



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 18 2012

CERTIFIED MAIL

Receipt No. 7002 2410 0002 2742 0036

REPLY TO THE ATTENTION OF:

John A Decker, Esq.
Braun Kendrick Finkbeiner P.L.C.
4301 Fashion Square Boulevard
Saginaw, Michigan 48603

Re: In the Matter of: Mathie Energy Supply Company, Inc.
Docket No.: **FIFRA-05-2012-0022**

Dear Mr. Decker:

Please find enclosed a copy of *Complainant's Response to Respondent's Motion for Extension of Time*, including a Certificate of Service.

Sincerely,

A handwritten signature in blue ink that reads "Mark J. Koller".

Mark J. Koller
Associate Regional Counsel

Enclosure

cc: Robert Peachey (C-14J)
Estrella Calvo (LC-8J)

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2012 OCT 18 AM 9:23

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Mathie Energy Supply Company, Inc.,) Docket No. FIFRA-05-2012-0022
Morrice, Michigan,)
)
Respondent.)
_____)


**COMPLAINANT'S RESPONSE TO RESPONDENT'S
MOTION FOR EXTENSION OF TIME**

Complainant, by and through its counsel, pursuant to Rule 22.16(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.16(b)) respectfully submits this *Response to Respondent's Motion for Extension of Time*.

Respondent has requested a 90-day extension to file its responses in order to secure counsel. The undersigned, in an email to Michael Mathie dated September 28, 2012, wrote that Respondent may file a motion for an extension of time to answer the complaint and that EPA will not oppose a reasonable request. There was no subsequent discussion between the parties as to what would be a reasonable extension of time. On October 1, 2012, the same day that Respondent signed and mailed its motion, Complainant filed its First Amended Complaint with the Regional Hearing Clerk. The First Amended Complaint was served on Respondent on October 4, 2012. On or about October 11, 2012, Respondent was able to secure counsel.

A reasonable extension of 30 days in order for Respondent to answer the First Amended Complaint should be granted.

Respectfully submitted,



Mark J. Koller
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604
(312) 353-2591
Attorney for Complainant

In the Matter of Mathie Energy Supply Company, Inc.
Docket No. FIFRA-05-2012-0022

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CERTIFICATE OF SERVICE

I hereby certify that the original signed copy and one true, accurate and complete copy of the *Complainant's Response to Respondent's Motion for Extension of Time* was filed with the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true, accurate and complete copy of the *Complainant's Response to Respondent's Motion for Extension of Time* was served by Certified Mail, Receipt No. 7002 2410 0002 2742 0036, on John Decker, Counsel for Respondent, on the date indicated below.

Counsel for Respondent

John A Decker, Esq.
Braun Kendrick Finkbeiner P.L.C.
4301 Fashion Square Boulevard
Saginaw, Michigan 48603



Dorothy Willis
Secretary, Section 4, Branch 1, ORC
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-3362

Dated in Chicago, Illinois, this 18 day of October, 2012.