

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

U.S. ENVIRONMENTAL
PROTECTION AGENCY
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In the Matter of:)
)
Pepsi Cola Puerto Rico Bottling) **Docket No. CWA-02-2010-3463**
Company LLC,)
)
Respondent.)

**ORDER GRANTING MOTION TO AMEND COMPLAINT
TO REFLECT RESPONDENT'S SUCCESSOR**

On October 12, 2010, the United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division ("Complainant"), initiated this proceeding by filing an Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") against Pepsi Cola Puerto Rico Bottling Company LLC ("Respondent"). The Answer to Complaint, Request for Hearing and Informal Settlement Conference, filed by Respondent on February 9, 2011, and subsequent filings by the parties noted that Pepsi Cola Puerto Rico Distributing LLC is Respondent's successor.

On August 15, 2011, Complainant submitted a Motion to Amend Complaint to Reflect Respondent's Successor ("Motion to Amend") pursuant to Section 22.14(c) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), 40 C.F.R. § 22.14(c). In its Motion to Amend, Complainant seeks "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." Motion to Amend at 2. Complainant relates that counsel for Respondent concurs with the filing of the Motion to Amend.

Section 22.14(c) of the Rules of Practice authorizes the complainant to amend the complaint after the filing of the answer "only upon motion granted by the Presiding Officer." 40 C.F.R. § 22.14(c). Upon consideration, Complainant's Motion to Amend is hereby **GRANTED** to the extent that Complainant is granted leave to file and serve an amended Complaint that reflects Respondent's correct legal name as Pepsi Cola Puerto Rico Distributing LLC. The parties are advised, however, that it is unnecessary to amend the caption in "all pleadings, papers, correspondence, motions, and other material relevant to this matter."

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: August 18, 2011
Washington, DC

In the Matter of Pepsi Cola Puerto Rico Bottling Co., Respondent
Docket No. CWA-02-2010-3463

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Amend Complaint To Reflect Respondent's Successor**, dated August 18, 2011, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: August 18, 2011

Original And One Copy By Pouch Mail To:

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