

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

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APPALACHIAN POWER COMPANY,

Appellant,

Environmental Quality
Board

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 December 14-15, 2023, at 8:30 a.m., for a period of sixty (90) 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 believe that allowing additional time for the permit modification in Appeal No. 21-06-EQB to be issued by the WVDEP is prudent, as the issuance of said permit modification informs the issues contained in the instant appeal.
4. The parties seek a ninety (90) day continuance in order to allow for the permit modification in Appeal No. 21-06-EQB to be issued and to account for the permit modification application process, including the required 30-day public comment

period, should the parties resolve the instant appeal in similar fashion as the Appeal No. 21-06-EQB.

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 ninety (90) days.

Respectfully submitted,

Appalachian Power Company

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