

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

07 OCT 19 AM 10:44
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
PROVISION REALTY)
AND PROPERTY MGMT LLC,)
)
RESPONDENT)

DOCKET NO. TSCA-07-2007-0023

ORDER TO SHOW CAUSE

By Prehearing Order dated August 6, 2007, Respondent was required to file its prehearing exchange on or before October 12, 2007. However, to date, the Respondent has failed to do so.

Section 22.17(a) of the Consolidated Rules of Practice Governing The Administrative Assessment of Penalties (40 C.F.R. §22.17(a)) provides that a party may be found in default for failing to comply with the information exchange requirement of section 22.19(a) or an order of the Presiding Officer. "Default by respondent constitutes . . . an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations." 40 C.F.R. § 22.17(a). Further the Rules provide that upon default, "[t]he relief proposed in the complaint or the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act." 40 C.F.R. § 22.17(c).

Therefore, the Respondent is Ordered to show good cause on or before **October 31, 2007**, why it failed to submit its prehearing exchange as required by the Prehearing Order and why a Default should not be entered against it.



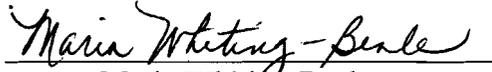
Susan L. Biro
Chief Administrative Law Judge

Dated: October 17, 2007
Washington, D.C.

In the Provision Realty and Property Mgmt LLC, Respondents
Docket No. TSCA-07-2007-0023

CERTIFICATE OF SERVICE

I certify that the foregoing **Order To Show Cause**, dated October 17, 2007, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Legal Staff Assistant

Dated: October 17, 2007

Original And One Copy By Pouch Mail To:

Kathy Robinson
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Copy By Pouch Mail To:

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