

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1997

CGE FORD HEIGHTS, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-164
)	(T-C Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on the filing of a status report in this tax certification appeal by CGE Ford Heights, L.L.C. (petitioner), pursuant to the Board's November 7, 1996 order. By that order, the Board granted petitioner a stay in this matter for six months until May 2, 1997. The stay was granted on the basis that petitioner had filed a suit in the circuit court of Cook County and, based on the outcome of that case, may withdraw the present petition for review before the Board. In the same order, the Board further directed petitioner to file a status report by February 2, 1997. Petitioner filed the required status report on January 31, 1997.

The status report indicates that a motion to dismiss the circuit court case is pending before the circuit court and that a motion to consolidate the case with another lawsuit, styled Village of Robbins and Robbins Resource Recovery Partners, L.P. v. Edgar, et al., No 96 CH 12873, is also pending. Petitioner also reasserts that it intends to withdraw the permit appeal before the Board based on the outcome of the circuit court case.

The Board hereby accepts the status report filed by petitioner and directs petitioner to file an additional status report on or before March 18, 1997. In the event the circuit court issues a dispositive decision in the aforementioned matter, petitioner is directed to file a status report at that time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board