

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**APPALACHIAN POWER COMPANY,  
DBA AEP,**

**Appellant,**

**v.**

**Appeal No. 22-02-EQB**

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

**Appellee.**

**ORDER FOR CONTINUANCE,  
NOTICE OF PREHEARING STATUS CONFERENCE AND NOTICE OF HEARING**

Appeal No. 22-02-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on April 12, 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. 22-02-EQB is scheduled for September 8-9, 2022.

On August 24, 2022, the Parties filed a Joint Motion to Continue. The Parties seek a sixty (60) day continuance to allow additional time for settlement discussions and review of proposed settlement documents to resolve all issues on appeal. Finding it proper to do so, this Board hereby **GRANTS** the Joint Motion to Continue for a period of thirty (60) days. The evidentiary hearing in Appeal No. 22-02-EQB shall be continued until **November 9-10, 2022**. Said hearing will begin at **8:30 a.m.** at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia, 25304.

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 **October 27, 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 status conference will be conducted at the Board's offices located at 601 57<sup>th</sup> 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 status conference:

- (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.

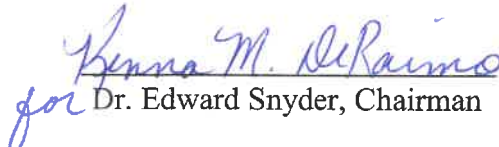
It is further ordered that each counselor representative attending the prehearing status conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative 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 prehearing status 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.

It is so **ORDERED** and **ENTERED** this 29<sup>th</sup> day of August, 2022.

**Environmental Quality Board**

  
for Dr. Edward Snyder, Chairman

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

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Appeal No. 22-02-EQB

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

Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 29<sup>th</sup> day of August, 2022, served a true copy of the foregoing **Order For Continuance, Notice of Prehearing and Evidentiary Hearing** to the following:


Kathy G. Beckett, Esq.  
Allyn Turner, Esq.  
STEPTOE & JOHNSON, PLLC  
Post Office Box 1588  
Charleston, WV 25326

*Via Certified U.S. First Class Mail*

7021 1970 0001 1851 7888

Jon C. Frame, Esq.  
OFFICE OF LEGAL SERVICES  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk