

**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.**

**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 was scheduled for November 14, 2024.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 24-07-EQB shall be rescheduled from November 14, 2024, to the **September 12, 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/89182234658>.

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, August 29, 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/87310041088>.

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 30<sup>th</sup> day of July, 2024.

**Environmental Quality Board**

for   
Dr. Edward Snyder, Chairman

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

**AMERICAN MUNICIPAL POWER, INC.,**

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**Appeal No. 24-07-EQB**

**JEREMY W. BANDY, DIRECTOR,  
DIVISION OF WATER AND WASTE  
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OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 30<sup>th</sup> day of July, 2024, a true copy of the foregoing **NOTICE OF HEARING AND PREHEARING STATUS**

**CONFERENCE** has been served upon the following:

Joseph M. Ward, Esq.  
FROST BROWN TODD LLP  
500 Virginia Street East, Suite 100  
Charleston, WV 25301

***Via Certified First-Class Mail***

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Timothy J. Hagerty, Esq.  
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400 West Market Street, Suite 3200  
Louisville, KY 40202-3363

***Via Certified First-Class Mail***

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Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

***Via Interdepartmental Mail***

  
Kenna M. DeRaimo, Clerk