

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

KENTUCKY POWER COMPANY DBA AEP,

Appellant,

v.

Appeal No. 22-04-EQB

**DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 22-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on July 14, 2022. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the Notice of Appeal filed in Appeal No. 22-04-EQB is scheduled for August 11, 2022.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 22-04-EQB shall be continued until the **October 13, 2022**, Board meeting. Said hearing will begin at **8:30 a.m.** at the Board’s offices located at 601 57th Street, S.E., Charleston, Kanawha County, West Virginia 25304. The Parties may attend in person or participate remotely via Zoom. A Zoom link will be provided to the Parties prior to the hearing.

It is so **ORDERED** and **ENTERED** this 19th day of July, 2022.

Environmental Quality Board

Kenna M. DeBaino
for Dr. Edward Snyder, Chairman

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

KENTUCKY POWER COMPANY DBA AEP,

Appellant,

v.

Appeal No. 22-04-EQB

**DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.

NOTICE OF PREHEARING STATUS CONFERENCE

Appeal No. 22-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on July 14, 2022. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters more fully set forth in the Notice of Appeal is scheduled for October 13, 2022.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a Prehearing Status Conference will be held on **September 19, 2022, at 10:00 a.m.** before the Board’s Chairman and/or legal counsel. Parties may appear in person or by telephone. If appearing in person, the said prehearing will be conducted at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the pound (#) key.

The proceedings will be recorded and transcribed at a later date, if necessary. The following will be discussed at the prehearing:


- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

ORDERED and **ENTERED** this 19th day of July, 2022.

Environmental Quality Board


for Dr. Edward Snyder, Chairperson

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

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MANAGEMENT, WEST VIRGINIA
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Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that I have this day, the 19th day of July, 2022, served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF HEARING AND NOTICE OF PREHEARING STATUS CONFERENCE** to the following:

Kathy G. Beckett, Esq.
Allyn Turner, Esq.
Steptoe & Johnson, PLLC
707 Virginia Street, East
Charleston, WV 25326
Counsel for Kentucky Power Company dba AEP

Via Certified U.S. First Class Mail
7021 1970 0001 1851 7581

Charles S. Driver, Esq.
Jonathan C. Frame, Esq.
Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304
Counsel for WVDEP

Via Interdepartmental Mail

Katheryn Emery, P.E., Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk