

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-142
)
CITIZENS UTILITIES COMPANY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On April 3, 1980 the hearing officer referred to the Board his decision on Respondent's March 20, 1980 motion to sequester expert witnesses of the Agency during the cross-examination of these witnesses pursuant to Procedural Rule 308(f).

The Board affirms the hearing officer's ruling granting the motion. The cases cited in pleadings in Citizens Utility Company v. IEPA, PCB 78-313, relative to this matter make it clear that decision on this motion lies within the sound discretion of the hearing officer, the trier of fact in this proceeding. The Board finds no abuse of the exercise of this discretion at hearing, nor is there indication of clear prejudice to Complainant in allowing the motion.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3rd day of April, 1980 by a vote of 5-0.

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