

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 75-6
)
 CITIZENS UTILITIES COMPANY OF)
 ILLINOIS, an Illinois corporation,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

On March 5, 1975 Complainant filed Second Amended Complaint. On March 12, 1975 Respondent filed Amendments to its Motion to Dismiss along with a Motion to Strike Count I of the Second Amended Complaint. The Motion to Dismiss as amended is deemed applicable to the Second Amended Complaint.

Paragraph 8(a) of the Motion alleges that Count I of the Second Amended Complaint failed to give sufficient information to advise Respondent of the full extent and nature of the matter complained of adequate to reasonably allow preparation of a defense. Paragraph 8(a) of the Motion is denied. The Motion raises other issues which are factual in nature and are best decided after hearing on the merits. Therefore, the remaining contentions contained in the Respondent's Motion of March 12, 1975 will be taken with the case.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 4th day of April, 1975 by a vote of 3 to 0.

