



Laura Crowder, Director
West Virginia Department of
Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

RE: Ownership or Control Issues Regarding Fundamental Data Air Quality Permit R13-3713

Dear Ms. Crowder,

On August 15, 2025, the West Virginia Department of Environmental Protection's Air Quality Division ("WVDEP AQD") issued permit R13-3713 to Fundamental Data for the construction and operation of a gas and diesel-fired power station in Tucker County, West Virginia. Tucker United, West Virginia Highlands Conservancy, and the Sierra Club ("Community Groups") are concerned that certain information in the permit application has been called into question by the West Virginia Department of Commerce. The Community Groups request that the WVDEP AQD conduct its own inquiry into the accuracy of information supplied in the permit application. If information supplied to the agency in the application proves to be inaccurate the Community Groups request that the WVDEP AQD exercise its authority pursuant to W.Va. CSR § 45-13-10 to suspend or revoke the permit.

WVDEP AQD's permit application asked Fundamental Data: "Does the applicant own, lease, have an option to buy or otherwise have control of the proposed site?" Fundamental Data responded, "Yes" to this question, explaining "FUNDAMENTAL DATA LLC has an executed Purchase and Sale Agreement signed by both the Seller and Purchaser on July 19, 2024. Under this agreement, FUNDAMENTAL DATA LLC has control of the proposed site." Comments submitted by at least one member of the Community Groups questioned this assertion, pointing out that "The permit states that "Fundamental Data LLC has an executed purchase and sale agreement signed by both the seller and purchaser on July 19, 2024". No public record can be found of this agreement." WVDEP AQD did not respond to this comment, and the formal administrative record for the permit contains no further evidence of site ownership or control.

On July 1, 2026, the West Virginia Department of Commerce issued a letter to Fundamental Data, concerning the status of the company's plans for a High Impact Data Center. The letter noted that, based on Fundamental Data's representations, the plan was still in the "conceptual phase." The letter also questioned the accuracy of the statement in Fundamental Data's air quality permit application that the company had control of the site for the proposed power station. Specifically, the Department stated,

The Department conducted a search of the deeds and other records within the Office of the Tucker County Commission and did not find any property in Tucker County owned by Fundamental Data, LLC or any of its affiliated companies. More specifically the parcel identified as the location of the proposed power plant in the air permit application is Parcel 47 -06-0208-0005-000 (3,425.110 AC). This parcel is owned by Western Pocahontas Properties, LTD, not Fundamental. *Accordingly, the Ridgeline Project does not consist of one or more parcels in this state "owned, operated, or leased" by Fundamental.*

(Letter from Nicholas Preservati to Casey Chapman, July 1, 2026) (emphasis added). The findings of the Department of Commerce appear to directly contradict Fundamental Data's assertion of ownership and control in its Air Quality Permit Application.

The Fundamental Data Ridgeline Project and Permit R13-3713 are of significant public importance. As you are likely aware the WVDEP AQD received more than 1,600 public comments on the project; the overwhelming majority opposed the permit issuance. Several of the undersigned groups have committed significant resources to an ongoing appeal of the permit. Because of the public importance of this permit, and to ensure the integrity of the permitting process, the Community Groups request that the WVDEP ADQ conduct its own investigation into Fundamental Data's control of the proposed site for the Ridgeline Project. If Fundamental Data does not have control the Community Groups further request that WVDEP AQD suspend or revoke Permit R13-3713.

Sincerely,



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On Behalf of:

*Tucker United, West Virginia
Highlands Conservancy, and the Sierra Club*

cc: Charles Scott Driver (WVDEP Acting General Counsel)