

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

**KENTUCKY POWER COMPANY d/b/a 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 EVIDENTIARY 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 June 15-16, 2023.

The parties have submitted a joint motion to continue, representing that issuance of the permit modification in Appeal No. 21-06-EQB, which is currently being processed by the WVDEP, will inform the issues set forth in the above-styled appeal. Therefore, a continuance of the evidentiary hearing is requested in order to allow sufficient time for said permit modification application to be processed and issued.

Based on the representations of the parties, the Board does hereby order that the evidentiary hearing in Appeal No. 21-06-EQB shall be continued until the **August 10-11, 2023**, Board meeting. 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. The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

A Prehearing Conference shall be held on **July 27, 2023**, 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

parties shall appear at the Board's offices. If appearing by telephone, the parties shall call 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the # key.

It is so **ORDERED** and **ENTERED** this 6<sup>th</sup> day of June, 2023.

**Environmental Quality Board**

*for Kenna McRains*  
Dr. Edward Snyder, Chairman

Prepared by:

/s/ Jon Frame

Jonathan Frame

Office of Legal Services

WV Department of Environmental Protection

601 57<sup>th</sup> Street, S.E.

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***Counsel to the WVDEP***

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**CERTIFICATE OF SERVICE**

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that I have this day, the 6<sup>th</sup> day of June, 2023, served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF EVIDENTIARY HEARING** to the following:

Kathy G. Beckett, 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 8946

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

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk