Illinois met and agreed as follows:
  - a. The State of Illinois agreed that it would seek no further extensions of time (beyond March 4, 2010) for the filing of the Certified Index of

the Administrative Record and pertinent portions of the Record and its Response Brief in this proceeding;

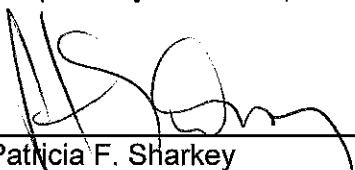
b. In consideration of this agreement, Power Holdings agreed to request leave to withdraw its Objection to the 60-day extension and its associated Motion for Reconsideration of the Board's January 5, 2010 Order; and

c. The State of Illinois authorized Power Holdings to make the above representation on its behalf in this filing.

4. Timing remains of the essence for Power Holdings. Power Holdings appreciates the State of Illinois' agreement to seek no further extensions of time to file the Record and its Response Brief beyond March 4, 2010. However, Power Holdings remains concerned about other sources of unwarranted delay and therefore reiterates its request that the Board grant its Motion for Expedited Review for the remainder of this case.

WHEREFORE, Power Holdings requests Leave to Withdraw its Objection and Motion for Reconsideration of Order Extending Time to File Response to Petition for Review and restates its Motion for Expedited Review.

Respectfully submitted,



Patricia F. Sharkey  
On Behalf of Power Holdings of Illinois, LLC

Dated: January 13, 2010

Patricia F. Sharkey  
McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, Illinois 60601-1818  
(312) 750-8601

Illinois Attorney No. 6181113