## ILLINOIS POLLUTION CONTROL BOARD June 13, 1974

ENVIRONMENTAL PROTECTION AGENCY COMPLAINANT	) ) )
V.	) ) )
CITIZENS UTILITIES COMPANY OF ILLINOIS, AN ILLINOIS CORPORATION, RESPONDENT	) ) ) )
	PCB 73-316
CITIZENS UTILITIES COMPANY OF ILLINOIS, AN ILLINOIS CORPORATION, RESPONDENT - CROSS-COMPLAINANT	) ) )
∜ .	) )
VILLAGE OF BOLINGBROOK, ILLINOIS AN ILLINOIS MUNICIPAL CORPORATION INTERVENING PETITIONER - CROSS- RESPONDENT	) ) ) )

ORDER OF THE BOARD (by Mr. Marder)

This matter comes to the Board on Motion of Citizens Utilities Company for Rehearing and Vacation of our Order dated April 18, 1974, filed on May 14, 1974.

The April 18, 1974, Order dismissed the Cross-Complaint on Motion of Cross-Respondent.

Rule 309 of the Board's Procedural Rules states as follows:

## Consolidation and Severance of Claims: Additional Parties

"In the interest of convenient, expeditious, and complete determination of claims, the Hearing Officer or the Board may (emphasis added) consolidate or sever enforcement, variance, permit, or other adjudicative claims involving any number of parties, or may order additional parties to be brought in pursuant to the provisions of Rule 303 (c)."

The Board's April 18, 1974, Order states that the filing of the cross-complaint was not timely, in that by the time the Board acted upon the matter, hearings in the original action had already begun.

In consolidating actions the Board has discretion in allowing such action. The Rule provides the Board may allow consolidation.

The Board found at that time, and reaffirms now, that consolidation would not be in the best interests of an expeditious hearing in the originally docketed case. Consolidation of these matters would cause delays in the hearings already underway, because of discovery, etc.

Therefore, it is the conclusion of the Board that the interest of prompt adjudication of the originally docketed case would not be served by allowing Citizens Utilities to proceed with a cross-complaint against the Village of Bolingbrook.

This decision in no way affects the rights of Citizens Utilities to bring a complaint against the Village at any time.

## ORDER

IT IS THE ORDER of the Pollution Control Board that Motion for Rehearing and to Vacate Order filed by Citizens Utilities Company is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 13th day of June, 1974, by a vote of 4 to 0

Christan My Mott