ILLINOIS POLLUTION CONTROL BOARD
February 7, 1980

CITIZENS UTILITIES COMPANY OF ILLINOIS, Petitioner,	)	
v.	)	PCB 78-313
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by Mr. Goodman):

Petitioner's January 23, 1980 motion to permit interlocutory appeal of the hearing officer's January 17, 1980 ruling at hearing is granted.

In balancing the alleged prejudices, the Board finds that the necessity of Respondent's being able to consult with one witness during the testimony of the others outweighs Petitioner's fears that one witness would have the opportunity "improperly to become prepared" by hearing questions to or answers by the other. The Board also notes that the hearing officer found that Petitioner's request was not made prior to the first hearing and that Respondent was informed two days before the first hearing by Petitioner that it would not move to exclude witnesses.

The ruling of the hearing officer is affirmed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7th day of February, 1980 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board