

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

**SIERRA CLUB, PRAIRIE RIVERS NETWORK,
and NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED PEOPLE,**

Complainants,

v.

CITY WATER, LIGHT and POWER,

Respondent.

)
)
)
)
)
)
)
)
)
)
)
)

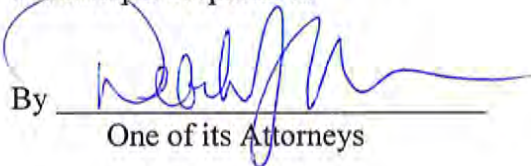
**PCB 18-11
(Citizens Enforcement –
Water)**

NOTICE OF FILING

Please take notice that on January 20, 2022, I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Objection to Complainants' Motion for Hearing by Video Conference**, of the City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power, a copy of which is attached and served upon you.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: January 20, 2022

Deborah J. Williams
Special Assistant Corporation Counsel
City of Springfield
800 East Monroe, 4th Floor
Springfield, Illinois 62701
(217) 789-2116 ext. 2628

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

| | | |
|---|---|--------------------------------|
| SIERRA CLUB, PRAIRIE RIVERS NETWORK, |) | |
| and NATIONAL ASSOCIATION FOR |) | |
| THE ADVANCEMENT OF COLORED PEOPLE, |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | PCB 18-11 |
| |) | (Citizens Enforcement – |
| CITY WATER, LIGHT and POWER, |) | Water) |
| |) | |
| Respondent . |) | |
| |) | |

**OBJECTION TO COMPLAINANTS' MOTION
FOR HEARING BY VIDEO CONFERENCE**

NOW COMES Respondent, the City of Springfield, Office of Public Utilities (“City”) d/b/a City Water, Light and Power (“CWLP”), by and through its counsel, and pursuant to 35 Ill. Adm. Code 101.500 respectfully objects to the Complainants’ Motion to hold the hearing by videoconference. In support of its objection, the City states as follows:

1. The State of Illinois has been reopened under Phase 5 since June 11, 2021 (Executive Order 2021-12). Phase 5 permits indoor gatherings including judicial and administrative hearings, while encouraging vaccination of participants and appropriate distancing.
2. Subsequent Executive Orders have not reversed or otherwise altered this reopening as it pertains to judicial or administrative proceedings.
3. Respondent is informed and believes that all Illinois courts and administrative agencies have resumed in-person proceedings.
4. All participants on Respondent’s side are fully vaccinated. Complainants’ Motion does not identify anyone on Complainants’ side who cannot be vaccinated.

5. This hearing will involve a substantial number of documentary exhibits. Experience has shown that dealing with voluminous documents in a remote proceeding is exceedingly difficult and cumbersome due to the inherent limitations of internet proceedings (which limitations include, without limitation, freezing of video or audio feeds, buffering, bandwidth limitations, audio feedback, disseminating and printing unexpected or last minute exhibits for rebuttal).
6. Experience by the Board has also demonstrated that use of fully remote hearings for contested case adjudicatory proceedings has proven inefficient and problematic. *See, Johns Manville v. Illinois Department of Transportation*, PCB 14-3 (post-hearing briefs delayed many months by inability to finalize an accurate transcript of the remote proceedings).
7. Provided the hearings are conducted in Springfield, the City does not object to Complainants' expert witness, Mark Hutson, appearing by video conference due to his age and other concerns raised in his affidavit.

WHEREFORE, Respondent prays that the motion to conduct the hearing in this matter remotely be denied, with the exception that Mr. Hutson may appear by videoconference.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: January 20, 2022

Deborah J. Williams
Special Assistant Corporation Counsel
City of Springfield, Office of Public Utilities
800 East Monroe, 4th Floor
Springfield, Illinois 62701
(217) 789-2116 ext. 2628

CERTIFICATE OF E-MAIL SERVICE

The undersigned, Deborah J. Williams, an attorney, certifies that I have served by email upon the individuals named on the attached Service List a true and correct copy of the **NOTICE OF FILING** and **OBJECTION TO COMPLAINANTS' MOTION FOR HEARING BY VIDEO CONFERENCE** of the CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES d/b/a CITY WATER, LIGHT AND POWER from the email address (deborah.williams@cwlp.com) of this 4 page document before 5:00 p.m. on January 20, 2022 at the address provided on the attached Service List.



SERVICE LIST PCB 18-11

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois
62794-9274
carol.webb@illinois.gov

Gregory E. Wannier
Staff Attorney
Sierra Club
2101 Webster St. Suite 1300
Oakland, CA
94612
greg.wannier@sierraclub.org

Faith E. Bugel
1004 Mohawk
Wilmette, Illinois
60091
fbugel@gmail.com