

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

AMERICAN MUNICIPAL POWER, INC.,

Appellant,

v.

Appeal Nos. 24-07-EQB

**JEREMY W. BANDY, DIRECTOR,
DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Appellee.

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

Appeal No. 24-07-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on July 12, 2024. 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. 24-07-EQB is scheduled for August 1, 2024.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 24-07-EQB shall be continued until the **November 14, 2024, Board meeting beginning at 8:30 a.m.** The Parties may attend and participate in the evidentiary hearing in person or via Zoom by using the following Zoom link: <https://us02web.zoom.us/j/88472176934>.

Additionally, pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference (PHSC) will be held on Thursday, October 31, 2024, at 10:00 a.m.** before the Board’s Chairman and/or legal counsel. The Parties may attend and participate in the PHSC by ***Zoom only*** by using the following Zoom link:

<https://us02web.zoom.us/j/86035617203>.

The proceedings will be recorded and transcribed later, if necessary. The following will be discussed at the prehearing:


- (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 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 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 17th day of July, 2024.

Environmental Quality Board

for 
Dr. Edward Snyder, Chairman

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

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Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 17th day of July, 2024, a true copy of the foregoing **ORDER FOR CONTINUANCE WITH NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** has been served upon the following:

Joseph M. Ward, Esq.
Timothy Hagerty, Esq.
FROST BROWN TODD LLP
500 Virginia Street East, Suite 1100
Charleston, WV 25301
*Counsel for Appellant
American Municipal Power, Inc.*

*Via Certified First Class Mail
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Charles S. Driver, Esq.
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601 57th Street SE
Charleston, WV 25304
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West Virginia Department of Environmental Protection*

*Via Interdepartmental Mail
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Jeremy W. Bandy, Director
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DIVISION OF WATER AND WASTE MANAGEMENT
601 57th Street SE
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*Via Interdepartmental Mail
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Kenna M. DeRaimo, Clerk