

**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 GRANTING MOTION FOR CONTINUANCE AND EXTENDING STAY

Appellant American Municipal Power, Inc. (“Appellant”) filed a Motion for Continuance on August 8, 2024. Upon consideration of the motion, the Board has 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.

The Board also, upon due consideration of the prior arguments of the parties regarding Appellant's motion for stay and determining that the arguments presented do not establish there would be any significant risk of environmental harm to the waters of this State or the public while the appeal is pending, extends the Stay until January 15, 2024.

It is so **ORDERED** and **ENTERED** this 26th day of August, 2024.

Environmental Quality Board

for Keena M DeRaemis
Dr. Edward Snyder, Chairman

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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 26th day of August, 2024, a true copy of the foregoing **ORDER GRANTING MOTION FOR CONTINUANCE AND EXTENDING STAY** 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

9489 0090 0027 6628 8858 72

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

Via Certified First-Class Mail

9489 0090 0027 6628 8858 65

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

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk