

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1986

CENTRAL ILLINOIS PUBLIC SERVICE )  
COMPANY (Coffeen Unit 1 and 2) )  
 )  
Petitioner, )  
 )  
v. ) PCB 85-156  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by B. Forcade):

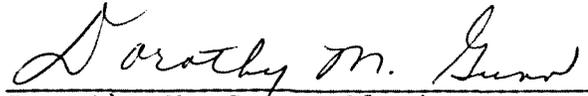
On January 6, 1986, Central Illinois Public Service Company ("CIPS") filed a Motion for Continuance and Waiver of Time for Decision. The motion requests, in effect, that the hearing presently scheduled for January 16, 1986, be cancelled and rescheduled approximately 60 days later while the parties negotiate. The Illinois Environmental Protection Agency has no objection to the 60-day continuance. The motion was prompted by the Hearing Officer's uncertainty as to whether he could continue hearing, even with the waiver of decision deadline to April 24, 1986.

Scheduling and rescheduling hearings is normally the province of the Hearing Officer. Consequently, the Board will deny CIPS motion that the Board reschedule hearing or order the Hearing Officer to do so. However, the Board will clarify that the Hearing Officer clearly does have authority to cancel and reschedule hearings, with certain time constraints described below. CIPS is free to proceed to hearing on January 16 or to move the Hearing Officer to reschedule hearing.

Because of requirements regarding the publication of notice of hearing, no scheduled hearing may be cancelled unless the petitioner provides an open waiver or a waiver to a date at least 75 days beyond the date of the motion to cancel hearing. This should allow ample time for the Board to republish notice of hearing and receive transcripts from the hearing before the due date. Any order by the hearing officer granting cancellation of hearing shall include a new hearing date at least 40 days in the future and at least 30 days prior to the new due date and the Clerk of the Board shall be promptly informed of the new schedule.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certifies that the above Order was adopted on the 9<sup>th</sup> day of January, 1986, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board