

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

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Environmental Quality
Board

APPALACHIAN POWER COMPANY,

Appellant,

v.

Appeal No.: 22-02-EQB

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

Appellee.

JOINT MOTION TO CONTINUE

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 hearing on this appeal, which is scheduled for November 9-10, 2022, at 8:30 a.m., for a period of sixty (60) days. In support of this motion, the parties state as follows:

1. The parties have been and are currently engaged in settlement discussions.
2. Some of the issues under appeal are similar to those which were settled-in-principle in Appeal No. 21-06-EQB, AEP v. WVDEP, and the parties believe that there is a high likelihood of similarly resolving said issues in the instant appeal.
3. The parties have a meeting scheduled for November 9, 2022, to attempt to reach resolution on the remaining issues and the WVDEP is currently reviewing proposed settlement documents that have previously been submitted by AEP.
4. The parties 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.

5. 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 for a period of sixty (60) days.

Respectfully submitted,

Appalachian Power Company

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