

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

**Pepsi Cola Puerto Rico Bottling
Company LLC**

RESPONDENT

DOCKET NUMBER

CWA-02-2010-3463

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2011 AUG 16 A 11:13
REGIONAL HEARING
CLERK

MOTION TO AMEND COMPLAINT TO REFLECT RESPONDENT'S SUCCESSOR

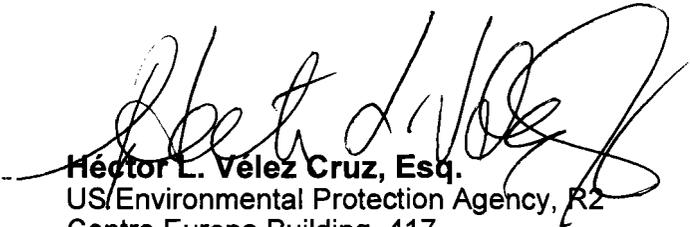
COMES NOW the United States Environmental Protection Agency (Complainant) by and through the undersigned attorney, pursuant to Rule 22.14(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.14(c), and very respectfully avers, prays and requests as follows:

1. On September 30, 2010, Complainant issued the Administrative Complaint, Finding of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (Complaint) in this matter, against the Pepsi Cola Puerto Rico Bottling Company LLC (Respondent), upon information and belief that such was its correct legal name.
2. In Respondent's Answer to the Complaint, dated February 7, 2011, and in its subsequent filings and communications, Complainant discovered that Pepsi Cola Puerto Rico Distributing LLC is Respondent's successor.

3. This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the above, and, pursuant to 40 C.F.R. § 22.14(c), respectfully move the Court to amend Respondent's name in the caption of the Complaint, along with all pleadings, papers, correspondence, motions, and other material relevant to this matter, in order to properly reflect Respondent's correct legal name: Pepsi Cola Puerto Rico Distributing LLC.

4. This Motion was discussed today, August 15, 2011, with Pedro Reyes Bibiloni, Esq., attorney for the Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 15th day of August, 2011.



Héctor L. Vélez Cruz, Esq.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

**Pepsi Cola Puerto Rico Bottling
Company LLC**

RESPONDENT

Motion

DOCKET NUMBER CWA-02-2010-3463

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *MOTION TO AMEND COMPLAINT TO REFLECT RESPONDENT'S SUCCESSOR*, dated August 15, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

Attorney for Respondent:
Pedro Reyes Bibiloni, Esq.
Fiddler González & Rodríguez, P.S.C.
254 Muñoz Rivera Ave. Corner Chardon Street
Hato Rey, P.R. 00918
PO Box 363507
San Juan, P.R. 00936-3507
Telephone 787-759-3208
Mobile 787-379-9756
Fax 787-759-3108

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge
Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

8/15/2011

Name

