

RECEIVED

DEC 28 2022

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Environmental Quality
Board

**APPALACHIAN POWER COMPANY
dba AEP,**

Appellant,

v.

Appeal No. 21-06-EQB

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

Appellee,

**JOINT MOTION TO CONTINUE PREHEARING CONFERENCE
AND EVIDENTIARY HEARING**

Now come the Parties, Appalachian Power Company dba AEP (“AEP”), and the Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel, and hereby move this Board for entry of an Order continuing the Prehearing Conference on this appeal, which is scheduled for December 29, 2022 and Evidentiary Hearing which is scheduled for January 12-13, 2023. In support of this motion, the parties state as follows:

1. The parties have been and are currently engaged in settlement discussions.
2. The parties are in the process of exchanging proposed settlement documents and believe that additional time will allow the parties to determine whether a resolution of the issues in the instant appeal may be reached without need for an evidentiary hearing.
3. The parties agree that entry of an Order by this Board granting the continuance shall extend the stay currently in place until such time that either the parties enter into an

agreement resolving this appeal before the rescheduled hearing date or this Board issues an order on the merits, should an evidentiary hearing ultimately be deemed necessary.

4. This request is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth above, AEP and WVDEP request that the West Virginia Environmental Quality Board grant its motion to continue this matter and enter an Order continuing the hearing currently set in this matter.

Respectfully submitted,

Appalachian Power Company

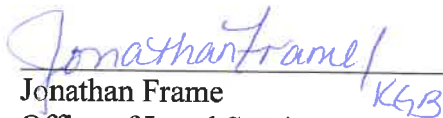
By counsel:



Kathy G. Beckett
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326
(304) 353-8172
Counsel to Appellant

The West Virginia Department of Environmental Protection

By counsel:



Jonathan Frame
Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston WV 25304
(304) 926-0499
Counsel to the WVDEP

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

**APPALACHIAN POWER COMPANY,
dba AEP**

Appellant,

v.

Appeal No. 21-06-EQB

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

Appellee,

CERTIFICATE OF SERVICE

I, Kathy G. Beckett, do hereby certify that a true and exact copy of the foregoing
JOINT MOTION TO CONTINUE PREHEARING CONFERENCE AND EVIDENTIARY
HEARING was caused to be served upon the following via email and first class mail this 28th
day of December, 2022.

Ms. Kathy Emery, Acting Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 - 57th Street SE
Charleston, WV 25304 – 2345

Office of Legal Services
Department of Environmental Protection
601 - 57th Street SE
Charleston, WV 25304 – 2345