

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

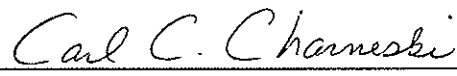
In the matter of)	
)	
Adiccom, Inc., and State University)	Docket No. CAA-02-99-1260
of New York at Geneseo,)	
)	
Respondents)	

ORDER

The U.S. Environmental Protection Agency ("EPA") has filed a Motion for Default Order requesting that judgment be entered against Adiccom, Inc. ("Adiccom"), and that Adiccom be ordered to pay a civil penalty in the amount of \$79,650. Alternatively, EPA requests that Adiccom be precluded from calling witnesses and introducing exhibits into the record in this proceeding. Adiccom has not filed a response.¹

EPA moves for a default order because Adiccom has not submitted a prehearing exchange in response to this court's Order Setting Prehearing Procedures, dated September 1, 1999. That order in part stated, "[t]he failure of the respondent to timely file its Opening Prehearing Exchange may result in that party's being precluded from calling witnesses and introducing exhibits into the record."

Given the above language of the prehearing order, EPA's alternative request for relief is *granted*. Accordingly, Adiccom will not be permitted to call witnesses or introduce exhibits at the hearing to be held in this case. Adiccom, however, may still challenge any witnesses and exhibits offered by the other parties.



 Carl C. Charneski
 Administrative Law Judge

Issued: December 8, 1999
Washington, D.C.

¹ Co-respondent State University of New York at Geneseo supports EPA's motion for default against Adiccom and it believes that Adiccom alone should pay the penalty sought by the agency in this case.

IN THE MATTER OF ADICCOM, INC. and STATE UNIVERSITY OF NEW YORK
at GENESCO, Respondents
Docket No. CAA-02-99-1260

Certificate of Service

I certify that the foregoing Order, dated December 8, 1999, was sent this day in the following manner to the below addressees.

Original and Copy by

Regular Mail to:

Ms. Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Copy by Regular Mail to:

Attorney for Complainant:

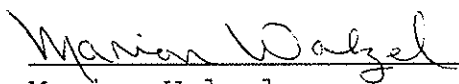
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Marion Walzel
Legal Staff Assistant

Dated: December 8, 1999