

Tucker United Steering Committee
PO Box 619
Davis, WV 26260

Matt Herridge, Secretary, Department of Commerce
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Charleston, WV 25305

Letter of Community Intent

Dear Secretary Herridge,

We write today as West Virginians, mothers, homeowners, small business owners, and citizens who are invested in our county and state's economic future. The West Virginia Department of Commerce requires a Letter of Intent for microgrid certification that focuses on economic and technical aspects of the proposed project from the developer's perspective. However, this letter does not address how the surrounding community and county will be affected. The confidentiality clause means county commissions, municipalities, and residents are excluded from the development process despite the immense potential for the proposed project to harm citizen's health and reshape local land use, tax revenue, and community character. The current microgrid certification process does not involve adequate assessment of environmental impacts, infrastructure assessment, fiscal analysis, or requirement for the developer to notify affected landowners or local governments. From road damage and strained emergency services to workforce displacement, the real-world consequences for host communities are entirely unaddressed in this process. Ultimately, as local citizens, we will shoulder 100% of the impacts of this facility, yet our county will only receive 30% of the potential revenue, if that, from salvage tax rates.

We have numerous concerns relating to the proposed Fundamental Data Ridgeline Facility which will be located within 1 mile of Davis and Thomas. Although Fundamental Data may not have petitioned for the certification of their microgrid district or high-impact data center yet, public comments from their spokespeople and from state officials indicate the company intends to do so. In this letter of community intent we provide evidence-based concerns on how the proposed Ridgeline Facility will negatively impact Tucker County and its neighbors, prioritizing

out-of-state investors over the interests of hard-working West Virginians. The people of Tucker County agree that we need to diversify our local economy. We welcome and support good businesses that guarantee well-paying, long-term jobs to local residents, establish community benefit agreements to ensure sustainability, and follow best practices to protect human health and our recreation-based economy. The Ridgeline Proposal, in this proximity to Davis and Thomas, and with this lack of transparency, does not match these expectations.

Data centers are known to reduce water quality and quantity for nearby residents, cause devastating changes to the character of their communities and landscapes, and produce constant noise and light pollution. In addition, many communities located near data centers have had to cover the numerous health and environmental costs, while not receiving revenue or investments in return. Americans are being forced to foot the bill for data center infrastructure. West Virginians are already struggling to afford their skyrocketing electric bills, yet our bills keep rising with no reprieve in sight. These impacts are all well documented (see sources 1–9 for a handful of examples) along with many evidence-based concerns regarding the harms caused by HB2014 and data centers in West Virginia (10–12).

Fundamental Data was issued an Air Quality Permit by the West Virginia Department of Environmental Protection (WVDEP) in July 2025. This permit is the subject of an ongoing appeal to the West Virginia Intermediate Court of Appeals and the West Virginia Supreme Court by Tucker United, a citizens' coalition, the West Virginia Highlands Conservancy, and the West Virginia chapter of the Sierra Club. One of the key factors in this appeal is the designation of the facility as a “synthetic minor source” of air pollutants. During the appeal to the West Virginia Air Quality Board (13), expert witness Dr. Ron Sahu presented overwhelming evidence on why this facility should be classified as a “major source” and therefore subject to a Title V air permit.

For example, the expected emissions of nitrogen oxides are within 1% of the limit of 100 tons/yr for a minor source. This emissions calculation is a statistical impossibility that is certain to be exceeded during actual operation. Because real-time, online monitoring of emissions is not required, there is no way for citizens to know when the facility is exceeding the permit limits. The emissions of formaldehyde, a hazardous air pollutant, are also expected to exceed the minor

source limit of 10 tons/yr, based on Dr. Sahu's experience and testimony. Emissions during startup, shutdown, cold-weather conditions, and reduced loads have been shown to be 18 to 31 times greater than those predicted for optimal operating conditions, but these emissions estimates were not included in the air quality permit.

The Ridgeline Facility is also expected to run on diesel fuel during gas disruptions, another scenario when minor-source limits on hazardous air pollutants are certain to be exceeded. Fundamental Data claimed they will run their facility under minor source conditions to avoid the required (and appropriate) air pollution modeling for major source facilities, despite the fact that the capacity of the Ridgeline Facility is consistent with a major, not minor, source designation. We will continue to argue, based on clear evidence, that the WVDEP has erroneously issued this permit to Fundamental Data and its revocation is required.

As approved by the WVDEP, this 500-acre, 1656 MW gas- and diesel-fired power plant will threaten our communities' health, environment, economic future, and quality of life. It would sit less than 2 miles from 90% of the homes in Davis and Thomas, and 1 mile from Davis-Thomas Elementary Middle School. The proximity of the gas- and diesel-fired power plant to the school poses an unacceptable risk to our children and families. The power plant will emit toxic air pollutants known to cause asthma, heart disease, other respiratory issues, cognitive decline, and cancer (14–23). No level of particulate matter emission is safe, and the health damages from this proposed plant alone are modeled to cost \$19–35 million per year, with the highest exposure levels in Davis and Thomas (24, see the full report in Appendix 1). Air pollution concerns are especially important to consider given Tucker County's unique topography and the regular occurrence of thermal inversions in Canaan Valley, which trap pollution and prolong exposure for residents and visitors. These air pollutants will also increase exposure for residents in Grant, Hardy, and Shenandoah counties, as well as the densely populated counties in Northern Virginia and Maryland, reflecting typical downwind transport patterns (24, see the full report in Appendix 1).

Tucker County's stunning landscapes are the basis of our thriving tourism economy. In 2023, tourism in Tucker County brought in more than \$85 million in revenue and supported more than

910 jobs (1). The proposed Ridgeline Facility will have significant negative impacts on our environment and make it both unhealthy and unappealing to recreate outside. These impacts will likely collapse our flourishing tourism economy and threaten the viability of our small, local businesses.

In addition to these concerns above, we offer detailed feedback for the Ridgeline Proposal through the lens of 145 CSR 20 in the pages that follow. These concerns prompted a meeting alongside our local elected officials, where we had a productive conversation with Nick Preservati, Deputy Secretary of Commerce. We also met with Chris Morris, the Data Economy Liaison. We were assured our concerns would be taken into account, and told the Ridgeline Project would not be built at the proposed location. However, Fundamental Data continues to move forward with their plan. We need more than verbal reassurance from your office.

We have the opportunity to create a story that restores local sovereignty and generates strong economic partnerships that benefit communities and individuals, the state of WV, and corporations while honoring the economic, historic, cultural, and environmental qualities of our region. Let's rewrite this story before it goes to print as another sad case study of an Appalachian town.

With gratitude,

The Steering Committee for Tucker United

Our specific concerns related to 145 CSR 20, Rule to petition the Department of Commerce for certification of a microgrid district or certification as a high impact data center:

4.1.6. Sufficient economic, financial, and engineering information concerning the proposed project with sufficient detail to adequately inform the department of the size, scope, and nature of the targeted customers of the project, including, without limitation, the:.....

4.1.6.c. evidence of Petitioner’s financial capacity to complete the project:

To our knowledge, Fundamental Data does not have experience planning, building, or running gas/diesel power plants, and instead is a home and business construction company. Nor has an end user with the financial or management capacity been identified (25-27). Despite repeated requests since April 2025, the company has refused to attend public meetings, small group or individual meetings, meetings with town or county leadership in Tucker County or provide residents or the media with information about the project. Given the widespread public opposition to this project and the negative economic, human health, quality of life and environmental impacts, the ability of Fundamental Data to secure investors or find a buyer for its air quality permit could be severely compromised: these actions are not consistent with corporate social responsibility or sustainability practices.

4.1.6.K Proximity to schools, churches, residences, businesses, sites listed on the National Register of Historic Places, and National Historic Landmarks as designated by the National Park Service, and the proposed actions, if any, by Petitioner to offset the potential effects of the microgrid project being developed in close proximity to such locations;

The power plant will be located just 1 mile from Davis Thomas Elementary Middle School and within 2 miles of 90% of the homes and buildings in Davis (population of 663) and Thomas (population of 623, 2020 census) (28, 29), with anticipated increase in Thomas population with an affordable housing complex currently under development. Due to many concerns, the Town of Davis adopted a resolution opposing the power plant and data center complex in May 2025 (Appendix 7). Likewise, a gas/ diesel power plant and industrial data center complex are not

consistent with the Town of Davis Comprehensive Plan or the Tucker County Comprehensive Plan (Appendix 5, 6). Additional specific locations of concern related to 4.1.6K are:

- Davis Thomas Elementary Middle School (K-8th grades) in Thomas (31)
- Mountain Laurel Learning Cooperative in Thomas (PreK3-6th grades)
- Tucker County High School Hambleton (32)
- Lakeshore Learning, daycare facility in Davis
- At least one home daycare facility in Davis and another in Thomas
- National Youth Science Academy in Davis
- Cortland Acres Health and Rehabilitation assisted living, independent living, and skilled nursing facility Thomas
- Churches in Davis: St John's Lutheran, Community Bible, Davis Church of God
- Churches in Thomas: St. Thomas Aquinas Catholic, First Presbyterian, Highland, Thomas United Methodist
- Businesses in Thomas and Davis, which overwhelmingly oppose this project and have signed a letter of opposition (Appendix 2).

Sites listed on the National Register of Historic Places, listed in order of proximity to the Ridgeline Facility. "In addition to these listings there are many other properties that have been determined eligible for the National Register or are considered significant on a local level." (32, 33, Appendix 3).

- The Herman August Meyer House, Davis
- National Bank of Davis, Davis
- The Davis Coal and Coke Company Administration Building, Thomas
- Cottrill Opera House, Thomas
- Thomas Commercial Historic District, Thomas
- Buxton and Landstreet Company Store, Thomas
- The Fairfax Stone located at the juncture of Grant, Preston, and Tucker Counties
- Tucker County Bank building, Parsons
- Western Maryland Depot, Parsons
- Tucker County Courthouse and Sheriff's Residence/ Jail, Parsons
- Saint George Academy, Saint George

- The Coketon Colored School, Thomas (not on the National Historic Register, but noted by the Tucker County Historical Society)

In addition, Tucker County itself was established as a unique cultural district worthy of special protection by the West Virginia Legislature. The bipartisan Senate Bill 561 established the Tucker County Cultural District Authority in 2013(Appendix 4). Recognizing the crucial role of Tucker County’s environment to its burgeoning economy, “The Legislature finds and declares that:

- (1) The many and varied outdoor recreational activities in Tucker County, West Virginia, have long been an important element in a mature tourism industry for this state.
- (2) The two great state parks at Blackwater Falls and Canaan Valley, the Canaan Valley National Wildlife Refuge, the Blackwater Canyon, the Monongahela National Forest making up fifty percent of land in Tucker County, and the towns of Parsons, Thomas, Davis, Hambleton and Hendricks, are sources of pride to all West Virginians and mainstays of the important tourism industry in this state.
- (3) Tucker County, West Virginia, is the home to a growing number of artists, artisans and patrons of the performing arts. The burgeoning cultural tourism opportunities offered by the performing arts compliment and enhance the outdoor recreational activities already existing in the area.
- (4) There is strong community-based support in Tucker County to encourage, develop and enhance the various aspects of the cultural tourism component of the regional economy. Opportunities exist to create, expand and compliment areas of cultural, historical, archeological and industrial heritage and educational interest in Tucker County.
- (5) The creation of additional employment and investment opportunities for the present and future residents of Tucker County is a desirable goal.”

4.1.6.1. Existence of any unique physical or geological condition located on any nearly contiguous Parcel that may result in nearly contiguous Parcel having an inordinate burden placed upon it as a direct result of the development of the proposed microgrid Project, and the proposed actions, if any, type Petitioner to offset the potential inordinate burden.

It is hard to identify any part of Tucker County NOT having unique physical or geological conditions. We are home to state and national gems including Blackwater Falls State Park and Blackwater Canyon, Canaan Valley State Park, Dolly Sods Wilderness Area, Otter Creek Wilderness Area, Monongahela National Forest, Canaan Valley National Wildlife Refuge, Little Canaan Wildlife Management Area, Blackwater Wildlife Management Area, Yellow Creek Natural Area, Fernow Experimental Forest, Timberline Mountain Ski Resort, Whitegrass Ski Touring Center, Canaan State Park Ski Area, Heart of the Highlands Trail System, National Center for Youth Science Education, Allegheny Highlands Trail, and Cheat River Water Trail.



Figure 1. Proximity of the proposed Ridgeline Facility to towns, public lands, and sites associated with recreation/tourism economy with “nearly contiguous” 4 mile radius of impact. 8 and 12 mile radii for reference.

Data centers run 24/7, causing non-stop noise and light pollution. These forms of pollution are known to negatively impact human health and wildlife. The facility will cause smog and have 3 diesel tanks that are each 66' tall and 150' in diameter, ruining the viewshed from Davis, Thomas, Canaan Valley and the surrounding public lands. Although the air quality permit is heavily redacted concealing the proposed stack height, the EPA good practice stack height for this facility is 65 meters/ 213 feet: far taller than all surrounding trees.

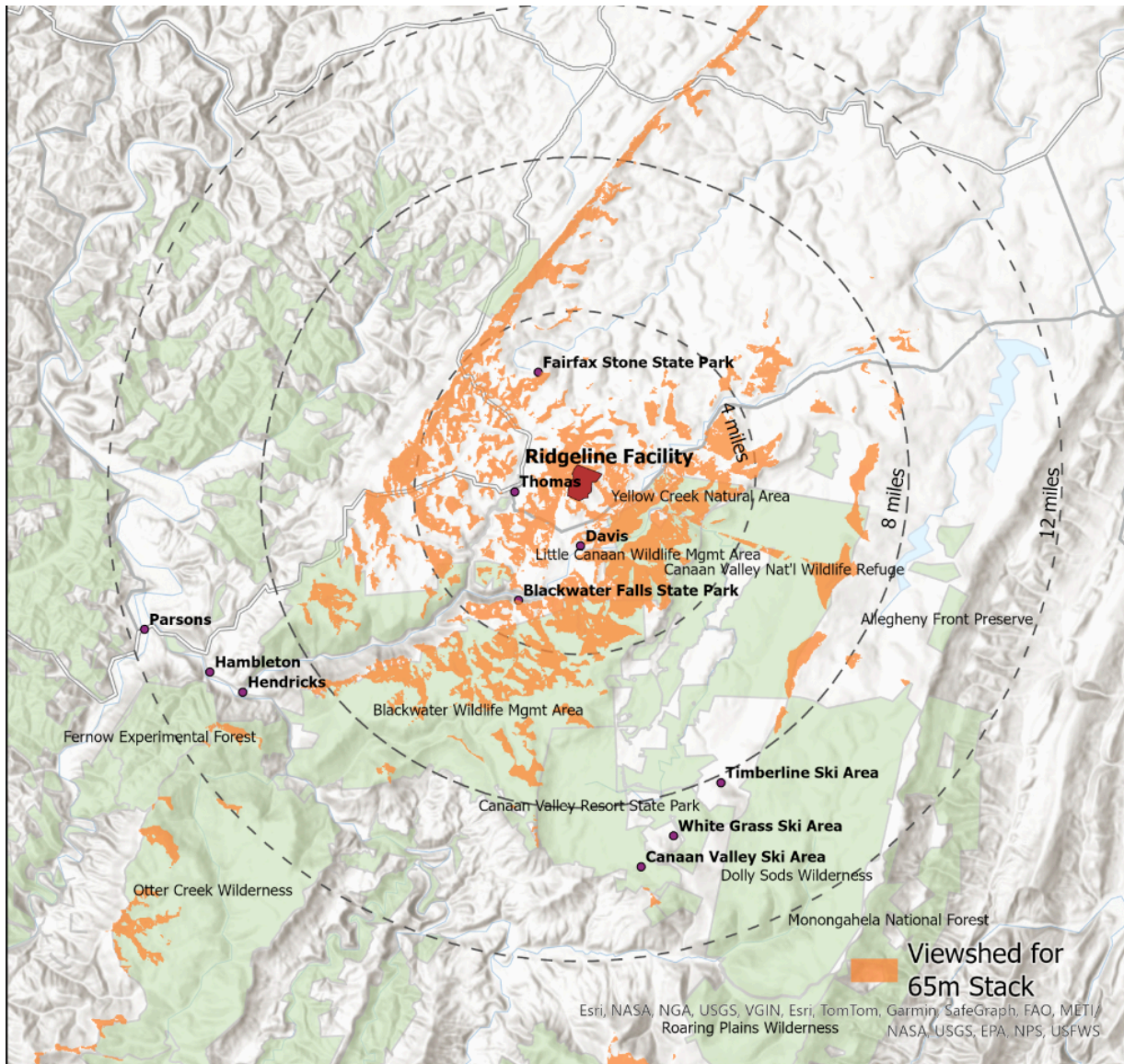


Figure 2. Viewshed: Ridgeline Power Plant stack(s) would be visible from areas highlighted in orange. Assumed stack height based on EPA good practice height of 65m (34).

Development of this site will not just affect human health and the economic foundation of surrounding communities, it will likely harm wildlife through habitat disruption, noise pollution and excessive light pollution. Because the site is nearly contiguous with state and federal public lands, the Ridgeline facility could disrupt wildlife corridors, disrupt the life cycle of animals, reduce or eliminate habitat for plants, and even cause mass kill events of migrating birds like what happened at Tucker County High School in 2008 (35-39).

Data centers consume massive amounts of water; some use 1 million gallons of water per day. It's unclear where this water will come from, but Fundamental Data told a community member they will not guarantee our aquifers won't be affected. The towns of Thomas and Davis have had water shortages the past several years, and Thomas has had drinking water quality problems requiring supplementation with outside water having to be trucked in for community residents' use.

The proposed site of the 500 Acre Ridgeline Power Plant is heavily undermined (Figure 3). This poses major concerns of site suitability and stability, particularly noting the 30 million gallons of diesel that will be stored on site. If a diesel leak happens, it would be catastrophic to Pendleton Creek at the top of the watershed (Figure 4) which feeds into Blackwater Falls, the Cheat, Monongahela, Ohio, and subsequently Mississippi Rivers: potentially impacting drinking water for millions of people. Diesel penetration into the aquifers of Tucker County could contaminate the water supply for local communities, both municipal water supply and the large number of homes and developments that rely on wells (Appendix 8). Diesel fuel presents significant safety challenges because it is very difficult to remove from the environment. Unlike gasoline, which is highly flammable but quick to evaporate, combustible diesel spills can disperse harmful volatile organic compounds or cause explosions impacting nearby communities. Diesel is heavier than gasoline, and can seep into both soil and water supplies where it persists for years, contaminating groundwater and causing long term damage to plants and animals (40-47).

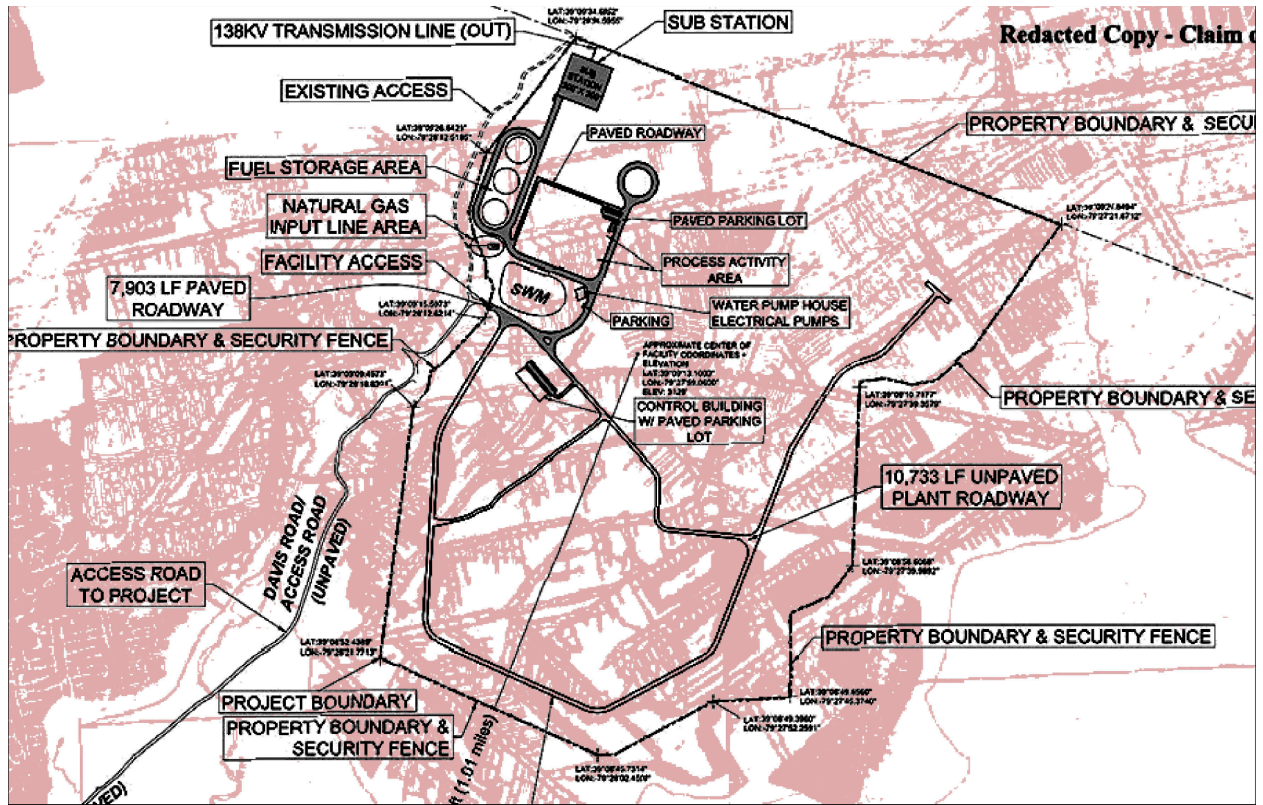


Figure 3. Ridgeline Facility location site showing historic underground coal mining.

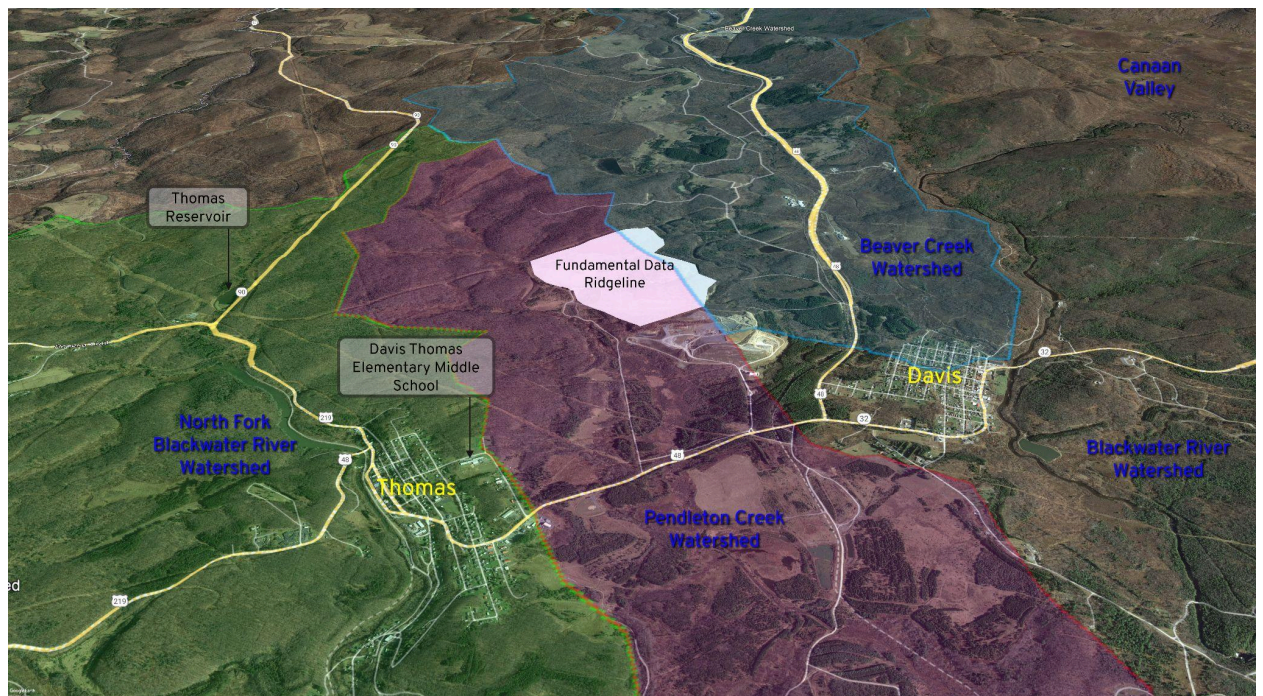


Figure 4. Ridgeline Power Plant with watershed overlay. The facility would impact first-order streams at the top of the watershed.

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