EXHIBIT D

From: "George John" <pharmboy25301@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 15:37:11 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
George John Jr
PO Box 217 Boomer, WV 25031-0217
pharmboy25301@yahoo.com

From: "Charity Allen" <callen8492@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:09:14 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Please consider the people, their homes and quality of life in this decision.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Charity Allen
callen8492@gmail.com

From: "Sarah Anderson" <sarahb3@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:04:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I realize this is mostly a form letter but honestly I couldn't write this out any better. PLEASE consider these vital interests.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sarah Anderson
270 Manor Rd Davis, WV 26260-8050
sarahb3@aol.com

From: "Katelyn Chambers" <Katieandcolour@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:31:36 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Katelyn Chambers
Katieandcolour@gmail.com

From: "Polly Deely" <polly.deely@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:08:05 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Polly Deely
196 Spruce St Thomas, WV 26292-7749
polly.deely@gmail.com

From: "Rebecca Harrison" <melophobiusx@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 19:40:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Rebecca Harrison
199 Orchard St Milton, WV 25541-1227
melophobiusx@gmail.com

From: "Rebecca Lorenzen" <rdole0409@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:36:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Rebecca Lorenzen

--
Rebecca Lorenzen
rdole0409@gmail.com

From: "Nelson, Mitchell" <nelson433@marshall.edu>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comment on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 17:06:39 -0500
Importance: Normal

Dear WV Department of Economic Development,

I am Mitchell, a West Virginian from Charleston, where I moved when I was four years old. I'm now living in Huntington as a third-year medical student at Marshall. I've ridden my bike on the Greenbrier River Trail and have gone through the tunnels at North Bend. I've camped at Dilley's Mill Scout Reservation in Pocahontas County and have backpacked to the plate in the ground at the top of Spruce Knob. I created a hiking trail in Kanawha State Forest and have crawled on my stomach through our cave systems.

Massive corporate entities like those constructing data centers will not protect our environmental and human health unless it is required. I'm writing to ask that you require more from high-impact data centers in rule 145-CSR-20.

Please consider such standards as requiring operators of data centers to disclose projected information regarding the data center's green-house gas emissions, waste heat, water usage, and water pollution prior to constructing the data center.
Consider requiring data center operators to submit annual updated reports regarding their efforts to reduce emissions, energy consumption, waste heat, and water usage, and their efforts to protect the public from water pollution and scarcity.
Consider setting a timeline for renewable energy use requirements, as opposed to fossil fuels, through power-purchase agreements or their own efforts.
Consider requiring an economic analysis concerning increased electricity costs for ratepayers, or that there is no net decrease in energy supplied to transmission and distribution systems.
Consider banning exemptions or emergency authorizations for such projects that would otherwise not be allowed due to current state environmental law.
Consider public or independent feedback. There should be opportunity for input and meaningful discussion with both experts and locals. The rule currently contains no provision for review by qualified engineers, economists, or environmental experts, and no appeals process.
Consider a special fee structure for permitting so the industry self-funds the required expansion of inspectors, fire marshals, etc.

Consider that nearby communities will bear the brunt of these challenges, some of which are not fully understood yet.

My hope is not to slow down economic development in our great state, but if environmental damages were not enough already, then human health will follow after. I believe even any economic benefit created locally by HIDC operators is an afterthought or a selling point - not a goal.

I appreciate you providing a forum for public comment, and for reading my email.
Thank you,

Mitchell Nelson (he/him)
Marshall University Joan C. Edwards School of Medicine
Class of 2027 | MS3
Phone: (304) 941-3322

From: "Raymond Windsor" <Raywindsor44@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 03:49:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Raymond Windsor
Raywindsor44@gmail.com

From: "Charlie BeJune" <charliebejune@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:55:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Just wait for the tech to finish beta testing elsewhere and get efficient enough to not drown us in toxic emissions and power bills. Our natural resources are too precious, and will be worth so much more as they dwindle elsewhere. Don't gunk em up now!

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Charlie BeJune
LINCOLN Ave Morgantown, WV 26501
charliebejune@gmail.com

From: "Gabel, Christopher" <GabelCJ@cdmsmith.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: 145-CSR-20, Data Center Rules
Date: Tue, 09 Dec 2025 12:53:41 -0500
Importance: Normal

Mr. Marks:

As an owner of a second home in Thomas, WV I am writing to provide my comments on the **145-CSR-20, Data Center Rules.** The current rules favor large data companies by allowing them to develop projects without public input. At a minimum the rules should include a requirement for public notice and comment and provide the public the opportunity to appeal. Any company applying for a data center project should be required to make a separate public filing. Filings should disclose important information about the project that concern the local community such as economic, environmental and social impacts.

Best regards,

Christopher J. Gabel, PE, BCEE
1315 S Edgewood Street
Arlington, VA 22204

From: "Laurie Paris" <laurieleeparis@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 14:39:22 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

I am very concerned about the fascist style use of "emergency" to break the rules. It suggests something to hide and it suggests a great disdain for the public and the public's needs. These decisions are not to be made with the interests of the direct beneficiaries in mind

Please remove section 145-20-15 from the rules.

The most important part of our culture in Jefferson County is our historic properties structures and areas. These must be protected. A bill that doesn't protect these utterly fails and is corrupt.

I cannot believe that you are bending language in such an orwellian way that you want to define properties a mile apart as nearly contiguous.
All parcels in a microgrid district need to be actually contiguous and The developers must be prevented from encircling homes and neighborhoods with this type of development.

This issue below, I will copy and paste because it is more conncisse and polite than I could be about threats to our water and air.

"The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you."

We need to be a county that develops intelligently. You do not need to continue offering up Jefferson County as a colony where outsiders extract our resources and a few connected or corrupt local individuals sell out our health and quality of life for their own personal profit.

I have read in Europe they have data centers built into the ground and they capture the heat as a way to provide heat to homes and businesses. We seem in a lot of places to have the terrain and even underground caves to do this. Also while we're at it let's start putting solar panels on top of structures and not on top of fields.

Sincerely,
Laurie Paris
Charles Town

--
Laurie Paris
laurieleeparis@gmail.com

From: "Gary Zuckett" <garyz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:02:49 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

All applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Gary Zuckett
1500 Dixie St Charleston, WV 25311-1904
garyz@wvcag.org

From: "Jessy Printz" <Jessyprintz@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:26:33 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jessy Printz
Jessyprintz@gmail.com

From: "Cynthia Ellis" <cindy.ellis.bbc@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:41:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Cynthia Ellis
3114 Steele Ridge Rd Red House, WV 25168-7724
cindy.ellis.bbc@gmail.com

From: "Cody Tarantini" <cody.tarantini@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Data centers
Date: Mon, 08 Dec 2025 20:06:29 -0500
Importance: Normal

To whom it may concern,

Hi there. My name is Cody Tarantini. I was born and raised in WV. I moved to NY for 5 years, but returned to WV in 2018. That decision was made primarily due to a desire for proximity to nature and to be a part of a smaller community where our voices are actually heard.

To find out that our nature would be threatened, our water wasted, and our say stolen appalled me.

I don't want to lose you with harsh words, but this is so wrong and needs to be addressed. Tucker county has long been my favorite place to hike and camp… I know that is the case for many people. Why there ???

WV has been done dirty via extraction for generations… how dare you guys cut us out of the conversation like this. To endanger our eco tourism, our beauty, and rob us of our voice is not what we stand for. Mountaineers are supposed to be free. We're supposed to be able to speak up for what we know is right.

This isn't the first time flagrant greed, ignorance, and avoidance of the desires of our state's residents has become apparent in the Charleston and believe me when I say — WVians are taking note. You don't get to bulldoze us.

PLEASE correct course and remove the part of this bill that takes away the local input. The VERY least you can do for us as you once again pollute and endanger what we hold dear (while creating next to no jobs and most of the money goes to outsiders) is to allow us to decide where these hideous things go.

—
Cody Tarantini
304-276-7864

From: "Karen Fish" <kfish1123@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Public Comment - House Bill 2014 Data Center Laws
Date: Wed, 10 Dec 2025 19:37:13 -0500
Importance: Normal

Mr. Garner Marks,

Many of us in Jefferson County are opposed to the building of these large data centers in our area. The counties should have a say in what is being implemented by the state. There should be more consideration placed on the wishes of the residents of the state and specifically to the counties where we reside. Without the appropriate restrictions and oversight the beauty and the rural qualities of our state will be lost with minimal benefits to our county. At a minimum there should be many provisions in place to protect the residents of the state instead of making it a free for all to benefit these large tech companies. Our county commissioners are proposing many provisions, which I do not feel are stringent enough. I would prefer these structures not exist in our county at all. The county is already being overrun with excess housing developments and we are losing the true beauty of our farmland and the rural qualities that bring tourists to our area. I don't believe any of our zoning areas should be altered to allow these enormous structures and there should be substantial miles of buffers from any residential or agricultural property lines and along with increased buffers from commercial or industry property lines. Additionally, much scrutiny should occur when we look at groundwater protection and surface water usage, local protection for impervious areas and farmland preservation, and preferred data center districts. Among the major concerns are quality of life for those who live near these unsightly data centers, consideration of the impacts to our environment and wildlife, impacts to our electric rates and the need for additional power lines and finally how the tax revenues are utilized and split up among the state's 55 counties. Overall, I think these data centers are bad for WV and I don't want them in Jefferson County! It's time politicians start listening to the residents who are impacted the most.

Respectfully,
Karen Fish
705 Rudder Road
Shepherdstown, WV 25443

From: "Derick Lilly" <derickcarr2007@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:57:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Derick Lilly
11 Castle Cv Hinton, WV 25951-5102
derickcarr2007@gmail.com

From: "Danielle Hamner" <daniellehamner14@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:41:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Danielle Hamner
116 Kingwood St Morgantown, WV 26501-6014
daniellehamner14@gmail.com

From: "Patrice Drew" <pdrew10@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:15:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Patrice Drew
46 Laurel Creek Rd Greenville, WV 24945-7063
pdrew10@gmail.com

From: "Karen Glennon" <kkellyglennon@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:16:10 -0500

Importance: Normal

I am deeply concerned about the changing nature of our county and the impact of rapid growth. Extensive drought has me very concerned about the water usage required for data center facilities. It is very important that zoning be respected, permitting processes be followed, and local control be maintained by local government via the citizens who elect those members to represent us. It's very disheartening to have raised my children here and engage them with our local community and local government meetings as a way of educating them about the importance of their vote only to have local control potentially taken away.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Karen Glennon
kkellyglennon@gmail.com

From: "Crys Bauer" <topher.nicole@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:44:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Crys Bauer
2151 Herring Rd Kingwood, WV 26537-8407
topher.nicole@gmail.com

From: "Barbara Milleson" <barblmilleson@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:51:19 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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Water is a the most important resource for sustainable living. Allowing data centers in our area will basically consume all the water meant to sustain life, not the Internet. People and animals can live without the Internet and AI but we can't survive without water.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Barbara Milleson

--
Barbara Milleson
barblmilleson@gmail.com

From: "Sarah Brown-Daugherty" <sjbrown1024@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:59:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sarah Brown-Daugherty
1654 Mary Lou Retton Dr Fairmont, WV 26554-2002
sjbrown1024@gmail.com

From: "William Baty" <kbaty@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:43:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

I am a hydrogeologist in West Virginia, and my work in the area of NOVA , MD, PA, and WV attests to how deleterious these types of Rule fast tracking approaches are to the communities and environment in which they are constructed. In this type of fast tracking approach very little attention mention is considered in how much energy, land, water and severe aesthetic and environmental affects data centers can have. I am vehement in my opposition to this process. Thank you.

Respectfully,

William "Kelly" Baty, CPG
Hydrogeologist-SEES-
4704 Kabletown Road
Charles Town, WV 25414
304 725-3748 Home
571 265-2607 Cell

--
William Baty
kbaty@frontiernet.net

From: "Susan Phares" <zaraphar@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:47:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Susan Phares
23 High St Elkins, WV 26241-4083
zaraphar@hotmail.com

From: "Elizabeth Freeman" <elizabethafreeman@me.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:44:36 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Elizabeth Freeman
elizabethafreeman@me.com

From: "Dave Smaldone" <daverebel@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:35:08 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Dave Smaldone

--
Dave Smaldone
daverebel@hotmail.com

From: "Cory Grace" <Coryegrace@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:40:16 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Cory Grace
Coryegrace@gmail.com

From: "jamie miller" <collagewv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:33:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
jamie miller
301 Harris St South Charleston, WV 25309-1503
collagewv@gmail.com

From: "Diana Greenhalgh" <diana12759@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 06:29:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Nothing lives without clean water.
Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Diana Greenhalgh
2051 Red Lick Rd New Milton, WV 26411-6239
diana12759@gmail.com

From: "Margaret Stacks" <margaret.stacks@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 10:30:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I also request that the department host a public hearing on this rules package. I find it hard to believe that it is legal to go forward with plans like this without a more specific explanation to the people who are going to be affected most by this. WV is a state that has historically gotten screwed (excuse the gutter talk) by their own government and companies that come in, destroy our resources, treat us like we don't matter, and get rich.

Sincerely,
Margaret Stacks

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Margaret Stacks
10 Marquis Dr Huntington, WV 25705-3713
margaret.stacks@yahoo.com

From: "Catherine Fleischman" <fleischmancatherine@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 14:41:31 -0500
Importance: Normal

- Good afternoon Secretary Marks, I am once again commenting on a few other sections of this rule. Please amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand. Residents are already pressured by rate increases from the utilities and if data centers must have 24-7 power over residents who go without it during storms and overloading then data centers should pay for the increase in demand.

  Also please amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.

  Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.

  Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.

  Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.

  Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.** Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

  Thank you for considering my comments. please know this impacts the quality of life for my community and we are committed to finding sound economic forces that stay and grow in our state.

  Sincerely,

Catherine Fleischman

From: "Daniel Stern" <trixr4kids040191@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:51:22 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Daniel Stern
trixr4kids040191@gmail.com

From: "Mike Stivers" <mstivers55@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:02:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mike Stivers
37 Doddridge St Fairmont, WV 26554-5729
mstivers55@gmail.com

From: "Bonni McKeown" <barrelhbonni@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:57:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

We must not let these monstrous developments take over our state and run over our rights to clean air and the use of water. Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers. It's now being reported that these data centers are overbuilt and the capacity won't even be needed. Why are we giving up our health and our rights for the jobkilling, spying AI industry anyway?

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Bonni McKeown
32 Hazelwood Pl Huntington, WV 25705-7858
barrelhbonni@yahoo.com

From: "Diana Hunt" <gdsofhunt@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Fwd: Data/Power Rules - comments
Date: Wed, 10 Dec 2025 17:33:48 -0500
Importance: Normal

Dear Sir:

I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts. Additionally our governor and various representatives, quite plainly, have failed us by allowing such a travesty to occur between the towns of Davis and Thomas when the Mount Storm area located just to the east contains many viable sites? Irreparable harm will occur if something is not done immediately. Please do the right thing before it is too late.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to these needs.

Diana Hunt

From: "Sam Morgan" <samasmor@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:54:58 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Please do not allow these data centers to be situated here in our lovely state that depends on tourism and is trying to get more people to move here to set up their lives in a beautiful place.
It is not our responsibility to provide such resources to businesses that people in our state need.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Sam Morgan
samasmor@gmail.com

From: "Keith Pollard" <kpolla01@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:59:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Keith Pollard
95 Cecily Way Ranson, WV 25438-1155
kpolla01@gmail.com

From: "Jamey Leathers" <jameyleathers@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 05:22:14 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
James C Leathers

--
Jamey Leathers
jameyleathers@gmail.com

From: "Katherine Austin" <KatherineA144@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 14:27:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Katherine Austin
144 Wild Dogwood Ln Harpers Ferry, WV 25425-5738
KatherineA144@gmail.com

From: "Carrie Nestor" <carrie.nestor@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 17:40:35 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Carrie Nestor
393 Windy Point Ln Hambleton, WV 26269-9301
carrie.nestor@gmail.com

From: "Jordan Green" <greenjn1196@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:08:20 -0500

Importance: Normal

Our county needs our water for our farms/livestock.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic

places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jordan Green
greenjn1196@gmail.com

From: "Joseph McMurray" <joemcmurray@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 18:20:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Joseph McMurray
2175 Larry Anderson Rd Rock Cave, WV 26234-5902
joemcmurray@frontier.com

From: "STEPHEN PRINCE" <stephen.r.prince@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:45:32 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Data Centers should be a Brown Lands issue, not to be placed in our natural environment spaces. Place them on old strip-mine sites or factory relics.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
STEPHEN PRINCE
423 White Ave Morgantown, WV 26501-6648
stephen.r.prince@gmail.com

From: "Kelly Franklin" <kfranklin520@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 06:10:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Finally, though I am sure this plea will fall on deaf ears, I beg of you to halt this data center that will devastate this most beautiful area of our beautiful state and place a moratorium on all data centers and the infrastructure to support them near any state or federal parks. Tourism is a major draw for West Virginia and we are shooting ourselves in the foot and destroying the future of this state. Please, I beg of you to end this now.

Thank you for the opportunity to provide this comment.

Sincerely,
Kelly Franklin
155 Mcpherson Dr Washington, WV 26181-6402
kfranklin520@gmail.com

From: "Nat Geho" <gehonat@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:16:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Nat Geho
CANYON Vlg Morgantown, WV 26508
gehonat@gmail.com

From: "Jennifer Newman" <newmanjennifer0523@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:57:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jennifer Newman
newmanjennifer0523@gmail.com

From: "Sabrina Midkiff" <midkiffsabrina@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:06:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sabrina Midkiff
29 Rhein Dr Charleston, WV 25306-6297
midkiffsabrina@gmail.com

From: "Beth Boehme" <bethboehme@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Public comment on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 21:44:02 -0500
Importance: Normal

Dear Mr. Marks and Mr. Smith,

I'm writing as a full-time resident of Tucker County West Virginia who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts. **This is highly relevant to my family and community as we are facing tragic potential impacts from the Fundamental Data Ridgeline project proposal. Our lives and livelihoods are at stake.**

The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved. Public appeal should be a provision. Amend section 5.4 to limit this from being completely at the discretion of the Secretary of Commerce.

The Confidentiality Provisions are unacceptable. Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.

The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, water discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, housing impacts, school impacts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.

Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

These rules should protect everyday West Virginians from higher electric bills. Data centers must cover the full cost of their electricity use and any grid updates they require.

The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria. Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities

I also ask you to:

- Amend section 4.1.6 to provide objective criteria to define what is required. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to require an independent financial analysis of the petitioner's financial capacity. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall". Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to require disclosure of: how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.

- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.
- Amend section 14.1.4 to require a more comprehensive review. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification. A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, **I strongly urge you to hold a public hearing before they are finalized.**

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protection. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

Elizabeth Boehme
124 Hummingbird Ln.
Davis, WV 26260

From: "Louis Mendetta" <lmendetta@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:41:20 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Louis Mendetta
1513 Hoffman Ave Clarksburg, WV 26301-2441
lmendetta@yahoo.com

From: "Carroll Bassett" <bmsrescue@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:07:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Carroll Bassett
8362 Friars Hill Rd Friars Hill, WV 24938-7324
bmsrescue@frontiernet.net

From: "franklin crabtree" <franklingcrabtree@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:55:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. franklin crabtree
PO Box 522 Union, WV 24983-0522
franklingcrabtree@gmail.com

From: "Kate Long" <katewv7777@everyactioncustom.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Please revise data center rules to include more oversight, environmental protection, and accountability
Date: Sat, 06 Dec 2025 12:08:55 -0500
Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I'm writing to ask that you amend the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As proposed, the rule mocks our state motto, "Mountaineers are always free." We cannot be free if major industrial plants are allowed to move into our neighborhoods without disclosing:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

The data centers are determined to hide the answers to those questions. Why? Applicants should be required to provide data on the economic viability of the energy source of the microgrid and explain why the stock feed is most cost-effective for the company and public. We, the rate-payers, would pay for it, so we should be able to know about and object to the impact to local and state utility costs.

Otherwise, we are close to taxation without representation.

The proposed rule contains no checks or balances, no public comment or plan to incorporate public input meaningfully. It also does not allow independent review by qualified engineers, economists, or environmental impact assessments.

Please add a section to require public notice and comment, and opportunities for appeal. And please host a public hearing on the rules package.

Sincerely yours,
Kate Long
18 Arlington Court
Charleston, WV 25301

Thank you for the opportunity to provide this comment.

Sincerely,
Kate Long
18 Arlington Ct Charleston, WV 25301-1802
katewv7777@gmail.com

From: "Nina Wenzler" <nina.wenzler2235@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:32:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Nina Wenzler
256 MAPLE Ave Davis, WV 26260
nina.wenzler2235@gmail.com

From: "Peggy Ballengee" <pdballengee@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 19:19:23 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Peggy Ballengee
104 Wellswood Rd Athens, WV 24712-1311
pdballengee@gmail.com

From: "Vincent Delagarza" <vvwdelagarza@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 22:54:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Vincent Delagarza
6003 Woodland Bluff Rd Morgantown, WV 26508-9403
vvwdelagarza@hotmail.com

From: "Miriam Leatherman" <bvfarm@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 16:03:35 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miriam Leatherman
PO Box 22 Old Fields, WV 26845-0022
bvfarm@hardynet.com

From: "Nancy Stark" <nancyfishstark@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>, Patrick.J.Morrisey@wvago.gov
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: HB2014 and the lack of transparency
Date: Wed, 10 Dec 2025 14:06:16 -0500
Importance: Normal

Gentleman,

It is with great concern the details and lack of transparency that exists with HB2014; transparency that was PROMISED by Governor Morrisey.

Why are the proposed rules for those that will build these massive data centers lacking so. Why are these companies not required to fully disclose water usage, noise, pollution, road impacts to name a few. Five pages to their application process hardly seems adequate considering they are proposing to build an AI Data Center close to 15 miles long. What is known about the water usage and toxic admissions? Why are citizens having to rely on FIOA requests to learn about the basics of this project?

Do better. Please. Keep your promises Governor Morrisey. Truly care about the citizens of this state.

Thank you.

Respectfully,
Nancy Fish Stark

From: "Sharon and Michael Helman-Harman" <Thehelmanharmans@proton.me>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:52:07 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

For all of the vital reasons stated in this correspondence, it is imperative that this information be seriously considered and adhered to to protect the environment, property, and civil and human rights of your constituents, the residents of this county who have been here for generations and those who have chosen to live here more recently. Those are the people you are responsible to, not profiteers who again are working to steal local resources, damage the health and environment and property rights of WV residents for the purpose of providing profit to outsiders or even locals who may opt to make usurious profits and not share any of that wealth w the general local populace, but rather force them to pay the costs of creating this intrusive and harmful infrastructure, and raising their utility costs, while others make outrageous profits at the expense of all but the owners. (If the owners want these centers that will bring them billions of dollars in profits, why don't they pay for that infrastructure themselves, rather than cause families of low means to freeze to death when the utilities are turned off because the costs are too high??!) Would you really vote to allow that to happen to the majority to benefit the few? And without these petitions, the laws are written to deny any input from the public, just presented as dictated edicts, canceling the people's Constitutionally protected rights! Almost 250 years ago our forefathers bled to create a society governed by the people, not kings! Consider carefully how you want your legacy to reflect on those hard-fought ideals.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Sharon and Michael Helman-Harman
Thehelmanharmans@proton.me

From: "Denise Ryan" <dryan.mph@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:05:48 -0500

Importance: Normal

To whom it may concern:
I believe we should not designate this as an emergency.

In general I am opposed to data centers in Jefferson County WV.

I believe local laws, zoning and leadership should maintain control of consideration and approval of any data centers proposed in Jefferson CountyWV.

Local residents should have the ability to comment and disapprove or approve a data center proposal through legal and transparent process.

Zoning restrictions and guidelines should apply in all cases.

Martini g a strong minimum distance from housing and residential areas and schools should be enforced and be a generous distance between data centers and residential areas.

In addition, consider the following as well:

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where

the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Denise C. Marino Ryan
Shenandoah Junction
202-557-1615

--
Denise Ryan
dryan.mph@gmail.com

From: "Daniel Parry" <parryd11438@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 06:25:38 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Daniel Parry
parryd11438@gmail.com

From: "Julie Bolthouse" <juliebolthouse@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 05:52:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Julie Bolthouse
410 Madison Ct SE Leesburg, VA 20175-3604
juliebolthouse@yahoo.com

From: "Maury Johnson" <maurywjohnson@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:30:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Maury Johnson
3227 Ellison Rdg Greenville, WV 24945-7023
maurywjohnson@yahoo.com

From: "Carol Roby" <Teamwonderbike@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 23:04:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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Please do not push this through without consideration of wv citizens and impact on our natural resources.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Carol Roby

--
Carol Roby
Teamwonderbike@gmail.com

From: "Leyland DelRe" <Leyland.delre@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:06:20 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Leyland DelRe
Leyland.delre@gmail.com

From: "Sandy Farley" <wvgrl71@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Reject Data Center
Date: Wed, 10 Dec 2025 10:21:10 -0500
Importance: Normal

Mr. Marks,

I am writing on behalf of the entire community surrounding the proposed data center site at 22 Mine Road near Holden to submit this public comment strongly opposing the proposed data center development under HB 2014. As residents who have long endured the challenges of our region's fragile infrastructure and environmental burdens, we urge the Department of Commerce to reconsider this project due to its potential devastating impacts on our water resources, public health, local economy, and wildlife.

First and foremost, our area's infrastructure is already critically strained, particularly with regard to our water supply. We experience frequent outages—every couple of weeks on average—along with constant boil water advisories and shortages that disrupt daily life. Additionally many families in this area are not given the option of city water (due to infrastructure problems). This means countless individuals are still using well water near this site. If mine shaft water is removed it will certainly disrupt those wells in addition to contaminating them with cancer causing chemicals after the data center uses the water and discards it back into the shafts to leech into the water supply.

Any available water resources, including those in the deep shafts of abandoned mines, should be prioritized for the suffering public to ensure reliable access for drinking, sanitation, and basic needs. Allowing a private company to exploit these vital resources for data center operations, such as cooling systems, would exacerbate our shortages and could even threaten our survival when the Tug River begins to dry during times of drought as it did in 2024. Why should external corporations be permitted to drain our essential resources while the financial benefits flow primarily to the state, bypassing the local communities who would bear the sacrifices in terms of depleted water, lost land, foregone opportunities for sustainable job creation, and compromised health? Additionally a quick AEP research of statistics reveals that this particular area surrounding 22 has more power outages annually than ANY OTHER PART OF THE STATE. We simply cannot afford any further strain on our public utilities.

Furthermore, this region is home to generations of coal miners who have already given their health and livelihoods to extract resources for the nation. Many suffer from severe lung diseases, such as black lung, making it difficult for them to breathe even under current conditions. Introducing additional pollution from data center construction, operations, or associated energy demands would only worsen their respiratory issues and overall well-being. Our community is also grappling with skyrocketing cancer rates linked to chemicals in our tap water and existing pollution from industrial legacies. More environmental degradation that could introduce further contaminants, noise, or emissions into our air and water would be devastating.

Also worthy of consideration is that the proposed site neighbors the Tomblin Wildlife Management Area along 22 Mine Road, where elk populations are present and actively managed for conservation. This development risks disrupting their habitat, migration patterns, and overall ecosystem, potentially leading to irreversible harm to this valuable wildlife resource that supports tourism and biodiversity in our state.

It would be nothing short of malicious to grant a private, out-of-state corporation permission to construct its own dedicated mini-grid or microgrid while the people of this region suffer rolling blackouts, weeks without reliable electricity, and constant boil-water advisories. Our lights go out and our taps run dry every few weeks, yet the same legislation and rules would allow a data center to secure uninterrupted, preferential power and water service—paid for with public incentives—while families, seniors, veterans, and coal miners with black lung sit

in the dark unable to run oxygen concentrators, refrigerators, or well pumps. No resident in this county can buy their way into a private grid; we are forced to endure a crumbling public system. Handing a corporation that privilege while ignoring our daily hardship is not economic development—it is a deliberate choice to value corporate profits over human lives.

In light of these concerns, we implore the Department of Commerce to halt the advancement of this data center proposal and instead invest in initiatives that bolster our community's resilience, such as improving water infrastructure, supporting health services for former miners, and promoting eco-friendly economic development. Our voices represent the broader community consensus against prioritizing corporate gains over local well-being.

Thank you for considering this comment. We request a response acknowledging receipt and detailing how public input will influence the final decision.

Sincerely,

Sandra Farley
Mingo, WV

From: "BR Dennis" <dennis5665@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule HB 2014
Date: Tue, 09 Dec 2025 07:57:05 -0500
Importance: Normal

A. Garner Marks
1900 Kanawha Blvd.
Building 3, Suite 800,
Charleston, WV 25305

To:garner.marks@wv.gov

Subject: Public Comment on Proposed Rule HB 2014 - Return Decision Making to WV Communities!

Dear Mr. Marks,

I strongly urge that the rules established in HB 2014 - Power Generation and Consumption Act be revised to include transparency with a structured, open, and public process. Residents whose future is significantly impacted by data centers and their associated power supply deserve notice, and the ability to appeal decisions that affect their communities.

I am a resident in Morgantown, West Virginia. I am deeply concerned with HB 2014 and how this bill usurps community decision-making regarding data centers and microgrids and gives the state this authority. My concerns are rooted in a sense of democracy for our communities and how this bill and state decisions will undercut community decisions or outright void these decisions regarding their economic future and environment. I strongly urge you to revise the rules to reflect community needs for transparency, a local voice in the process, and real protections.

Currently HB 2014 rules will remove the public from the process, deny access to what is being proposed, and limits if not prevents communities from combating the negative consequences of data centers and the associated power supply. Data center developers should be required to disclose all environmental and community impacts – anticipated air emissions, water use, water sources and discharges, fuel sources and containment, site stored reagents like ammonia (and associated forms) , noise levels and land use amongst other concerns.

In conclusion I strongly urge that the rules established in HB 2014 be revised to include transparency with a structured, open, and public process that protects the future of West Virginia communities.

Sincerely,

Elisabeth Dennis
Monongalia County
Morgantown WV

From: "Steven Runfola" <stevenrunfola@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:38:34 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Steven Runfola
45 Park Ridge Dr Morgantown, WV 26508-4032
stevenrunfola@gmail.com

From: "Ting Waymouth" <ting@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:42:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ting Waymouth
6630 Holford Ln Springfield, VA 22152-2908
ting@chesapeakeclimate.org

From: "Francis Keyser" <keyserfw@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:31:09 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Francis W Keyser

--
Francis Keyser
keyserfw@hotmail.com

From: "Carmella Campione" <ccampione@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:51:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sister Carmella Campione
137 Mount Saint Joseph Rd Wheeling, WV 26003-1762
ccampione@csjoseph.org

From: "Cindy Jaworski" <cjaworski62@hotmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Tue, 09 Dec 2025 20:00:12 -0500
Importance: Normal

Dear Mr. Marks

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,
Cindy Jaworski
Monongalia County, Morgantown

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Sincerely,
Kendra Clark

--
Kendra Clark
kendrarsc@hotmail.com

From: "Mark Grantz" <mgrantz@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:32:04 -0500

Importance: Normal

This is not simply a copy and paste comment, please consider the long lasting impact these hastily enacted rules will have on West Virginia. There are several reasons companies want to build data centers in WV, cheap land, cheap electricity and cheap water. Keep in mind we have what they want, don't give it all away without getting the best deal for your state. I recognize the need and the likely inevitability to these things but rushing the process is counter productive.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Mark Grantz
mgrantz@gmail.com

From: "Wayne Campbell" <campbellw053078@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:46:17 -0500

Importance: Normal

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These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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Sincerely,

--
Wayne Campbell
campbellw053078@gmail.com

From: "James Weese" <Whysoscrub@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:42:08 -0500

Importance: Normal

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James Weese
Whysoscrub@gmail.com

From: "John Brennan" <birdsfan110@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 08:55:55 -0500

Importance: Normal

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John Brennan
birdsfan110@gmail.com

From: "Kay Schultz" <kay.nixschultz@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:42:24 -0500

Importance: Normal

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This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

This legislation undermines the quality of life in WV communities, when we want to encourage incoming migration rather than discourage it. No one who considers options for locating in a new community wants to move where there are huge, noisy, polluting facilities that eliminate forests and farms and siphon off groundwater resources. This legislation encourages and benefits outside economic interests while sacrificing local interests and well being.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

From: "David Pedersen" <djtpedersen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 18:24:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications for such projects should be required to disclose more about their anticipated environmental impacts, including:
• the amount - both raw (e.g. so-and-so tons per annum) AND concentration (e.g. so-and-so micrograms per cubic metre or so-and-so parts per whatever) - of air pollution the microgrids can (i.e. potential to emit / PtE) and will (assuming fully-compliant operation) produce;
• the water consumption and any discharge, and the resulting water availability and quality; and
• how the microgrids could affect noise levels, visibility, wildlife, and traffic patterns.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize ratepayers.

The rules should implement more opportunities for public input, disclosure, and accountability. Disappointingly, the current rule contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, and no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

Finally, I also respectfully request that your department hold a public hearing on this rules package prior to finalization.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. David Pedersen
6744 WELCH Rd Saanichton, BC 00000
djtpedersen@gmail.com

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kay Schultz
kay.nixschultz@gmail.com

From: "Katherine Dye" <katherinedye5@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:08:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Katherine Dye
PO Box 493 West Milford, WV 26451-0493
katherinedye5@yahoo.com

From: "Melissa Hope" <melissamhope@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:20:48 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Melissa Hope

--
Melissa Hope
melissamhope@gmail.com

From: "Cory Ash" <coryash42@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 14:55:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

I also respectfully request that those of you with power to protect the people of this state, and the environment which we all hold dear, use this ability to do so.. We have been sold out by our legislative practices for short term benefit, and without assistance from those who can actually do something, we are going to have the unpleasant experience of watching our state be overrun by out of state interests... Please, if you can, do.

Thank you for the opportunity to provide this comment.

Sincerely,
Sir Cory Ash
85 Lochoa Dr Davis, WV 26260-8333
coryash42@yahoo.com

From: "Kristin Winebrenner" <kristin.winebrenner@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20
Date: Wed, 10 Dec 2025 11:32:34 -0500
Importance: Normal

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

Randy Smith, Rule-Making Review Committee
Room 229M, Building 1, State Capitol Complex
Charleston, WV 25305

Dear Mr. A Garner Marks and Mr. Randy Smith,

I am a full-resident of Tucker County and I am deeply concerned that the proposed rules for 145-CSR-20 as they do not provide any opportunity for West Virginians to have a say about what happens in their own communities.

I am asking for the Secretary of Commerce to:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.

2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events

- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Other issues include:

- Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to require a more comprehensive review. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

As a fellow West Virginian, I have faith in my heart that you will take into consideration these concerns. Economic progress should not be made at the cost of human lives, safety of environment (access to clean water), or the livelihoods of the people who live -'d work in this community.

Sincerely,
Kristin Winebrenner
Davis, WV

From: "Marcia Daoust" <gmardaoust@icloud.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Regulations proposed for HB 2014
Date: Tue, 09 Dec 2025 16:50:53 -0500
Importance: Normal

Dear Secy. Garner,
I am very concerned about the impact that Data Centers and their accompanying microgrids might have on West Virginia.

As the law is written, it is up to you to protect the interests of our WV citizens and their communities. In order to serve the well-being of the State, your process and regulations should seek information that will help you determine whether these businesses will cause problems, such as air, water, light or noise pollution. You would need them to provide information to help you understand the impact their plans might have on roads, sewer & water supplies, and school districts. Also, I would hope you would protect current customers of companies, such as Mon Power or Appalachian Power, so that any costs associated with providing data centers with electricity will NOT drive up the monthly bills of existing customers.

In skimming your proposed regulations, I see nothing requesting this kind of information to help you protect us, the citizens.

I am especially unhappy about the lack of transparency. By protecting the Data Centers and microgrid applications through guarantees of total confidentiality, (Sec. 145-20-15) and by not conducting public hearings, you are laying the ground work for a highly adversarial relationship between the new Data Center and the community.

It's up to you to create a good situation, for everyone involved in this process. Data centers can be good for our state. They could be good neighbors. With forethought, you CAN make this happen!

Please modify the proposed regulations to protect the citizen interests, as well as those of the new businesses.

Thank you for considering my thoughts.

Sincerely,
Marcia P. Daoust
15 Elwood Ave.
Huntington WV 25705
304-840-9657

Sent from my iPad

From: "Rachel Wilkinson" <wilkinsonrachel12@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:29:35 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Rachel Wilkinson
wilkinsonrachel12@gmail.com

From: "Amber Armstrong" <ambersnyder2010@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:58:49 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Amber Armstrong
PO Box 65 Arthurdale, WV 26520-0065
ambersnyder2010@yahoo.com

From: "Avah Behrens" <avahbwren@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Comments on Data Center Rules
Date: Tue, 09 Dec 2025 22:32:08 -0500
Importance: Normal

To whom it may concern,

My name is Avah Behrens-Wik. I am a current WVU student and a proud West Virginian. I am writing to comment on the Data Center Rules and HB2014. I was born and raised in Tucker County, and I intend to stay in West Virginia, specifically Tucker County, following my education. However, I see the current proposed data center and adjacent power plant and the rules and regulations surrounding them as not only harmful to my community and home, but also my ability to return to Tucker County. I hope to have a family of my own in the future, and there is nowhere I would rather do so than here in West Virginia. However, I can not comfortably do so if the well-being of my future children is put at risk by the proposed data center and power plant, nor can I comfortably decide to raise my children in a place where our community's opinions are not considered or accurately represented.

I am asking that HB 2014 be amended to restore local regulations and for full transparency regarding the data center and power plant. As the community that will be most impacted by these decisions, we deserve to have a say in these matters and access to all information regarding them. Additionally, I am asking for protection for utility taxpayers. Our community should not be financially impacted by the proposed data center, especially if we are not given a say in the decision for it to be built in Tucker County. Finally, I am asking for the consideration of using renewable energy to power the data center. This would greatly mitigate the pollutants generated by this project, lessening the detrimental effects on our community and environment's health.

I hope that you consider the stance that I and so many of the people in my community have taken. Not only do I hope you help make the changes to this project that will protect my community and home, but I hope you hear the perspective of a young West Virginian who loves their home and wants staying in Tucker County to be a viable and safe option for them.

Thank you for your time,
Avah Behrens-Wik

From: "Leah Rampy" <leah.rampy9@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:32:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Leah Rampy
46 Shepherd Village Cir Shepherdstown, WV 25443-1832
leah.rampy9@gmail.com

From: "Rebecca Thompson" <beccatmail@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 02:22:47 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

I am extremely concerned about the proposed rules for HB 2014.

First of all, the fact that the rules do not prohibit groundwater from being used to service high impact data centers and microgrids is extremely disturbing. Massive amounts of water are needed to operate the data centers and microgrids. Allowing them to use groundwater could have serious negative impacts. Allowing groundwater to be used could potentially deplete or dry up altogether residential and agricultural wells. This could put farming in serious jeopardy because farming cannot exist without an adequate supply of groundwater obtained from wells. Farmers simply cannot operate using public water.

There are a lot of active farms in Jefferson County as well as a great deal of residences that rely on well water. I live in Summit Point in Jefferson County and everyone in my neighborhood of about 80 houses, as well as all of the surrounding areas rely on well water. Groundwater must be protected and it is even more critical to protect it in karst areas. Jefferson County is almost, if not entirely, made up of karst terrain.
Karst terrain is extremely vulnerable to overextraction. Jefferson County contains many underground caves and caverns. The groundwater is what actually supports the walls and roofs. When large amounts of groundwater are extracted, in this case to service the high impact data centers and microgrids, the groundwater in the caves and caverns can become dislodged and can shift and drain from any given cave or cavern, resulting in the collapsing of their walls due to lack of support, which can lead to sinkholes. These sinkholes could potentially be extremely large, swallowing up houses or cars or farmers on tractors, when the unsupported roofs of caves suddenly give way due to the weight of heavy objects from above ground.

Please safeguard groundwater by only allowing surface water of streams, creeks, or rivers for servicing the high impact data centers and microgrids.
Please prohibit the use of groundwater, especially in karst areas.

Another point I find extremely disturbing is that the rules allow for "nearly contiguous" properties to be included in one microgrid. The high impact data centers and microgrids will already have an extremely negative impact on property values. But this will make it even worse, enabling houses and other properties not included in the microgrid districts to be nearly, or even entirely surrounded by a microgrid district. This is completely unacceptable!!!
I have lived in Jefferson County for 26 years and my family and I love it here. We moved here from northern Virginia because it is so beautiful and rural and much less congested. Now it appears Jefferson County and the whole state is going to go downhill fast with the allowing of data centers and microgrids to dominate and take over. What a huge mess! What happened to West Virginia, "Wild and Wonderful"?
We own a beautiful house on a wonderful piece of property and the last thing we want to see is our property value plummeting!! Would you want to live next to or close to a data center or microgrid? Would you be ok with the value of your property seriously declining because of them?!

Also, it is completely unacceptable that the seeking of certification of a microgrid district and high impact data center is deemed confidential. The public has a right to be informed of what is going on in their county and state! This should not be done in secrecy! It would be cruel to leave the people uninformed and the only way they learn what is going on is when construction begins. We deserve far better than that!

And last, but certainly not least, the rules have been designated as "emergency." However, this is NOT an emergency situation at all! The rules need to be taken off emergency status and go through the standard process of allowing our elected representatives to participate in the rule making process before any rule goes into effect.

Thank you for your time and effort.

Sincerely,
Rebecca Thompson
Jefferson County, WV

--
Rebecca Thompson
beccatmail@gmail.com

From: "David Plummer" <sundogsdave@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Comments for HB 2014 rules for Certified Microgrid / Data Center Development Program
Date: Tue, 09 Dec 2025 15:17:32 -0500
Importance: Normal

This email is in support of implementing common-sense guardrails to the recent legislation HB2014. HB2014 defines “microgrids” as facilities that bypass the local utility to produce electricity for on-site customers, and “High impact data centers,” which is what HB 2014 aims to fast track. The rules pertaining to certification of a microgrid district, or certification as a high impact data center, are currently presented in "TITLE 145 LEGISLATIVE RULE DEPARTMENT OF ECONOMIC DEVELOPMENT SERIES 20 RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER".

Notably, HR2014 disallows local constraints (such as zoning) or public comment on any proposed facilities. Furthermore, locations are not required to be made public until after all approvals are made and construction is ready to begin. This rules document is an opportunity to apply industry-standard requirements that most data center companies would consider more than reasonable. Unfortunately, the rules, as posted, are currently devoid of protections for local jurisdictions and residents from negative impacts due to encroachment (lack of setback requirements), noise, light, surface and groundwater use and contamination. I am asking for basic provisions to protect our people, our counties, and our water from a free-for-all with none of the protections seen in other pro-business states and counties. These include, but are not limited to, the following:

- Setbacks and buffers
  - minimum 1000ft setback from adjacent residential, educational, historical, and parkland property lines,
  - minimum 250ft setback for commercial/industrial properties
- Groundwater protection
  - surface water only (no extraction) and closed-loop cooling implementation
- Protection for impervious area and farmland preservation
  - strict percentage limit of 1% county area dedicated to this land use
- Preferred data center districts
  - Counties may designate preferred districts that qualify for reduced or waived impact requirements
  -
  - This welcomes the industry while providing for local control.
- Applicants must publicly provide detailed information regarding environmental and community impacts from the proposed facilities
- Applicants should be *required* to negotiate directly with local governments over community benefit agreements, thus supporting public services — including schools, police and emergency medical services — that they will rely on.

"Open for Business" does not mean "*Come take advantage of our lack of good planning*". "Open for Business" means "*Come work together with West Virginia communities, and let’s do this the right way*".

Thank you for your consideration.

W. David Plummer
Shepherdstown, WV

From: "Mark Cassells" <cassells.mark@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 13:12:54 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

First and foremost, I want to ensure that any and all financial burden for the electric requirements of the data center would be the sole responsibility of the data center and/or the company that owns and/or operates it. In no way, shape, or form should the county or community in which the data center is built be responsible for the increase in burden on the local electrical grid. In other words, local residents should not be footing any part of the data center's electric bill.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Mark J. Cassells

--
Mark Cassells
cassells.mark@gmail.com

From: "Kayla Sistilli" <kmsistill@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:21:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kayla Sistilli
752 Northwest Dr Morgantown, WV 26505-2675
kmsistill@gmail.com

From: "Elizabeth Wheeler" <ewheelerwv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:55:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Elizabeth Wheeler
202 S PRINCESS St Shepherdstown, WV 25443
ewheelerwv@yahoo.com

From: "Gregory Hawk" <ghawkwv@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:05:33 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

From: "Mikayla Yuchniuk" <raeyuch120042524@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:49:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mikayla Yuchniuk
2765 N Staunton Rd Huntington, WV 25702-1105
raeyuch120042524@gmail.com

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Gregory Hawk
ghawkwv@gmail.com

From: "Kathleen Trainor" <trainork@mac.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:51:35 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Kathleen Trainor

--
Kathleen Trainor
trainork@mac.com

From: "Samantha Nygaard" <samanthanygaard@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 08:39:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the Department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Samantha Nygaard
922 Hunt Ave Charleston, WV 25302-1341
samanthanygaard@gmail.com

From: "Barbara Burton Grigg" <rbgrigg@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:42:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

PLEASE put stewardship of essential natural resources (water and air quality) over 21st century extractors:

Applications should be required to disclose more about their anticipated environmental impacts, including:

- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Barbara Burton Grigg
1900 Bunner Ridge Rd Fairmont, WV 26554-6210
rbgrigg@comcast.net

From: "George Little" <george.wilbur.little@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:36:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
George Little
307 Hillside Pass Frankford, WV 24938-9552
george.wilbur.little@gmail.com

From: "Christine Marshall" <balmertmarshall@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:26:51 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Christine Marshall
balmertmarshall@icloud.com

From: "Siri McDonald" <vitalearth@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 06:44:54 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

As a constituent of your district and a mother of two young children I beg of you to consider the financial and true challenges we as a family and community will face with no water as well as additional contaminates. My water pressure has cut in half since Rockwool came to our area, there is definitely an impact as I am within 5 miles. The plan for this use needs to halted or reconfigured as a closed loop / recycling water system with a comprehensive filtration system that will reduce heavy metals in the water.

This rule should not be designated an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Siri McDonald

--
Siri McDonald
vitalearth@gmail.com

From: "Allison MCaculey" <allimc202@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:33:00 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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From: "Michele Atha" <michelegulaatha@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:38:52 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Michele Atha
michelegulaatha@gmail.com

From: "Julie Archer" <juliearcher71@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Wed, 10 Dec 2025 21:45:54 -0500
Importance: Normal

Dear Mr. Marks,

I am writing to submit comments regarding the West Virginia Department of Economic Development's proposed legislative rule, 145CSR20 ("Certified Microgrid Development Program").

I am concerned about how the proposed rules will remove the public from the process by denying us access to information about what is being proposed, and limiting their ability to make our voices heard or protect our communities from negative environmental and economic consequences. The rules should require public notice and comment, and we should have the opportunity to appeal decisions that affect our communities.

I am also concerned that the current language regarding how companies negotiate with electric utilities does not adequately protect ratepayers. To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

Our communities deserve transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Because these rules will determine shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

Sincerely,

Julie Archer
Yawkey, WV

From: "John Allen" <johnallenjr@me.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:15:03 -0500

Importance: Normal

I am a West Virginia business owner that employs 200 people. I do not support HB 2014. Why do Data centers get special treatment? Why would someone wanting to build one of those things not have to go through public comment meetings. I do with my business. What has this industry ever done for West Virginia? The answer is nothing. Once these begin to be built and the people see what they actually are, there will be a backlash... a serious one. Unless you want to be on the receiving end of a serious public firestorm, take note and oppose.

--
John Allen
johnallenjr@me.com

Appalachian Power
[illegible]
[illegible]
[illegible]

December 10, 2025

A. Garner Marks, General Counsel
West Virginia Department of Economic Development
1900 Kanawha Blvd., East
Building 3, Suite 800
Charleston, WV 25305

RE: ***Rule to petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center.***

Dear Mr. Marks:

Appalachian Power Company ("APCo") appreciates the opportunity to comment on the proposed rule 145CSR20: *Certified Microgrid Development Program.*

For background, APCo has 1 million customers in Virginia, West Virginia, and Tennessee (the latter as "AEP Appalachian Power"). APCo is part of the American Electric Power ("AEP") system. AEP's approximately 16,000 employees operate and maintain the nation's largest electricity transmission system and more than 225,000 miles of distribution lines to efficiently deliver safe, reliable power to nearly 5.6 million customers in 11 states. AEP is also one of the nation's largest electricity producers with approximately 30,000 megawatts of diverse generating capacity.

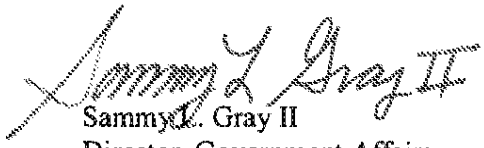
After a review of the proposed rule, APCo has several concerns:

- **2.5** – The definition of "Ownership Interest" seems very broad and is defined as "the right to possess, use, modify or sell real property, but does not include non-possessory interests such as easements or rights-of-way." The right to possess and use the property is too broad to be considered ownership interest. Ownership interest should be "owner" or "in the process of ownership."
- **3.1.4** – Any contract for power from an incumbent electric provider should be confidential.
- **4.1.6** – This section states that there shall be "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 target customers of the project…" A provision should be added to the section that treats the information as confidential between the Petitioner and the Department of Commerce.
- **4.1.6.10** – Language should be added to this section that clearly indicates that the rule is requiring types or sources within the microgrid district. It should read "types or sources of each electric power generation unit within the microgrid district."
- **6.1, et. al.** – Section 6, *Certification of Merchant Plant to Microgrid,* should be removed from the rule. There does not appear to be any statutory authority for the provisions of this section in state code.

- **7.1, et. al.** – There is no provision for de-certification of Certified Microgrid Districts in the rule. While the provisions of §145-20-7 require an annual report, there is no action outlined if the Certified Microgrid District does not continue to meet the certification requirements of the rule or does nothing at the site. Certified Microgrid Districts that do not have active progress on the site should be de-certified after a period of two years. Certified Microgrid Districts will likely be occupying some of the few prime developable industrial properties available in the state. If there is no activity on the site within two years, the site should be de-certified to allow for the attraction of another company or companies to the site.
- **7.1.1, et. al.** – The information required to be filed in the Annual Report should be treated as confidential.
- **10.1, et. al.** – Petition requirements for a High Impact Data Center should be kept confidential.
- **10.1.3** – "Petitioner must seek certification as a High Impact Data Center by submitting a Petition to the Secretary within thirty (30) days after Petitioner becomes aware that it will satisfy the definition of High Impact Data Center or Petitioner has satisfied the definition of a High Impact Data Center." The company is concerned that there are no provisions in the rule to determine how to handle lead times and unexpected issues that may make the 30-day window unfeasible.

Thank you again for the opportunity to comment on the proposed rule. APCo appreciates the Department's careful consideration of these comments.

Sincerely,



Sammy L. Gray II
Director, Government Affairs

From: "Athey Lutz" <atheyelutz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 22:18:09 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr Athey Lutz
1048 Cortland Rd Davis, WV 26260-8021
atheyelutz@gmail.com

From: "Megan Mays" <megan.j.mays@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 11:27:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Megan Mays
315 Madison St Fairview, WV 26570
megan.j.mays@gmail.com

From: "Sarah Arzt" <Nimoway03@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:54:46 -0500

Importance: Normal

The county has struggled with near drought conditions for years now, bringing in a business that uses water cooling is somewhat mind boggling.
Jefferson County relies heavily on tourism dollars - increasing industrial area hurts all the established businesses that rely on people wanting to visit, wanting to see 'wild and wonderful West Virginia' and not just another cityscape.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Sarah Arzt
Nimoway03@hotmail.com

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Allison McCauley

--
Allison MCaculey
allimc202@gmail.com

From: "Sophia Veazey" <sophiamveazey@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Amendment to HB 2014
Date: Tue, 09 Dec 2025 20:22:52 -0500
Importance: Normal

As a caring West Virginia native, I ask for amendment to House Bill 2014. Specifically, inclusion of the following: disclosure of information to the public, preference for renewable energy, and protection for utility ratepayers.
-Sophia Veazey

From: "Sara Birckhead" <sclb53@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 17:25:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Sara Birckhead
912 Ridgemont Rd Charleston, WV 25314-1136
sclb53@aol.com

From: "Molly Deacon" <mdeacon1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:17:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Molly Deacon
45 N Euclid Ave Thomas, WV 26292-7735
mdeacon1@hotmail.com

From: "Steven Vogel" <steven.j.vogel@earthlink.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:32:59 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Steven Vogel
steven.j.vogel@earthlink.net

From: "Anna Boarman" <amboarman29@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 18:16:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Anna Boarman
411 Pierce Benbush Rd Thomas, WV 26292-8025
amboarman29@gmail.com

From: "Wynette Schisler" <lydiahuguenin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:42:34 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

While I no longer live in WV, I grew up in Tucker county, and you cannot live in a place like that without it having a lasting impact on you. WV will always be my home and my heart, and i will never stand for any development that threatens the sanctity and security of my home.

Thank you for the opportunity to provide this comment.

Sincerely,
Wynette Schisler
89 Coleman Rd Winter Haven, FL 33880-1412
lydiahuguenin@gmail.com

From: "Mary Sanders" <clpwvwmd@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:51:46 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Mary Sanders
42 German Settlement Way Aurora, WV 26705-8643
clpwvwmd@gmail.com

From: "Nichole Chapman" <nichole.chapman@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 21:10:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Nichole Chapman
71 Woodcock Ave Shepherdstown, WV 25443-4534
nichole.chapman@icloud.com

From: "elizabeth vesper" <evesper60@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:01:18 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

From: "Kaylee Nunn" <kaysweetheart2004@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:04:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
ms Kaylee Nunn
922 Sproul Rd Alum Creek, WV 25003-8830
kaysweetheart2004@gmail.com

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
elizabeth vesper
evesper60@gmail.com

From: "Vicki Impoco" <vimpoco@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 20:28:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Vicki Impoco
26 Powhatan Trl Hedgesville, WV 25427-5561
vimpoco@gmail.com

From: "Judith Smallwood" <jsmallwood2@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 06:34:00 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Judith Smallwood
218 Chestnut Farm Ln Lewisburg, WV 24901-9055
jsmallwood2@frontier.com

From: "Nikki Forrester" <nforrester11@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>, randy.smith@wvsenate.gov, johnpaul.hott@wvhouse.gov, jay.taylor@wvsenate.gov
Subject: Public Comment on 145-CSR-20, Data Center Rules
Date: Tue, 09 Dec 2025 10:06:34 -0500
Importance: Normal

Dear Mr. Marks,

I am writing today to express my numerous concerns about 145-CSR-20, the proposed rules governing data center developments, as well as suggested amendments to these rules. I strongly urge you to make these amendments to protect the health, livelihood, and future of all West Virginians.

The proposed legislative rule under Title 145, Series 20, implementing House Bill 2014 (the Power Generation and Consumption Act of 2025) would harm West Virginians and their communities by valuing out-of-state investors over the interests of hard-working citizens in our state. The proposed rule centralizes decision-making authority in the Secretary of the Department of Economic Development, an appointed position immune from citizen oversight. It bypasses local residents, environmental protections, local businesses, and public transparency. Projects like the ill-conceived Ridgeline Facility in Tucker County, which threaten our communities' health, environment, and economic diversity, would be prioritized over thoughtful, homegrown economic development opportunities that would actually bring jobs to West Virginians and revenue to their counties. Substantial amendments to these proposed rules are essential to safeguard the interests of West Virginians and their communities.

As written, these rules offer no protection to the people of West Virginia. The “fast track” elides crucial considerations impacting the health, well-being, and economic future of local communities in our state. Revisions to these rules are needed to protect all West Virginians, as well as our diverse resources and thriving communities. The proposed rules should be amended to provide some straightforward and sensible guardrails that will prevent power plants and data centers from being developed in profoundly inappropriate locations.

One such proposal is the Ridgeline facility, a 500-acre gas and diesel power plant proposed for Tucker County. 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. This poorly chosen location will create a pollution plume that harms not only Tucker County residents, but also everyone who visits Blackwater Falls State Park, Canaan Valley, and areas downwind beyond the borders of Tucker County. Toxic pollutants like particulate matter 2.5, nitrous oxide, and formaldehyde will harm healthy people and exacerbate pre-existing conditions in vulnerable populations, increasing heart disease, respiratory issues, and other long-term health risks. People who live near power plant and data center complexes are already experiencing a rise in health issues and associated medical costs. These concerns are especially important to consider given Canaan Valley’s unique topography and the regular occurrence of thermal inversions, which trap pollution and prolong exposure.

While the people of this community believe in diversifying the local economy, Tucker County needs good businesses that guarantee well-paying, long-term jobs to local residents. Not only will data centers not create these jobs, but they also sacrifice the health of the community and threaten our tourism-based economy. Indeed, many of the 910+ tourism jobs only exist because

of the natural beauty and vast recreation opportunities in Tucker County. As written, these rules offer no protection for West Virginians or the critical air, water, and natural resources we need to survive.

These proposed rules endanger the quality of life in Tucker County, and some of West Virginia's most beloved natural areas. Many West Virginians in communities across the state share the belief that HB 2014 and, by extension, these rules will irreparably harm their families, homes, and businesses. I urge you to take this opportunity to amend these rules in a sensible and measured way, as suggested below, to protect West Virginians and their values.

Require Local Input, Site-Specific Evaluations, and Environmental Safeguards (§145-20-3 and §145-20-4)

Amend §145-20-3 and §145-20-4 to:

- Require binding power supply contracts, comprehensive Environmental Impact Assessments (EIAs) evaluating air, water, noise, biodiversity, and cumulative effects, and compliance with federal laws (Clean Water Act, Endangered Species Act).
- Mandate public hearings, public comment, local government consent, and minimum setbacks of 3 miles from residences, schools, or protected lands like Canaan Valley National Wildlife Refuge, in line with EPA community impact to protect vulnerable populations from pollution dispersion.
- Prohibit certifications near tourism-dependent or ecologically sensitive areas to prevent economic losses—Tucker County's $85 million annual tourism revenue supports a large majority of local jobs, which pollution could erode.

The rule omits any mandate for site-specific assessments or local approval, creating a loophole in §145-20-3 where eligibility hinges on vague "good faith efforts" to negotiate power supply (e.g., 300 MW) rather than binding contracts. This allows certification without verifying feasibility, as seen in Ridgeline's "synthetic minor" status teetering near major emission thresholds (NOx at 99.35 tpy, PM2.5 at 71.54 tpy).

Combined with §145-20-2.4's "nearly contiguous property" definition (up to 1 mile separation), it enables sprawling developments that evade scrutiny and amplify risks in sensitive areas like Canaan Valley, where inversions trap pollutants 2–5 times higher, worsening health and ecological impacts.

Amend the rule to add a mandatory 3-mile setback for natural gas power plants from schools, residences, and sensitive areas is essential to protect public health and equity. This aligns with the EPA's 3-mile radius in its Power Plants and Neighboring Communities Mapping Tool, assessing vulnerability to emissions like NOx, SO2, PM2.5, VOCs, and methane that disperse within this range. The radius highlights disproportionate impacts on low-income, minority, and vulnerable groups (e.g., children, elderly), where pollution peaks 0.3-1.9 miles from sources. Proximity within 3 miles links to respiratory illnesses, cardiovascular disease, asthma, and premature mortality. This setback mitigates risks by allowing dilution, addresses water contamination and methane-driven climate impacts, and promotes environmental justice by avoiding marginalized areas. Grounded in EPA standards and science, it reduces burdens while enabling responsible development.

Amend §145-20-4 in section 4.1.6 to require the petitioner to disclose:

- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,

- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools, including diversion of property taxes
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community

Increase Opportunities for Public Oversight of Decision-Making

Amend §145-20-5 to:

- At section 5.4, add a section to the rules that requires public notice and comment, and opportunities for appeal. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments and all decision-making is at the discretion of the Secretary of Commerce.
- At section 5.2, (and section 11) require review by other agencies (Office of Energy, Div. of Economic Development, WVDEP, PSC. Change "may seek assistance" to "shall." Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, and other relevant professionals.

Address Public Health Risks and Economic Burdens (§145-20-4 and §145-20-4)

Amend §145-20-4 to:

- Require health impact assessments modeling emissions and spills, developer-funded monitoring, and renewable sourcing to reduce costs and align with clean energy goals.
- Mandate hazardous materials plans compliant with EPA SPCC regulations, risk assessments for storage in karst terrain, and developer-funded cleanup bonds/decommissioning trusts to avoid taxpayer burdens.
- No provisions mitigate health threats from emissions or massive fuel storage (Ridgeline's 30 million gallons of diesel), imposing costs on the state through healthcare, lost productivity, and cleanups. Canaan Valley's high number of annual inversions amplify pollutants, hiking asthma attacks by 20–30%, cancer risks by 15–25%, and preterm births by 15–20%.
- Fossil fuel bias in §145-20-4 Section 4.1.10 (detailing power sources without renewable incentives) locks in high rates and stranded assets, costing billions nationally in health damages while hindering diversification.

Amend §145-20-3 Section 3.1.2 to require that existing ratepayers must be protected when data centers negotiate with the local utility. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.

Ensure Transparency and Accountability (§145-20-4, §145-20-6 §145-20-7 §145-20-8 §145-20-13 §145-20-14 and §145-20-15)

Amend §145-20-15 to revoke confidentiality and require full public disclosure of applications, assessments, and rationales.

§145-20-15's blanket confidentiality for Letters of Intent and petitions shields projects from scrutiny, conflicting with due process and inviting lawsuits. For Ridgeline, limited disclosures have spurred appeals over hidden risks.

Amend §145-20-15 to require a public filing in addition to the Confidential Business Information filing. The proposed rule exceeds the scope of confidentiality outlined in HB 2014, which allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

Amend §145-20-6 to require objective criteria rather than the vague"sufficient information," which provides undue discretion by the Secretary to accept or reject an application or to apply different standards to different petitioners.

Amend §145-20-4 at section 4.1.6.3 to require evidence of financial capacity in the form of an independent financial analysis of the petitioner's financial capacity.

Amend §145-20-8 and §145-20-13 to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them. The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification.

Amend §145-20-7 to require disclosure of how much electricity is sold to the grid, and how much is acquired from the grid, the rate they paid, the capacity fees and the cost to the utility for that electricity.

Amend §145-20-14 section 14.1.4 to require a more comprehensive review. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Protect Economic Diversity (§145-20-1, §145-20-3 and §145-20-4)

Amend the rule to require independent analyses showing no net rate increases or adverse impacts on residential bills and tourism economies.

The rule favors short-term fossil fuel gains over sustainable sectors, potentially costing the state in lost tourism revenue and higher utility rates without cost-benefit mandates.

HB 2014's rule, with its sunset on August 1, 2031 (§145-20-1.5), risks irreversible harm before expiration. These amendments are essential to safeguard Tucker County and West Virginia. I implore revisions before finalization—our future depends on it.

Sincerely,
Nikki Forrester, PhD
Director of Communications, Tucker United
Davis, WV 26260

From: "David Blockstein Debra Prybyla" <daviddebrahome@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 12:57:53 -0500
Importance: Normal
Attachments: public_comment_on_145.pdf

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public comment on 145-CSR-20, Data Center Rules

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

I'm writing as a regular visitor to West Virginia who is very concerned about how the rules **145-CSR-20 regarding data centers** proposed to implement HB 2014, shut out the local communities who will have to live with the consequences of data centers. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect their communities from major impacts.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• The proposed rules would allow too much information to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the data center facilities, including their power sources will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the facilities could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the data center project presenting why the proposed feedstock is most cost-effective for both the company and public. Consideration of impacts to local and state utility costs should prioritize ratepayers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. I strongly urge that the rules be strengthened to add a section requiring public notice and comment, and opportunities for appeal.

• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer.

A short application letter is not enough information to evaluate a facility of this scale.
Applicants should be required to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce,

emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Data centers should be required must cover the full cost of their electricity use and any grid updates they require. It is unfair to require West Virginians and visitors to pay for businesses that are not benefitting the public.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.

Specifically, I request that the state:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.
2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but it does not require ALL information to be kept confidential.
3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

I further request that the State:

- Amend Section 3.1.2 to **require that existing ratepayers be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add

requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.

- Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold multiple public hearings before they are finalized.

The proposed rules go well BEYOND HB 2014 in limiting local authority and infringing on individual and community rights. To ensure economic viability of West Virginia communities and the state, the rules must ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to greatly amend the proposed rules to reflect these needs.

Thank you for considering my comments.

David Blockstein, Ph.D.
7016 Sycamore Ave
Takoma Park, MD 20912
301-906-4958

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David Blockstein
301-906-4958
DavidDebraHome@gmail.com

From: "pfsalvo" <pfsalvo@protonmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: HB2014 public comment
Date: Tue, 09 Dec 2025 20:32:09 -0500
Importance: Normal

Dear Mr.Marks,

As a resident of Jefferson county WV I realize our county has economic advantage that other counties in WV have not experienced but this opportunity can be fashioned in a way that could address the concerns of both factions that represent WV.Jefferson County is quickly becoming a extension of Nothern Virginia and Washington D.C. however many of the residents have migrated here to improve their quality of life especially for their children and are concerned for the rapid development and growth.As a long time resident of over 35 years I concur with new residents in concern for our quality of life threats.Residents have become active in local politics to ensure that we continue to enjoy the place we live.I believe amendments to 2014 can be tailored to accommodate counties that need more economic opportunity and at the same time protect counties that are experiencing over development and lack of local business that support every day needs.With all said would like to offer some recommendations.

1.Where there are counties that have zoning ordinances micro grids should be located in zones for industrial development with setbacks of
500 ft.

2. Data centers can only occupy 1% of county land.In Jefferson County that would be approximately a little less than 1,400 aces.

3.Data centers should respect the visual quality of scenic and historical cites in the counties that rely on tourism and recreation for local
economy.

4. Ground water should be protected and used only when surface water is not an alternative.Water studies should be conducted if ground
water is necessary especially in karst topography with potential for high growth.

5. If ground water usage is necessary also water usage should be monitored on a yearly basis and made public.

6. Protection for impervious area especially for farms and residential areas in close proximity.

7. Residents should be allowed to make public comment before certification.

8. If Data centers should be adjacent to residential zones they should be 100 foot variance with dense tall evergreen foliage.

Thank you ,Resident of Jefferson County WV,
Paula Salvo

public comment on 145-CSR-20, Data Center Rules

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

I'm writing as a regular visitor to West Virginia who is very concerned about how the rules **145-CSR-20 regarding data centers** proposed to implement HB 2014, shut out the local communities who will have to live with the consequences of data centers. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect their communities from major impacts.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• The proposed rules would allow too much information to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the data center facilities, including their power sources will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the facilities could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the data center project presenting why the proposed feedstock is most cost-effective for both the company and public. Consideration of impacts to local and state utility costs should prioritize ratepayers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. I strongly urge that the rules be strengthened to add a section requiring public notice and comment, and opportunities for appeal.

• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer.

A short application letter is not enough information to evaluate a facility of this scale. Applicants should be required to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Data centers should be required must cover the full cost of their electricity use and any grid updates they require. It is unfair to require West Virginians and visitors to pay for businesses that are not benefitting the public.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.

Specifically, I request that the state:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal.**
2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but it does not require ALL information to be kept confidential.
3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)

- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

I further request that the State:

- Amend Section 3.1.2 to **require that existing ratepayers be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold multiple public hearings before they are finalized.

The proposed rules go well BEYOND HB 2014 in limiting local authority and infringing on individual and community rights. To ensure economic viability of West Virginia communities and the state, the rules must ensure that residents have transparency, a

voice in the process, and real protections. I strongly urge you to greatly amend the proposed rules to reflect these needs.

Thank you for considering my comments.

David Blockstein, Ph.D.
7016 Sycamore Ave
Takoma Park, MD 20912
301-906-4958

From: "Edward Brenwalt" <bahamut193@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 19:58:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Edward Brenwalt
1219 Triplett Run Rd Kerens, WV 26276-8645
bahamut193@yahoo.com

From: "David Calvo" <a.david.cavlo@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:50:32 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
David Calvo
a.david.cavlo@gmail.com

--
David Calvo
a.david.cavlo@gmail.com

From: "Kerren Hall" <kerrengh@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:44:41 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Kerren Hall
PO Box 149 Fayetteville, WV 25840-0149
kerrengh@yahoo.com

From: "Ellen Lippincott" <elippincott@yahoo.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 23:15:48 -0500
Importance: Normal

Dear Elected Officials,

I am writing in response to pending 145-CSR-20, Data Center Rules. The main problem is that the proposed rules do not provide any opportunity for West Virginians to have a say about what happens in their own communities.

The process needs to:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.
2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.
3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues.

Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

<u>Other issues include:</u>

- Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**.

- The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:**
  - how much electricity is sold to the grid
  - how much is acquired from the grid
  - the rate they paid
  - capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification.
  The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.

- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Don't sell out West Virginia to big data.
Sincerely,
Ellen Gabel

From: "Michele Gillman" <mcvance@k12.wv.us>
To: "Garner.Marks@WV.gov" <garner.marks@wv.gov>
Subject: NO to Data Centers
Date: Tue, 09 Dec 2025 15:23:58 -0500
Importance: Normal

To the West Virginia Division of Economic Development:

The citizens of West Virginia respectfully request that the Division of Economic Development hold an **in-person public hearing** before finalizing the rules outlined in **House Bill 2014**.

We strongly oppose the construction of data centers in our beautiful state. These projects pose significant risks to our environment, natural resources, and community well-being. Decisions of this magnitude should not be made without full transparency and public input.

We urge you to provide an opportunity for residents to voice their concerns and ensure that the process reflects the values and priorities of West Virginians.

Thank you for your attention to this matter.

Hazel Michele Gillman, LPC, NCC
Counselor
Lenore K-8 School
145 Ranger Drive
Williamson, WV 25661
Phone: 304-475-5331 ext. 1105
FAX: 304-475-2611

From: "Greg Smith" <gergster070@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:49:41 -0500

Importance: Normal

RE: Comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect. This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

This is a short-sighted move to benefit a few while harming many in the way of negative impacts, on the environment, tourism, real estate values, and our historical heritage. Our area has a fragile relationship with our water supply. Mismanagement of our water could devastate all of the aforementioned facets of life, and create irreversible consequences. It's safe to assume that many of the decision-makers of this bill rely on the very water tables that could be endangered, and when the water is gone, their homes' valuations will be practically worthless.

Please listen to the residents (taxpayers/constituents) of Jefferson County, and remove section 145-20-15 from the rules of this controversial bill.

Thank you for your consideration.

--
Greg Smith
gergster070@gmail.com

From: "Lisa Higgins" <lisa.higgins@sheppardpratt.org>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 02 Dec 2025 11:32:40 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC). HARD NO!!!

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Lisa Higgins
lisa.higgins@sheppardpratt.org

From: "Alan Engelberg" <Deweynj@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:08:26 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Alan Engelberg
Deweynj@gmail.com

From: "Christina Melocik" <chris.tiny@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:31:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Christina Melocik
435 Craighill Dr Charles Town, WV 25414-5646
chris.tiny@comcast.net

PUBLIC COMMENT SUBMISSION

RE: Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High-Impact Data Center (Title 145-20)
Submitted: December 2, 2025

Submitted by:
Shekinah Apedo, Esq.
Founder, West Virginia Blockchain Foundation
President, West Virginia Chapter of Stand With Crypto
info@wvblockchain.org
(305) 546-5193

To: A. Garner Marks

West Virginia Department of Economic Development
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

On behalf of the **West Virginia Blockchain Foundation** and the **West Virginia Chapter of Stand With Crypto**, I respectfully submit the following public comments regarding the proposed legislative rule **145-20**, "Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center," authorized under **W. Va. Code §§ 5B-2-21(a) and 5B-2-21A**.

Our organizations support forward-looking policy that positions West Virginia as a leader in digital infrastructure, high-performance computing, and energy innovation. Microgrids and data centers have the potential to revitalize former industrial sites, expand technological capacity, and create new opportunities for rural communities. However, for these benefits to be realized responsibly, the rules governing certification must incorporate strong protections for residents, ratepayers, and local governments.

1. Protecting Communities and Ensuring Transparency

The statute's exemption of certified microgrid districts from certain utility-level oversight creates both opportunity and risk. Without baseline standards for environmental review, noise, air quality, water usage, and community impact, rural and historically industrial communities may face negative externalities without adequate recourse or input.

Recommendation:
Require each certification petition to include an environmental and community-impact assessment, with findings made publicly available prior to approval.

2. Safeguarding Ratepayers and Preventing Hidden Cost Burdens

While the law states that regulated utility customers shall not bear costs associated with microgrid operations, this protection must be supported by clear, enforceable financial analysis to avoid indirect or long-term cost shifts.

Recommendation:
Require a ratepayer-impact analysis as part of every certification application, showing precisely how residential and small-business customers are protected from cross-subsidization.

3. Restoring Public Participation in the Certification Process

The statute preempts significant local permitting and zoning authority. If local governments are limited in their oversight, the state must provide alternative channels for residents to be heard.

Recommendation:
Mandate a public notice and comment period — including a local public hearing — before granting certification to any microgrid or high-impact data-center district.

4. Ensuring Long-Term Economic Value for West Virginians

Microgrids and high-impact data centers should contribute directly to local economic development — not only through capital investment, but through job creation, broadband support, and workforce training.

Recommendation:
Require applicants to outline:

- Local hiring plans;
- Workforce development partnerships;
- Wage and benefit standards;
- Integration with community broadband or decentralized infrastructure initiatives.

These commitments will help ensure that certified districts contribute sustainably to the economic future of the regions in which they operate.

Conclusion

Our organizations strongly support responsible, transparent, and community-focused development of microgrid and data-center infrastructure in West Virginia. We urge the Department of Economic Development to strengthen the proposed rule by incorporating the safeguards and accountability measures outlined above.

When implemented thoughtfully, microgrids and high-performance data centers can help transform West Virginia's energy landscape and position our state as a national leader in digital-infrastructure innovation — while honoring and protecting the communities we serve.

Thank you for the opportunity to provide public comment. We welcome continued dialogue as the rulemaking process moves forward.

From: "Scott Ferris" <scott.r.ferris@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:05:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

With such a long history of West Virginia being exploited for its natural resources while not reaping the financial benefits of those resources, it is unbelievable to think that we would ever consider repeating this process.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Scott Ferris
850 Anaconda Ave Charleston, WV 25302-3106
scott.r.ferris@gmail.com

From: "Rob Pyle" <cognate-draw8y@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:49:13 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

From: "John Spears" <jnsiii125@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:19:00 -0500

Importance: Normal

Although there is a great deal of enthusiasm in our society at the moment, there is immense danger in designating this rule an emergency. This is not an emergency, and only unfortunate results can come from undue haste. Please allow our elected representatives to participate in the rule making process before any rule goes into effect.

Please find below my further comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule not only eliminates public participation but it also eliminates the ABILITY OF THE PUBLIC to seek information and KNOW ANYTHING about these developments. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a MASSIVELY NEGATIVE IMPACT on local property values for properties NOT in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber installation. Please require that ALL PARCELS in a microgrid district BE CONTIGUOUS and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under ONE AIR PERMIT as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you ADD THESE SUGGESTIONS to the draft. Thank you.

Sincerely, John V Spears III

--
John Spears
jnsiii125@gmail.com

WEST VIRGINIA RIVERS

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305
304-558-2234

Re: Comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (145 CSR 20)

Submitted via email to garner.marks@wv.gov

Dear Garner Marks,

On behalf of West Virginia Rivers Coalition (WV Rivers) and our members, we appreciate the opportunity to comment on the rule regarding the Department of Commerce's Certification of Microgrid Districts and High Impact Data Centers. In accordance with the comments made by the West Virginia Chapter of the Sierra Club and other concerned partners, we have serious concerns regarding Data Centers' potential negative impacts on West Virginia's land, water resources, and communities. Our concerns with the rules' proposed definitions and process are outlined below, along with suggested recommendations for amending.

WV Rivers supports statewide economic development, and we want to see businesses be successful; however, that cannot come at the expense of communities and water resources. Allowing transparency in the certification process will build more trust with communities and allow businesses to get online sooner, in a manner that aligns with communities' needs. Likewise, it is imperative that we balance development with local control, as communities know their water resource needs best and should have an opportunity to provide input in projects that impact their community's water resources.

When passed, House Bill 2014 allowed for certified microgrid districts and certified high impact data centers with no regard to "county or municipal zoning, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals."[1] Further, the proposed rule states that The Secretary shall approve proposed certifications of these facilities based on "the Secretary's discretion."[2] By preempting local

[1] hb2014 sub1 enr.pdf
[2] 61-18368-58708-2025-11-10-14-45-23-226

control and giving blanket review of powers to the Secretary of Commerce, this rule as written eliminates any opportunity for public input and risks losing all forms of checks and balances. For these reasons, we ask the Secretary of Commerce to **amend section 5.4 of the rule** to require opportunities for public notice, public comment, and independent reviews by qualified engineers, economics, water resource specialists and environmental impact assessments, which should be required prior to the Secretary's approval.

Another concern revolves around the lack of information required by this rule. Further information is necessary to ensure a clear and transparent process. Currently, section 4.1.6 requires "Sufficient economic, financial, and engineering information concerning the proposed project," but does not state how the vague term "sufficient" will be decided. We suggest an **amendment to Section 4.1.6** to explicitly state every category of information that is required for the petitioner to disclose, with an addition of the following disclosures:

- Anticipated cooling methodology including sources of water and water consumption rates, as well as expected water discharges and receiving streams;
- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases;
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs;
- Anticipated noise levels at the fence line;
- Anticipated traffic volumes during construction and operation, and their impact on local roads;
- Anticipated workforce, job types and operating schedule;
- Safety policies and the petitioner's safety record including any OSHA recordable events;
- Anticipated emergency services utilized (fire, police, medical, etc.);
- Anticipated conflicts with existing land uses or local regulations;
- Anticipated impact on local housing and schools;
- Anticipated community benefits and proposed community benefit agreements.

Our transparency concerns continue in the rule's "Confidentiality" provisions in Section 15. While we recognize that some information may be proprietary and confidential, we request to **amend Section 15.1** of the rule to require a separate public filing process, providing relevant and necessary information to the public.

Finally, Section 8 and Section 13 of this rule cite the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for appeals, which specifies that "all parties shall be

afforded an opportunity for hearing..."[3] The proposed rule, however, makes it impossible for any affected party beyond the applicant or the agency to appeal any certification decision. Thus, we suggest the Secretary amend **Section 8 and Section 13** of the rule to honor opportunities for comments and appeal, as required by the referenced state statute.

It is critical for the WV Department of Commerce to ensure local control in the decision-making process and transparency to ensure public trust in development projects. Thank you for considering our comments. Please feel free to contact me for additional information.

Sincerely,

Jennie Smith, Executive Director

WV Rivers Coalition

cc. Autumn Crowe, Deputy Director

cc. Nathaniel Hitt, PhD; Senior Scientist

cc. Maria Russo, Policy Specialist

WV Rivers Coalition

[3] West Virginia Code | §29A-5-1

From: "Kevin Derr" <jkadfree123@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:41:08 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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Finally, I would like to see requirements that all new High Impact Data Centers be required to produce their own electricity. The local grid and local users should be protected from increased rates or outages which might otherwise result from the high energy demands of such facilities. Data Centers in WV should be self sufficient for water, and for electricity.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kevin Derr
jkadfree123@gmail.com

From: "Virginie Bauer" <raguinv@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 05:52:22 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Virginie Bauer
raguinv@hotmail.com

From: "Jennifer Block" <gwcforge44@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:01:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Jennifer Block
1230 Montrose Ave Morgantown, WV 26505-5824
gwcforge44@gmail.com

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

West Virginia has a long history of extractive industries coming in and taking advantage of all the state has to offer while returning no benefits to the people of West Virginia. It would be an absolute shame for our home to be stripped and sold to the highest bidder without us having so much as a say on the matter.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Rob Pyle

--
Rob Pyle
cognate-draw8y@icloud.com

From: "Greg Smith" <gsemperfi001@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:10:56 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

This is a short-sighted move to benefit a few while harming many in the way of negative impacts, on the environment, tourism, real estate values, and our historical heritage. Our area has a fragile relationship with our water supply. Mismanagement of our water could devastate all of the aforementioned facets of life, and create irreversible consequences. It's safe to assume that many of the decision-makers of this bill rely on the very water tables that could be endangered, and when the water is gone, their homes' valuations will be practically worthless.

Please listen to the residents (taxpayers/constituents) of Jefferson County, and remove section 145-20-15 from the rules of this controversial bill.

Thank you for your consideration.

--
Greg Smith
gsemperfi001@gmail.com

From: "Jo Powell" <matt_powell1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:00:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Jo Powell
615 4th St Saint Marys, WV 26170-1422
matt_powell1@yahoo.com

From: "Bekah Murray" <rebekahcovey@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:56:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Bekah Murray
512 Worthington Dr Apt 8 Bridgeport, WV 26330-1475
rebekahcovey@gmail.com

From: "Eric Engle" <ericdengle85@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 22:05:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Eric Engle
1800 Liberty St Parkersburg, WV 26101-4102
ericdengle85@gmail.com

From: "Christina Mickey" <mickwv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:52:15 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Christina Mickey
614 E Grafton Rd Fairmont WV Fairmount, TX 76522
mickwv@msn.com

From: "Cheryl Pullen" <ccpullen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 17:32:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Cheryl Pullen
PO Box 1608 Shepherdstown, WV 25443-1608
ccpullen@verizon.net

From: "Linda Nutter" <gkats_mom@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:23:49 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Linda Nutter
425 Stealey Ave Clarksburg, WV 26301-3462
gkats_mom@yahoo.com

From: "Joshua Goode" <jgoode01@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:18:08 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Joshua Goode
jgoode01@gmail.com

From: "Dede Cassis" <dedecassis@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:45:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dede Cassis
3405 Kanawha Ave SE Charleston, WV 25304-1337
dedecassis@gmail.com

From: "Amanda Margosiak" <sassysmith2994@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: In Regards to Tucker County's future, prosperity and safety
Date: Wed, 03 Dec 2025 13:57:47 -0500
Importance: Normal

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3 December 2025

Dear A. Garner Marks & The Department of Commerce, State of West Virginia:

I am writing to formally oppose the proposed legislative rule "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20) and to strongly object the advancement of any high-impact data center or microgrid district operations in West Virginia.

I am writing this comment with the Fundamental Data Ridgeline Project in Tucker County in mind, as the development of this project would result in deadly impacts for the residents of Thomas, WV, Davis, WV and wider Tucker County. The advancements of this project and those similar to it are objectively inhumane and unacceptable. This is not a matter of debate; these are facts.

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require. High-impact data centers present major risks that are not yet studied or addressed by any governing entity, and therefore should not be moved forward. Such failures directly impact the livelihood and health of the population and to ignore that would be a massive violation of American citizens and our land.

There is no requirement for environmental impact studies, ecological assessments, or ongoing monitoring. Data centers and microgrid districts of this scale pose significant threats to the forests, rivers, wildlife habitats, and rural landscapes they surround. These natural areas are among the state's most valuable assets- economically, culturally, and ecologically, and allowing developments like these is a direct attack on the people of West Virginia. The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential." This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust in and respect of all institutions involved. This is a direct insult to humanity and a poorly disguised attempt to inflict harm.

From: "Karen Sheehan" <karensheehan@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 08:42:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I have personally been dealing with all the multiple adverse impacts from data centers in my community in Virginia for over 10 years. The out-of-control water usage, electricity demand, noise, construction disruptions, and endless transmission lines and substations, notwithstanding the outrageous land grabs for massive concrete buildings, does not offset any 'promised' tax revenue. We have only experienced losses, and by no means anywhere near the benefits being marketed to local leaders.

West Virginia - be careful what nose you invite into your tent!

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Karen Sheehan
15025 Doe Ridge Rd Haymarket, VA 20169-1129
karensheehan@verizon.net

From: "Sarah Parmelee" <sparmelee@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:29:23 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I live in a community being impacted by data centers and their associated transmission lines. These facilities can come at a huge cost to the community unless proper review, regulation, and mitigation is in place. Failing to listen to community concerns in favor of chasing tech money also erodes public confidence in government's desire to put their interests above those of tech billionaires.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sarah Parmelee
3401 Southampton Dr Jeffersonton, VA 22724-1751
sparmelee@pecva.org

From: "Michelle Peake" <mpeakeredwood@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 13:57:53 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Michelle Peake
mpeakeredwood@gmail.com

From: "Robert Young" <youngharvests@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 21:53:12 -0500

Importance: Normal

As a local organic farmer who depends on the land, clean air, water, and stable energy costs to grow food for my community, I'm deeply concerned about the direction this rule is taking. The creation of these large, energy-intensive districts—especially those that may draw heavily on local water resources—poses serious risks to both the natural systems we rely on and the livelihoods of people who work the land.

In West Virginia, many of us farm and live in areas underlain by karst terrain—where groundwater moves quickly and connects distant wells, springs, and streams. Once this system is contaminated or overdrawn, it cannot easily recover. If these microgrid and data center projects are allowed to use groundwater without restriction, it threatens not just farms, but the very foundation of rural life and community health.

Energy costs are already a growing concern for small producers and residents. When massive energy consumers move in, they tend to raise prices for everyone else. That burden falls hardest on working families and small farms—the people least able to absorb it. If these projects go forward without transparency, environmental safeguards, or public input, we risk deepening the divide between corporate development and community well-being.

Progress should not come at the expense of the land, clean air, water, and people who make this state home. Any rule governing these districts must protect our shared natural resources and ensure accountability to the public. Without that, we are gambling with the future of our environment and the rural economy that depends on it. Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring

surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Robert Young
youngharvests@gmail.com

From: "Sonia Kanatus" <SoniaKanatus1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:31:31 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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Respect our lands and the people of WV. This is not what your constituents want!

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Sonia

--
Sonia Kanatus
SoniaKanatus1@gmail.com

From: "Suzanne Trowbridge" <suzannetrowbridge@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Proposed Rule 145CSR20
Date: Tue, 09 Dec 2025 18:56:33 -0500
Importance: Normal

Dear Mr. Marks,

I admit that a copied and pasted the below message from a group, as I am certain you (or more likely your staff) are aware.

I am a West Virginia resident on Monongalia County concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences. Residents in some areas of our state already do not have access to drinkable water. So, though I am not the author of this letter, I hardily endorse it…sort of like folks re-posting someone's post. It is my sincere hope that you will give the people living in this state a voice. Our land and our people have been run rough shod over enough, e.g., the battle of Blair Mountain. I will happily mail you a book about those times if you like.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features — expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.

- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

I respectfully request 1) the rejection of the proposed rule in its current form; and 2) a moratorium or permanent end to high-impact data center and microgrid district certifications without holding truth to comprehensive environmental, community, and transparency protections that are developed with full community input.

Have a conscience. Have a soul. Dare to actually care about American citizens and our environment we depend on to live.

-Amanda Margosiak

From: "Natasha Sandell" <tashahiner@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 19:01:29 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Natasha Sandell
1867 Oliver Ballard Rd Union, WV 24983-6773
tashahiner@hotmail.com

From: "Sally Roberts Wilson" <sallyrobertswilson@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 23:20:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:

- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers. A projected economic cost impact of increased state health costs associated with diseases resulting from increased air, water and soil contamination including pregnancy and birth complications, cancers, respiratory and cardiac morbidity and mortality should be provided.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Sally Roberts Wilson
54 Cheat Canyon Park Dr Morgantown, WV 26508-0008
sallyrobertswilson@gmail.com

From: "Dale Walter" <dwalter1220@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:38:40 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Dale Walter

--
Dale Walter
dwalter1220@gmail.com

From: "Carrie-Meghan Quick-Blanco" <carriemeghanqb@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:22:14 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Carrie-Meghan Quick-Blanco
923 8th St Huntington, WV 25701-2705
carriemeghanqb@gmail.com

From: "Jess Tucker" <jtucker@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:52:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Thank you for the opportunity to speak to you about HB 2014.
I live in Davis WV and just a little over a mile from the proposed Ridgeline data center, I am on the Davis Town Council, I work as a ski instructor in Canaan Valley, and am active with groups to maintain hiking biking trails.
I resent the fact that DEP has passed the heavily redacted permit for this data center.
It appears that money and trade secrets are more important than the safety and knowledge for the population that is most affected. Like ME.
I also resent the HB taking the say away from the locals as to what comes into their community.

Thank You, Jess Tucker

Thank you for the opportunity to provide this comment.

Sincerely,
Jess Tucker
PO Box 201 Davis, WV 26260-0201
jtucker@teachers.org

From: "Nancy Oelschlaeger" <nancy.oelschlaeger@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:19:44 -0500

Importance: Normal

This ruling is shameful and disgraceful. This legislative body is selling the tax payers and US citizens out to benefit only themselves and the corprate entiry that wants to build this monstrosity. My taxes have gone up with NOTHING to show for it. Water prices have gotten higher without improvement in quality. Electric bills have gone up! Since when did Jefferson county turn into NoVa. Anyone who is trying to pass "emergency "legislation just wants to do some crooked project that they know the public disapproved of and wants as little public input as possible. Shame on all of you. God and this democracy will be the ones who judge you in the end.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid

district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Nancy Oelschlaeger
nancy.oelschlaeger@gmail.com

From: "Michelle Sewald" <masewald@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:24:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Michelle Sewald
1401 Wewatta St Denver, CO 80202-1257
masewald@yahoo.com

From: "Sandra Frank" <frankpowell@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 20:13:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs Sandra Frank
90 Nuthatch Way Davis, WV 26260-8199
frankpowell@hotmail.com

From: "Rebecca Watson" <Rebecca.g.watson@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:12:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

From: "Nora Howell" <nora.howell.va@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: 145-CSR-20 Data Center Rules
Date: Wed, 10 Dec 2025 10:24:56 -0500
Importance: Normal

Dear Mr. Marks,

I'm a permanent resident of Tucker County, WV, and I live a few miles south of Davis and Thomas, where the Fundamental Data Ridgeline Project is proposed to be sited. As the people who would be most affected by a large power plant (that's clearly big enough to be classified as major), we were not informed in advance of their request to DEP and many of our questions and requests have not been considered. As I understand it, the Secretary of Commerce has the authority to take some steps to make community concerns a part of the process of approval and that these concerns could be made a part of 145-CSR-20.

Therefore, as the General Counsel to the Secretary of Commerce to, I ask that you work to:
1) Amend the rule (at section 5.4) to add a section to require public notice and comment, and opportunities for appeal.
2) Amend the Confidentiality provisions (Section 15) to require a separate public filing as well as a Confidential Business Information filing.
3)Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Thank you for considering the concerns of the people who will be most affected by this project if it goes forward as proposed.

Lenore Howell
495 Cabin Mountain Road
Davis, WV 26260

From: "Tori Klejnowski" <Viclpress987@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:32:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Victoria Klejnowski, 37 year resident of Jefferson County

--
Tori Klejnowski
Viclpress987@gmail.com

From: "DANITA NELLHAUS" <danitanellhaus58@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:42:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I have had a vacation home in Canaan Valley, Tucker Countyfor over 30 years and visit year round. My family loves the area and we are simply dismayed that a Data Center would even be considered. Hoping for an end to the madness soon. Thank you
Danita Nellhaus
1738 Loudon Heights Road Charleston WV 25314

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
DANITA NELLHAUS
1738 Loudon Heights Rd Charleston, WV 25314-1546
danitanellhaus58@gmail.com

From: "Carolyn Thomas" <crthomas25443@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Cc: "Patricia Rucker" <patricia.rucker@wvsenate.gov>, "Jason Barrett" <jason.barrett@wvsenate.gov>
Subject: Data Center Comments
Date: Fri, 05 Dec 2025 17:07:42 -0500
Importance: Normal

Dear Mr. Garner --

I can't imagine why the citizens of West Virginia have been railroaded and disregarded in the pursuit of data centers. The governor and legislature have their priorities in the wrong place.

At minimum we need guardrails and rules to control the insanity. Here are some good places to start:

- Return local control for best zoning and planning practices. Data Centers should not be exempt from local control.
- 145-20-16 Protect Viewsheds and Neighbors: Require a minimum of 500' setback for all adjoining property lines
- 145-20-18 Protect Groundwater: Require the use of surface waters (not groundwater) for data center operations.
- 145-20-19.2 Protect Farmland and Community Character: restrict development of data centers to not more than 1% of available land in a county. WV is not in the business of raising data centers. We need to protect farmland and open spaces for people, to reduce pollution, and promote livable communities.
- 145-20-20.1 Require data centers to be concentrated in designated areas, not strung throughout the county.
- 145-20-20.2 Require approval from elected county commissioners after a public hearing and documentation on certified map for any data center districts.
- Require openness and transparency for all data center and microgrid proposals. Eliminate 145-20-15.

The data center rush has been rammed through WV without any consideration and input from citizens. How can these applications be considered without full disclosure and discourse?

WV can do better. WV Citizens Deserve Better.

--
Carolyn Thomas
Shepherdstown, WV
240-818-6256

From: "Paul Mckay" <paulmck57@gmail.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>, randy.smith@wvsenate.gov

Cc: "Gene Thorn" <pethorn@hotmail.com>, "Jay Hanna" <wvupsc@yahoo.com>, "Paul D. McKay" <pauldmckay13@gmail.com>, "Randy Kesling" <rkesling@ma.rr.com>, "Larry Orr" <larryorr718@gmail.com>, "Brenden Gibson" <ford2004gib@yahoo.com>, "Eric Rinehart" <ericdrinehart@gmail.com>, "Lee and Asley Orr" <orrwhat4@frontier.com>, "Steven Pugh" <foxhuntr2@suddenlink.net>, "Bradley Riffee" <bradriffee@gmail.com>, "Amanda Caloccia" <ajcaloccia@gmail.com>, "Debbie McKay" <debmck59@gmail.com>

Subject: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Date: Tue, 09 Dec 2025 14:17:50 -0500

Importance: Normal

Gentlemen,
Please accept the following concerning the rules that are subject to public comment.
I am submitting these comments on behalf of the West Virginia Council of Trout Unlimited. We have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. Our comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**

2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

--
Paul
Paul M. McKay

Secondary Council Secretary
West Virginia Council of Trout Unlimited
9048

304 780 0557
4404 Oglebay Drive
Wheeling, WV 26003

From: "Tyler Palasciano" <tyler.a.palasciano@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:29:27 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Tyler Palasciano
tyler.a.palasciano@gmail.com

From: "Chris Milner" <Tinymilner@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 22:34:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Rebecca Green Watson, PhD

--
Rebecca Watson
Rebecca.g.watson@gmail.com

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Chris Milner
Tinymilner@gmail.com

From: "Stephen Faulkner" <spf5209@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:46:28 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC). It is bad enough that the bill overules democratic processes by not allowing local jurisdictions any say in the process and ignores zoning rules based on local needs. The proposed rules are insufficient to protect property values and groundwater resources and need to be changed per these recommendations. If you won't stand up for us in the Eastern Panhandle, who will?

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Stephen Faulkner
spf5209@gmail.com

From: "Amy Stewart" <amyreneejune@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public comment on HB2014
Date: Wed, 10 Dec 2025 16:09:32 -0500
Importance: Normal

I do not believe that the bill should be passed as is considering that counties where data centers are located will only receive 30% of the property tax revenue, despite bearing the brunt of the consequences and impacts of the presence of the data centers and the commensurate power plants necessary to run them.
I also think the size and political power of a company should not allow them to be exempt from zoning and other ordinances in a locality. These centers and power plants should have to cooperate and negotiate with local governments and not circumvent them through state political channels. They should reach mutually beneficial agreements with the communities into which they are attempting to locate.

I am deeply concerned about the environmental impact of these centers and power plants; however, I don't think that's a main concern of this legislative body at this time, and it does not seem to be open for comment on this bill. I would love to advocate that the state implement a public and transparent process for microgrids and data centers who apply for permits to build and locate here. The applicants should publicly provide detailed information regarding environmental and community impacts from facilities and subsidiaries, ideally independently conducted and verified.
Thank you,
Amy Stewart, zip code 26187
304-203-7755

From: "Bianca Prince" <biancaprincewv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:59:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Bianca Prince
721 Brawley Walkway # 503 Charleston, WV 25301-2201
biancaprincewv@gmail.com

From: "Stacey Liskey" <staceyliskey@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:55:00 -0500

Importance: Normal

Please protect our groundwater for farming

Please find below my comments on the
RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Stacey Liskey
staceyliskey@gmail.com

From: "Amanda Ray" <Amanda.Ray.Law@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:47:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Amanda Ray
921 Charles Ave Morgantown, WV 26505-5703
Amanda.Ray.Law@gmail.com

From: "Abigail Tyler" <abigailinnature@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:14:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Abigail Tyler
126 Middletown St Richwood, WV 26261-1028
abigailinnature@gmail.com

From: "Sharon Miller" <yellar147@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:00:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

This absolutely needs oversight and public hearings.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sharon Miller
35 NUZUM Ct Bridgeport, WV 26330
yellar147@gmail.com

From: "Lindsey Vance" <lindseyjvance@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Data Center
Date: Tue, 09 Dec 2025 18:19:59 -0500
Importance: Normal

[illegible]

[illegible]

[illegible]

From: "Sydney Bryant" <bryant.sydney@yahoo.com>
To: "Garner.Marks@WV.gov" <Garner.Marks@WV.gov>
Subject: Protect WV's Natural Resources: Serious Concerns About Data Center Microgrid Program
Date: Wed, 10 Dec 2025 10:23:50 -0500
Importance: Normal

Dear Mr. Marks,

I am writing with deep urgency regarding the proposed rules for West Virginia's certified microgrid and data center program under House Bill 2014. These rules—if enacted in their current form—risk enabling development that could irreversibly damage the very resources that make West Virginia unique: our mountains, forests, wildlife habitats, and clean water. These natural assets are not only irreplaceable; they are central to our state's identity, our public health, and our largest long-term economic successes in tourism and outdoor recreation.

West Virginia has worked for decades to restore streams, rebuild wildlife populations, and repair land harmed by extractive industries of the past. Introducing high-impact data centers without strong, enforceable protections threatens to undo that progress in a single generation. These facilities demand massive quantities of electricity and water—often millions of gallons per day. Without strict limits and transparent oversight, this program could quickly deplete local water sources, placing families, farms, and entire ecosystems at risk. Once groundwater, wetlands, or headwater streams are damaged, they cannot simply be replaced.

Water is West Virginia's most critical—and most vulnerable—natural resource. Communities across the state have already faced chemical spills, contamination disasters, and failing water systems. It is unacceptable and dangerous to introduce industrial operations of this scale without explicit safeguards for water withdrawals, wastewater disposal, stormwater management, and protection of aquifers and watersheds. Wildlife that depends on these water sources—from trout to migratory birds to endangered species—will suffer the consequences long before the impacts show up in human households.

Equally alarming is the potential for increased air pollution, industrial noise, land clearing, and heat discharge from these facilities. West Virginia's forests and mountains are the backbone of our growing tourism economy, supporting small businesses, state parks, outfitters, guiding services, and rural communities. Large-scale land clearing for data centers will destroy wildlife corridors, increase flooding risk, and accelerate erosion—

undermining a major pillar of our state's economic future. If we allow unchecked development to harm these landscapes, we risk sacrificing sustainable, long-term economic growth in exchange for short-lived industrial development that disproportionately benefits private companies.

The burden on local communities cannot be minimized. Increased utility demand from data centers can cause higher electricity rates, strain water systems, and force costly infrastructure expansions that residents—not corporations—end up paying for. Counties that host these facilities are already projected to receive only a portion of the revenue while absorbing nearly all the environmental and financial impacts. This imbalance is neither fair nor sustainable.

For these reasons, I urgently request that the final rules include the following:

1. Mandatory environmental impact studies, conducted by independent experts, with clear evaluation of water use, wildlife impact, pollution output, and land disturbance.
2. Strict, enforceable limits on water withdrawals, along with full transparency on the volume of water each facility intends to use.
3. Explicit protections for forests, wetlands, streams, and wildlife habitats, including setbacks, buffers, and limits on deforestation.
4. Robust requirements for noise control, air-quality protections, stormwater management, and pollution prevention.
5. Meaningful local authority in the siting process, ensuring communities can protect their own land, resources, and residents.
6. Public hearings, not just written comment periods, to ensure affected communities have a voice in decisions that will shape their future.
7. Community benefit guarantees to prevent residents from absorbing increased utility costs, infrastructure burdens, and long-term environmental damage.

West Virginians deserve development that strengthens—not sacrifices—our natural environment, rural communities, and economic future. The mountains, streams, wildlife, and landscapes of this state are not just scenery; they are the foundation of our health, our identity, and one of our greatest economic advantages. We cannot afford to jeopardize them for the sake of industrial projects that offer limited direct benefit and enormous long-term cost.

I urge you to take decisive action to protect West Virginia's environment and communities before damage is done that cannot be undone.

Thank you for your time and serious consideration.

Sincerely,

Sydney Bryant

From: "Carol Workman" <akmagpie96@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:52:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Carol Workman
PO Box 5065 Beckley, WV 25801-7500
akmagpie96@yahoo.com

From: "Tommy Doyle" <tommypdoyle@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comment regarding 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 19:22:59 -0500
Importance: Normal

Dear Ms. Marks,

I hope that you are doing well. I am writing to you as someone who visits West Virginia from neighboring Maryland very often. I love being able to visit West Virginia to not only experience the natural beauty, but also to visit the numerous small businesses and market stands that are in the area. As someone who often visits Davis, Thomas, and the neighboring areas, I am concerned about the news of a potential data center. The ramifications of such a center would certainly impede my ability to visit, patronize local businesses, and contribute to the economy and livelihoods of the great folks in West Virginia.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments,

Tommy Doyle
tommypdoyle@gmail.com
443-571-7589

From: "Joseph McCrary" <jmccrary@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 22:10:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am not a West Virginia resident, but I am disturbed by the reports that Tucker County residents are being deprived of a voice in the future of their community. In particular, that a large data center with a heavy adverse environmental impact is planned for the area, against the wishes of many local residents. My family and I have made 3 consecutive winter trips to Tucker County, visiting Canaan Valley State Park, Whitegrass, and St. Thomas Catholic Church. We love visiting to see the beautiful natural environment, the kind people, and the snow and sledding and skiing. My family and I look forward to making our 4th consecutive winter visit in January 2026. Surely a large data center would be better placed elsewhere. Please protect the natural beauty of Tucker County and restore a voice to the local residents.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Joseph McCrary
2610 B Barclay Dr Unit B Nashville, TN 37206-1508
jmccrary@alumni.nd.edu

From: "Nathan Music" <nathan.music9@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145-CSR-20 (Data Center Certification Rule)
Date: Mon, 08 Dec 2025 15:11:27 -0500
Importance: Normal

Garner Marks
Department of Commerce,

I am a Hardy County resident and am writing today to express my opposition to the HB 2014 that fast tracks the approval process and removes regulation and permitting requirements for the construction of data centers and microgrid power plant systems within the state. This legislation strips away local authority's zoning requirements and removes local resident's ability to petition these monstrosities from destroying their communities. This is shameful piece of legislation that should have never made it this far. It does nothing to benefit citizens and does everything to line the pockets of out-of-state corporations who are once again being allowed to reap profits at the expense of our environment, our resources, and our citizen's health. The lack of transparency surrounding the environmental permit for the Fundamental Data site makes it perfectly clear that the State does not hold the best interest of its people at the forefront. Redacting emission levels does nothing to protect "trade secrets" and has everything to do with sidestepping environmental regulations and exposing citizens to harmful pollutants. This legislation is nothing but a sell out of our legislators once again for the benefit of outsider profits.

Again, I cannot express my opposition to this piece of legislation strongly enough. Any restrictions, regulations, or mandated transparencies that can be imposed on companies wishing to install data centers within this state must be applied to them just as they would any other business to protect the citizens of this state.

Regards,
Nathan Music
Wardensville, WV 26851

From: "Amanda Wolfe" <msacmarshallwolfe@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:34:53 -0500

Importance: Normal

Please do the right thing Jeff County. FInd below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Amanda Wolfe
msacmarshallwolfe@gmail.com

From: "Keeping It Simple" <carolyn.culver@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Legislative Rule Title 145, Series 20
Date: Mon, 01 Dec 2025 13:03:17 -0500
Importance: Normal

Re: Public Comment on Proposed Legislative Rule Title 145, Series 20 – Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center

Dear Mr. Marks,

I submit this public comment in strong opposition to the proposed legislative rule under Title 145, Series 20, implementing House Bill 2014 (the Power Generation and Consumption Act of 2025). As drafted, the rule centralizes unchecked authority in the Secretary of the Department of Economic Development, bypassing local input, environmental protections, and public transparency. This enables high-risk projects like the Ridgeline Facility in Tucker County, threatening our communities' health, environment, and economic diversity. I urge substantial amendments to incorporate safeguards that prioritize West Virginians' well-being over corporate interests.

As a scientist, mother, and homeowner in the small town of Davis, I chose this area to build family memories and for future retirement amid its pristine landscapes and extremely close proximity to Blackwater Falls State Park, Dolly Sods, and Otter Creek.

I am horrified by how this rule endangers my family, community, and some of West Virginia's most beloved wilderness. Canaan Valley's misty trails and snow-capped peaks are where I hike and ski with my husband and children.

I urge you, do not be shortsighted. Take this opportunity to amend these rules in a sensible and measured way, so that all industries within West Virginia can thrive.

As written these rules offer no protection. The Ridgeline facility—a 500-acre natural gas plant has already had an air quality permit approved by the WVDEP and is less than 2 miles from 90% of Davis and Thomas homes and 1 mile from Davis Thomas Elementary Middle School. This ill-conceived location will cast a toxic shadow on not only the towns, but also Blackwater Falls and the Canaan Valley. Pollutants like PM2.5, NOx, and formaldehyde could cause harm to those that are healthy and exacerbate pre-existing conditions in vulnerable family members, increasing inflammation, respiratory issues, seizures, and infection risks. This is especially important to consider given this area's unique topography and predisposition to thermal inversion.

I urge you, amend the rules now to provide some basic and sensible guardrails that will prevent profoundly inappropriate locations like the Ridgeline facility from moving forward.

Tucker County needs sustainable jobs, not ones that sacrifice health. Without amendments, these rules will destroy the tourism dependent economy in Tucker County. Indeed, many jobs only exist because of the haven of natural beauty, skiing, and recreation Tucker County is renowned for. As written, these rules offer no protection for the lucrative tourism economy and risk the future of West Virginia's wild and wonderful legacy.

Amend to Require Local Input, Site-Specific Evaluations, and Environmental Safeguards (§145-20-3 and §145-20-4)

The rule omits any mandate for site-specific assessments or local approval, creating a loophole in §145-20-3 where eligibility hinges on vague "good faith efforts" to negotiate power supply (e.g., 300 MW) rather than binding contracts. This allows certification without verifying feasibility, as seen in Ridgeline's "synthetic minor" status teetering near major emission thresholds (NOx at 99.35 tpy, PM2.5 at 71.54 tpy).

Combined with §145-20-2.4's "nearly contiguous property" definition (up to 1 mile separation), it enables sprawling developments that evade scrutiny and amplify risks in sensitive areas like Canaan Valley, where inversions trap pollutants 2–5 times higher, worsening health and ecological impacts.

A mandatory 3-mile setback for natural gas power plants from schools, residences, and sensitive areas is essential to protect public health and equity. This aligns with the EPA's 3-mile radius in its Power Plants and Neighboring Communities Mapping Tool, assessing vulnerability to emissions like NOx, SO2, PM2.5, VOCs, and methane that disperse within this range. The radius highlights disproportionate impacts on low-income, minority, and vulnerable groups (e.g., children, elderly), where pollution peaks 0.3-1.9 miles from sources. Proximity within 3 miles links to respiratory illnesses, cardiovascular disease, asthma, and premature mortality. This setback mitigates risks by allowing dilution, addresses water contamination and methane-driven climate impacts, and promotes environmental justice by avoiding marginalized areas. Grounded in EPA standards and science, it reduces burdens while enabling responsible development.

Amend §145-20-3 and §145-20-4 to:

- Require binding power supply contracts, comprehensive Environmental Impact Assessments (EIAs) evaluating air, water, noise, biodiversity, and cumulative effects, and compliance with federal laws (Clean Water Act, Endangered Species Act).

- Mandate public hearings, local government consent, and minimum setbacks of 3 miles from residences, schools, or protected lands like Canaan Valley National Wildlife Refuge, in line with EPA community impact radii to protect vulnerable populations from pollution dispersion.

- Prohibit certifications near tourism-dependent or ecologically sensitive areas to prevent economic losses—Tucker County's $85 million annual tourism revenue supports a large majority of local jobs, which pollution could erode.

Amend to Address Public Health Risks and Economic Burdens (§145-20-4)

No provisions mitigate health threats from emissions or massive fuel storage (Ridgeline's 30 million gallons of diesel), imposing costs on the state through healthcare, lost productivity, and cleanups. Canaan Valley's high number of annual inversions amplify pollutants, hiking asthma attacks by 20–30%, cancer risks by 15–25%, and preterm births by 15–20%.

Fossil fuel bias in §145-20-4.1.10 (detailing power sources without renewable incentives) locks in high rates and stranded assets, costing billions nationally in health damages while hindering diversification.

Amend §145-20-4 to:

- Require health impact assessments modeling emissions and spills, developer-funded monitoring, and renewable sourcing to reduce costs and align with clean energy goals.

- Mandate hazardous materials plans compliant with EPA SPCC regulations, risk assessments for storage in karst terrain, and developer-funded cleanup bonds/decommissioning trusts to avoid taxpayer burdens.

Amend to Ensure Transparency and Accountability (§145-20-15)

§145-20-15's blanket confidentiality for Letters of Intent and petitions shields projects from scrutiny, conflicting with due process and inviting lawsuits. For Ridgeline, limited disclosures have spurred appeals over hidden risks.

Amend §145-20-15 to revoke confidentiality and require full public disclosure of applications, assessments, and rationales.

Amend to Protect Economic Diversity (§145-20-3 and §145-20-4)

The rule favors short-term fossil fuel gains over sustainable sectors, potentially costing the state in lost tourism revenue and higher utility rates without cost-benefit mandates.

Amend to require independent analyses showing no net rate increases or adverse impacts on residential bills and tourism economies.

HB 2014's rule, with its sunset on August 1, 2031 (§145-20-1.5), risks irreversible harm before expiration. These amendments are essential to safeguard Tucker County and West Virginia. I implore revisions before finalization —our future depends on it.

Sincerely,

Dr. Carolyn Culver

From: "Catherine Rolling" <crolling50@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 19:58:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Catherine Rolling
170 Main St Greenville, WV 24945
crolling50@gmail.ci

From: "Vernon Haltom" <vernon@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:21:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Vernon Haltom
PO Box 303 Naoma, WV 25140-0303
vernon@crmw.net

From: "Scott Korman" <skorman06@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 21:33:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers!

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Scott Korman
27110 Grand Central Pkwy Apt 28K Floral Park, NY 11005-1228
skorman06@gmail.com

From: "Sam Yates" <samanthaeyates@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:52:38 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Sam Yates
samanthaeyates@gmail.com

From: "Harold Clifton" <harold.d.clifton@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Dats Center Concerns
Date: Tue, 09 Dec 2025 18:22:28 -0500
Importance: Normal

RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Sent from my iPhone

From: "Lin.lacaria@me.com" <jf.lacaria@icloud.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Data center concern
Date: Tue, 09 Dec 2025 17:39:53 -0500
Importance: Normal

RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

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- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
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- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Thank you for your "almost heaven" attention to these matters.

John F Lacaria

JF.Lacaria@gmail.com

5104 Tamarock Dr.

Cross Lanes, WV. 25313

From: "Joel Pokladnik" <jdpokladnik@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:45:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Joel Pokladnik
jdpokladnik@gmail.com

From: "Lawrence LEVINE" <larrylevinewv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:15:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lawrence LEVINE
253 Old Powell Rd Lewisburg, WV 24901-1813
larrylevinewv@gmail.com

From: "Scott Strickler" <shstrickmd@gmail.com>
To: randy.smith@wvsenate.gov, "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Data centers
Date: Wed, 10 Dec 2025 06:53:38 -0500
Importance: Normal

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a native West Virginian and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

These are important safeguards to insure that we take advantage of this economic opportunity in the best fashion possible.

Sincerely,

Scott Strickler M.D.

From: "Frank Gmeindl" <fgmeindl@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 16:05:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

West Virginia is a small community and we West Virginians need to stick together to ensure optimal development for all members of the community. So far, plans for data-centers and micro-grids have insulted community members by not involving all community stakeholders in the projects from the get go. Project proponents should be required to disclose more about their projects' anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Frank Gmeindl
491 Wilson Ave Morgantown, WV 26501-6664
fgmeindl@gmail.com

From: "Bernardo I Alayza Mujica" <beralmu@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 22:33:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Bernardo I Alayza Mujica
133 Sioux St Sioux City, IA 51103-4950
beralmu@gmail.com

From: "Tricia Brewster" <triciahein@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:44:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Tricia Brewster
225 Gelding St Princeton, WV 24740-3811
triciahein@ymail.com

From: "Kay Liskey" <Kbliskey46@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:02:23 -0500

Importance: Normal

My wish is to save our ground water for future generations so that they make work the land and reap a bountiful harvest.

Thank you!

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid

district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kay Liskey
Kbliskey46@gmail.com

From: "Caitlyn Graulau" <caghorselover@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:59:28 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. It's easy for our representatives to forget whose neighborhoods are going to be impacted when it's not YOUR neighborhood. You're not going to put a data center or microgrid in the middle of Martinsburg, obviously, so why would you build one right next to a neighborhood?

Thank you.

Sincerely,

--
Caitlyn Graulau
caghorselover@gmail.com

From: "Jeremy Mayor" <jcmayor73@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:03:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jeremy Mayor
51 Cortland Rd Davis, WV 26260-8037
jcmayor73@gmail.com

From: "Terra Teets" <terrabteets@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 21:16:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Terra Teets
5664 Phillips Ave Pittsburgh, PA 15217-2205
terrabteets@gmail.com

From: "Richard Lo" <richard.bryan.lo@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:46:09 -0500

Importance: Normal

I would like to submit some comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

I firmly believe this rule should not be designated an emergency. It seems the only reason given for an emergency designation was that the legislation allows for emergency rules. This scenario does not actually constitute an emergency. I ask that you please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

Not only does this rule eliminate public participation, but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

Also, this legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts potentially have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse. Add to that the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

In order to address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Richard Lo
richard.bryan.lo@gmail.com

From: "B Moose" <bryanmusolino@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Certification of a Microgrid District as a High Impact Data Center
Date: Tue, 09 Dec 2025 18:54:51 -0500
Importance: Normal

RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virginia and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 preempts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

v/r

Dr. Bryan Musolino

From: "Danielle Ford" <Daniellefford@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:01:43 -0500

Importance: Normal

To whom this may concern,

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Firstly, this rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Danielle Ford
Daniellefford@gmail.com

From: "DEAN BONNEY" <dean.bonney@mac.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@WV.gov>
Subject: Public Comment: Microgrids and Data Centers
Date: Wed, 10 Dec 2025 10:59:46 -0500
Importance: Normal

Hi Garner,

My name is Dean Bonney and I am a resident of Thomas WV. I purchased a home there in 2015 and have been renovating it ever since. Last December I permanently moved to Thomas. Since 2015, I have spent over 400K restoring a house there. The house is located less than 3 miles from the location the data center.

I lived in Northern Virginia for over 35 years and am very familiar with the growth of data centers. My child's partner's father is a senior executive at HITT construction and they have been involved in the development of data centers in Loudoun County and elsewhere in VA.

I was a Trusted Advisor to senior federal government officials for almost 25 years for the MITRE Corporation.

The data center planned for Thomas exceeds the size of the largest data center in the US: The NSA data center in Nevada. The opaque nature of the group seeking to build in Tucker County, Fundamental Data, is similar to other front organizations that are created by the CIA, NSA, and other Intelligence organizations that bring these types of facilities into communities across the US.

I have no evidence that would suggest that Fundamental Data is one of those organizations but I know the playbook.

If this is a data center for the intelligence community, I can guarantee that US adversaries with nuclear weapons will place a target on Thomas/Davis. More concerning is that the most biodiverse area in the lower 48 states would be wiped out in a nuclear attack.

As a data scientist and systems engineer, I would like to also point out that as soon as quantum computing can scale, the need for data centers will become obsolete overnight due to the way energy is consumed in quantum entanglement. Significantly less energy will be required for AI to scale to the point of sentient operation.

To the more local concerns:

The headwaters of several major rivers may be irrevocably damaged.

The light pollution will disturb the fragile environment for the flora and fauna uniquely found in the Canaan Valley region.

The air quality will diminish because, like Coachella Valley (where Palm Springs CA is located), Pollution will be trapped in the valley, causing a diminished air quality and a rapid increase in surface and air temperatures over time.

Therefore, I am pleading with you to please take a more cautious approach to moving forward with the data center in Tucker County as well as elsewhere in WV by implementing a more transparent process for permitting. In addition, these front companies should be required to identify the source of their funding to both state and local governments. Finally, more thorough investigation of the environmental impact to the communities and the state should be conducted.

Data centers are not job creators. The can be operated remotely and managed by a handful of minimum wage employees.

Regards,

Dean Bonney

703.969.3412

From: "Dallas Scherrer" <dallas.scherrer@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:52:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dallas Scherrer
95 Warman Farm Rd Morgantown, WV 26508-1633
dallas.scherrer@gmail.com

From: "Michael Thompson" <Coachmet@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:19:41 -0500

Importance: Normal

To the powers that be…

First, and foremost, let me say that the idea of this being an emergency, is, at best, a rather narrow and shortsighted point of view. Further, the idea that these companies' applications be confidential will create a lack of transparency that is owed to the voting public. As a new home owner in WV, I chose the state for its beauty and the idea that its representatives stood for the freedom, democracy, and preservation of the state, its history, and its natural resources. The preservation of water and other natural resources is, or at least should be, paramount to our representatives. The "Rules", etc being proposed as an emergency are in direct opposition to what those in power should be fighting for. You should look at Frederick County, Maryland for a transparent, common sense, set of rules that takes the preservation of natural resources into account.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Michael Thompson
Coachmet@hotmail.com

From: "patricia park" <motti.park@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Garner.Marks@WV.gov
Date: Wed, 10 Dec 2025 10:50:56 -0500
Importance: Normal

I am writing concerning the data storage centers for Mason County 5 miles from my home. In Mason County, we already have the Pantesote Company disaster, which cannot be disturbed. TNT is just a little ways up the road from the data centers. Both are full of pollution. Directly across the road from this site, across the Ohio River, is an AEP power plant pumping pollution into the air daily. That area is the worst site of pollution in the US.On Milton Road in Camp Conley, 5 women have contracted or died from breast cancer. There are less than 20 houses on that road. One of the women was my college roommate and the other lady was a family friend. We don't need more pollution in this area. If this was truly going to bring jobs, better health protections, and a better tax revenue situation for the county, I would be all for it. There has not been any transparency with this permitting process or more than two meetings with the public, I am aware of. people who lived near this proposed business site asked questions more than a year ago. Nobody attempted to answer those people's questions. I feel the same way with the county commission. I even asked once if a newsletter could be developed to speak to the people of the county about the businesses coming in, but I guess that would be too much trouble. I would like to know the ramifications on water, electric usage, and the number of jobs coming into the center and qualifications for jobs. I would like to know the effects on health and the amount of pollution. I know from reading various articles in states such as NY and VA, citizens are not happy with data centers.It also appears, Mason County will receive less than a fair share of the revenue from data centers. Oh well, WV is dead last in everything. Time to move out of the state.

From: "MCAF WV Organizer Lani Wean" <lwean@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 13:53:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As the WV Organizer representing Mom's Clean Air Force, I am asking that you provide additional elements to the rule regarding high-impact data centers and certified microgrids.

Applications NEED to be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers. We need to be putting the financial and physical health of West Virginians first.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Mom's urges you to add a section to require public notice and comment, and opportunities for appeal.

I am also requesting that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
MCAF WV Organizer Lani Wean
1321 Virginia St E Charleston, WV 25301-3053
lwean@momscleanairforce.org

From: "Ekaterina Gibiansky" <gibiansky@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Public Comments on Proposed Rule 145-CSR-20 (Data Center Rules)
Date: Tue, 09 Dec 2025 22:16:16 -0500
Importance: Normal

To the Secretary of Commerce:

I'm writing as a part-time West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while excluding the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

- The rules need transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.

- Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so public can see the basic facts about what's being proposed.

- The rules should require applicants to disclose basic environmental and community impacts. Applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.

- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

- West Virginians should be protected from higher electric bills. Data centers must cover the full cost of their electricity use and any grid updates they require.

- The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.

- Public deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.

- A short application letter is not enough information to evaluate a facility of this scale.

These rules will shape how communities are able to participate, or whether they can participate at all, therefore I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

Sincerely,

Leonid Gibiansky

221 Cessna Ln, Davis

WV 26260

gibiansky@gmail.com

From: "Adolia Emerson" <Adoliae@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 15:39:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Adolia Emerson
1000 Teaberry Ln Peterstown, WV 24963-9435
Adoliae@gmail.com

From: "Caephren McKenna" <caephren@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 03:00:05 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Caephren McKenna
392 44th St Oakland, CA 94609-2225
caephren@gmail.com

From: "Micah King" <micahking91@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:31:23 -0500

Importance: Normal

Dear local leadership,

Please do not turn West Virginia into NOVA. The resources here are already stretched so thin. Adding the eyesore data centers will do little for the local job market and decimate our water and energy supply. Not worth it. Keep WV, WV and protect its land and people.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Micah King
micahking91@gmail.com

From: "Shayla Klein" <shay.jean6@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:23:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Though our ancestors were not very good stewards of our land, we must learn from the past and create a sustainable future. The clean-up from our mistakes today WILL be more expensive than any economic boost we might see. Therefore, I urge you to add the following requirements to applications.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Shayla Klein
129 Wesley Dr Morgantown, WV 26508-4203
shay.jean6@gmail.com

From: "Paul Yates" <snails.pace2002@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:07:07 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Paul Yates
501 Yokum St Elkins, WV 26241-3632
snails.pace2002@gmail.com

From: "Cynthia Burbank" <cindy.burbank@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:43:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Please don't sacrifice West Virginia to the data center industry. As we have found in Virginia, data centers have enormous impacts on communities and the environment. And their energy consumption is driving our electric grid past the brink -- and driving up electricity costs for average Virginians.

.

This will happen in West Virginia, too. You need to erect safeguards, and prevent the onslaught of data centers that will destroy the special character of "wild, wonderful West Virginia."

I'm sure you have safeguards and guardrails for other industries -- for transportation, for manufacturing, for housing developments, for home builders, and more.

To start with, data center applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Require applicants to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

Ensure there are opportunities for public input, disclosure, and accountability. Your current rules contain no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

Please hold a public hearing on your rules, to get the benefit of your residents knowledge and values and concerns.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Cynthia Burbank
6347 Barn Owl Ct Warrenton, VA 20187-4715
cindy.burbank@comcast.net

From: "Nora Belblidia" <nbelblidia@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Guidance writing a public comment on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 16:18:03 -0500
Importance: Normal

Dear Mr. Marks,

I'm writing as a frequent visitor to West Virginia who is very concerned about the proposed data centers and microgrids in the area. As someone who comes to West Virginia for its natural beauty, especially the Monongahela National Forest, **I am very concerned about the environmental impact of the data centers; it may affect my decision to visit in the future and contribute to the local economy.**

Today, I'm writing regarding HB 2014, and how it hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect towns from major impacts.

People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved. The rules need real transparency and a public process.
---> Please amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to the rules to require public notice and comment, and opportunities for appeal.

Companies should be required to submit a public version of their application so residents and visitors can see the basic facts about what's being proposed.
--> Amend the Confidentiality provisions (Section 15) to require a separate public filing as well as a Confidential Business Information filing.

The rules should require applicants to disclose basic environmental and community impacts.
--> Amend the rules (e.g., in section 4.1.6) so that applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.

Data centers should cover the full cost of their electricity use and any grid updates they require. Even though this won't affect me personally, I don't believe local residents should have to pay higher electric bills as a result.
--> Amend Section 3.1.2 to require that existing ratepayers must be protected when data centers negotiate with the local utility. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.

Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
--> Amend section 4.1.6 to provide objective criteria to define what is required. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application

or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.

Other issues:
--> Amend section 4.1.6.3 to require an independent financial analysis of the petitioner's financial capacity.
--> Amend section 5.2 (and section 11) to require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall". Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
--> Amend section 7 to require disclosure of: how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
--> Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing… ". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.
--> Amend section 14.1.4 to require a more comprehensive review. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

HB 2014 already limits local authority. The least the state can do is ensure that local residents. have transparency, a voice in the process, and real protections. **I strongly urge you to revise the rules to reflect these needs.**

Thank you for considering my comments.

Nora
Frequent visitor to Davis, WV

From: "Lauren Hatcher" <laurentrovato@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:17:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lauren Hatcher
513 Grant St Charleston, WV 25302-1951
laurentrovato@gmail.com

From: "Pam Garrison" <pamgarr1510@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:01:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Pam Garrison
30967 Midland Trl Lookout, WV 25868-6304
pamgarr1510@gmail.com

From: "Linda Carroll" <lindalouise701184951@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 00:49:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

At a minimum, applicants should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Linda Carroll
215 W Waverly Pl Spokane, WA 99205-3178
lindalouise701184951@yahoo.com

From: "Mary Tierney" <marytierneywv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:53:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mary Tierney
515 41st St SE Charleston, WV 25304-2401
marytierneywv@gmail.com

From: "Elisa Alexander" <alexan.e781@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:32:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Elisa Alexander
Harpers Ferry, WV

--
Elisa Alexander
alexan.e781@gmail.com

From: "Cheri Clark" <cheri.clark7@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:30:44 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Cheri Clark

--
Cheri Clark
cheri.clark7@gmail.com

From: "Craig Wilger" <wilgerca@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 05:24:00 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package. I live in Lewisburg WV and thank you for your service and consideration on this issue.

Thank you for the opportunity to provide this comment.

Sincerely,
Craig Wilger
489 Randolph St E Lewisburg, WV 24901-2527
wilgerca@suddenlink.net

From: "Rev. Dr. Gloria Wright" <revdrwright1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 06:18:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As someone born in the WV coalmine area, Edwight, WV. and the descendant of a early settler in what became WV, I continue to care very much about the people and my beloved home state. And having living in Loudoun County for the laswt several years, I know the issues related to the Data Centers and how local citizens are impacted. Please learn from how Loudoun County is responding to data center applications and follow their reasoned example. Don't continue, as with the coal mines, continuing to put WV citizens at risk from big business/corporations who have never likely even been to WV. Consider closely your decisions.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Rev. Dr. Rev. Dr. Gloria Wright
201 Brooksby Village Dr Peabody, MA 01960-1486
revdrwright1@gmail.com

From: "Kathy Jones" <kathyajones75@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sat, 06 Dec 2025 11:22:40 -0500

Importance: Normal

As a lifelong Jefferson County resident who will be impacted by data centers in WV, I would love to see our planning commission to continue to have oversight in commercial industries making their way to our county. They don't need a blank check to do what ever they want because the governor thinks it will prevent industry coming to WV.

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kathy Jones
kathyajones75@gmail.com

From: "Gracyn Hawk" <Ggrubb46@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:23:00 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Gracyn Hawk
Ggrubb46@gmail.com

From: "Kristy JustAir" <kristy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:14:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kristy JustAir
2050 15th St Detroit, MI 48216-1879
kristy@justair.co

From: "Mark Soukup" <furniturebymark@yahoo.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: House Bill 2014 (Data center legislation)
Date: Wed, 10 Dec 2025 12:07:59 -0500
Importance: Normal

Mr. Marks,

I am outraged by the language of HB 2014, excluding local county input in the proposal and planning of data centers within their boundaries and the shunting of all tax revenues with repect to these data centers to the state coffers and out of the hands of local authority.

It is hard to believe that Governor Morissey and the House of Deligates think that West Virginians can be in support of such legislation that usurps local authority in this manner. It is an insult to the people of this state.

As is usual, politicians in Charleston are cynically counting on the fact that many people simply aren't paying attention to what they, supposed representatives, are proposing in terms of legislation that has potential to negatively impact their constituents and excluding their ability to have any say.

While I can understand the governor's desire to get in on the current data center boom, I'm sorry to see him going about it in what I would call an underhanded manner.

Thank you.

Sincerely,
Mark Soukup
Monroe County resident

From: "Grace Dever" <gedever30@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:50:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Please prioritize caring for our environment with the following!

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Grace Dever
136 Grandview Ave Morgantown, WV 26501-6923
gedever30@gmail.com

From: "James Siegel" <Jimmyjsegel@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:00:41 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule takes away any local control over a highly significant land use, use of space, of groundwater and of energy. Data centers are large imposing and noisy. Data centers employ few local people, so have huge impacts with little job generating return. Our communities must have local control over the placement and growth of this still emerging technology. Why they should have no local control when there is no emergency is an abridgment of the rights of communities and counties to control their development destinies.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
James Siegel, Shepherdstown, WV

--
James Siegel
Jimmyjsegel@gmail.com

From: "Tom Degen" <degen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 16:58:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tom Degen
PO Box 83 Chloe, WV 25235-0083
degen@frontiernet.net

From: "Hali Taylor" <raphaeltaylor@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 08:48:45 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you. How dare you cloak our future in darkness to your own benefit.

Sincerely,
Hali Taylor

--
Hali Taylor
raphaeltaylor@frontiernet.net

From: "Sean Baker" <sotonite00@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 17:15:34 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Sean Baker
sotonite00@gmail.com

From: "Pam HylbertEder" <phylberteder@gmail.com>
To: "Garner.marks@wv.Gov" <Garner.marks@wv.Gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Micro Grid Rule - HB 2014
Date: Mon, 08 Dec 2025 17:46:56 -0500
Importance: Normal

Your Honorable Marks and Honorable Smith:

As a second homeowner in Tucker County, I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and micro grids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

Pam Hylbert-Eder
Broker/Owner
Pam Hylbert Properties

304-541-5602 - Direct Line

"YOUR Investment Deserves My 4+ Decades Of Experience"

From: "Gabriel Stanley" <stangabe7@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 17:04:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Gabriel Stanley
22419 Coachway Ln Richton Park, IL 60471-1937
stangabe7@gmail.com

From: "philip.bakershenk@gmail.com" <philip.bakershenk@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Comment on Proposed Rules to Implement WV House Bill 2014
Date: Tue, 09 Dec 2025 20:34:26 -0500
Importance: Normal
Attachments: Public_Comment_on_Rules_Implementing_H.B._2014_BAKER-SHENK.pdf

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December 9, 2025

PUBLIC COMMENT FILED VIA EMAIL TO: garner.marks@wv.gov

A. Garner Marks
1900 Kanawha Blvd
Building 3, Suite 800
Charleston, WV

Re: Public Comment on Proposed Rules to Implement WV House Bill 2014 Regarding Commerce Department Certification of a Microgrid District or High Impact Data Center [Docket Number/Rulemaking Identifier]

Dear Mr. Marks:

I am writing as a concerned taxpayer, landowner, and resident of West Virginia to ask that serious consideration be given to my comments set out below on the proposed rules for the implementation of WV House Bill 2014, which concerns the permitting of microgrid-powered data centers. I urge you to modify the proposed rules in some significant ways to preserve and protect private property, due process rights, and local governmental authority.

Why I am Submitting These Comments

While I support economic development for West Virginia, I am persuaded that economic development should not yet again come at the expense of our environment, community health, governmental transparency, and local authority.

In all candor, I opposed the underlying legislation prior to its enactment because it authorized an unconstitutional seizure of property rights without due process and imposes autocratic, state government control of ground water and land use at the expense of local self-government authority which is the heart of American democracy. As a registered Republican, I strain to imagine any policy more antithetical to the Republican Party philosophy than the one embodied in House Bill 2014 –removing as it does all local government control over ground water and land use at the county and municipal levels. As former president Ronald Reagan often said, the best government is the government closest to those governed. With all due respect, the best government for ground water and land use is local government, not state government.

For these reasons I am working for repeal of the underlying House Bill 2014, because it emasculates local government. But pending repeal of the statute, I urge the Department to make changes to the proposed implementation rules of this imprudent law to ensure that the permitting process it authorizes is more responsible and accountable to the public.

Background on WV House Bill 2014 and Proposed Rules

WV House Bill 2014 is designed to create an expedited permitting process to attract microgrid-powered data centers to West Virginia. The proposed rules dictate how this "fast-track" process will operate. Its accelerated timelines present a significant risk of overlooking critical environmental and community impacts. It is imperative that these implementing regulations build in safeguards that prioritize public transparency and thorough due diligence over speed, ensuring that new industry like this actually benefits our state without causing irreparable harm to our natural resources and local communities.

A Transparent Permitting Process Is Essential to Due Process

A fast-tracked permitting process must not be a closed-door process. To maintain public trust and ensure accountable decision-making, the final rules must mandate a robust and transparent public review for every permit application. This should include, at a minimum: mandatory public notice immediately upon receipt of an application, a clearly defined public comment period of no less than 30 days, and the requirement to hold public hearings upon reasonable request from the affected community. The Department can and should mandate such requirements under its general authority. True transparency requires that all application materials, supporting documents, and agency communications be readily accessible to the public immediately upon their submission to the Department. Private sector interests seeking to protect proprietary interests must give way to the greater public interest in ensuring that any expedited permitting process be accompanied by full transparency of all application materials. West Virginians have a right to be fully informed and to participate meaningfully in decisions that will so substantially affect our air, water, land, and quality of life.

Requirement for Environmental and Community Impact Analyses

To enable both the Department in its permitting authority and the public to make an informed assessment of a proposed data center or microgrid district, the rules must be amended to require each applicant to submit a comprehensive environmental and community impact analysis as part of its final, complete application. This analysis must go beyond cursory and conclusory statements and provide detailed, data-driven assessments of all potential impacts on air and water quality, ground water quantity in the surrounding community over the life cycle of the facility, noise pollution, local energy grid stability, water resource consumption, land use changes, and socioeconomic effects. To ensure objectivity and prevent conflicts of interest, the rules should specify that these impact analyses must be conducted by a qualified, independent third party and subsequently verified by the appropriate state agencies before an application can be considered complete and ready for consideration. Everything submitted by an applicant to the Department, including impact analyses, must be made immediately available to the general public in full.

Proposal for Incomplete Application Consideration

To give these requirements force, the final rules must include a clear, non-discretionary provision addressing incomplete application submissions. Specifically, the regulations should state that any permit application submitted without the required independent and verified environmental and community impact analysis will be deemed incomplete and will not be processed further until this deficiency is corrected. Only a complete application may trigger the timeframes in House Bill 2014. This "completeness check" is essential to prevent the approval of projects based on inadequate, biased, or non-existent data. It establishes a firm procedural guardrail that ensures

the core principles of due diligence are met before any fast-tracked approval process can be begun and any permit approval be granted.

Steps to Ensure Transparency in the Permitting Process

To ensure transparency in a permitting process, regulations should incorporate specific, mandatory procedural steps that guarantee public access and participation from the initial application to post-decision monitoring. Drawing from established federal regulatory practices, here are specific steps that can be included to build a transparent framework.

1. Early, Broad, and Continuous Public Notice

The public cannot participate in a process they are not aware of. Therefore, the foundation of transparency is a robust notice requirement.

- **Multi-Platform Notification**: The Department, as the permitting agency, should be required to use several methods to announce key milestones (e.g., receipt of an application, draft permit issuance, public hearing dates). This should include:
  - Publication in the non-legal section of major local newspapers of general circulation.
  - Broadcasts over local radio stations.
  - Prominent posting on the agency's official website.
  - Direct written notification to local government units, adjacent state authorities, and the owners and occupants of nearby properties.
  - Maintaining and using an email or mailing list for all individuals and organizations who have requested to be notified of permit actions.
- **Clear and Understandable Content**: The notice itself must be written in language understandable to the general public. It should clearly identify the applicant, the project's location, the nature of the proposed activity, a non-technical summary of potential environmental impacts and community effects, and the research goals of the project. Crucially, it must provide details on how the public can access documents, submit comments, and request a hearing, including all relevant deadlines and agency contact information.
- **Defined Notice Periods**: Strict timelines for notice must be established. For example, a notice of a draft permit should provide for a public comment period. Reasonable notice for a public hearing must be given prior to the hearing date.

2. Unfettered Public Access to Information

Transparency requires that the public have access to the same information the Department has received and is using to make its permitting decision.

- **Comprehensive Public File**: Regulations should mandate that the permitting agency maintain a complete public file for each application. This file must include all submitted application materials, any additional information requested by the agency, all agency analyses (including environmental reviews), the draft permit, and all correspondence with the applicant.

- **Dual Accessibility**: This information must be made available for public inspection both online via the agency website and in at least one physical location in the area affected by the source, such as a local library, community center, or county and municipal government office.
- **Record of Participation**: The agency must keep a public record of all persons who submit comments and the issues they raised. Following any public hearing, a full recording or written transcript must be made available to the public.

3. Transparent Decision-Making and Accountability

The Department's final decision must be clearly explained and justified to the public.

- **Response to Comments**: The agency should be required to prepare a formal "Response to Comments" document. This document would summarize all substantive comments received and provide a specific response from the agency, explaining how the comment was considered and, if rejected, why.
- **Published Record of Decision**: Following a final decision, the agency should issue a formal "Record of Decision". This document should explain the rationale for the agency's action, respond to the principal arguments raised, and detail any conditions attached to the permit. If the agency's decision runs contrary to an analysis provided by another expert agency, it should be required to provide a detailed explanation for its conclusion.
- **Post-Permit Transparency**: To ensure long-term accountability, the rules should mandate that the permittee submit periodic compliance reports to the Department. The Department, in turn, must be required to make these reports publicly available immediately upon receipt.

Third-Party Review Must Be Required As Part of Each Application

Incorporating an independent verification of environmental and community impact analyses into an application must be a prerequisite for the submission of a complete application. Such a review process is crucial for ensuring the objectivity, accuracy, and public credibility of permitting decisions. This can be achieved only by amending the proposed rule to require such specific, structured mechanisms along the lines of the following models.

1. Agency-Managed Third-Party Review

This model insulates the verification process from applicant influence by placing the Department, as the permitting agency, in control of selecting and managing the independent reviewer.

- **Selection and Contracting:** Before any applicant submits an application, it should be required to notify the Department of its intention to pursue an application. Thereafter, the Department should select an independent reviewer or reviewers to work with the prospective applicant at the applicant's expense. The regulations should require the permitting agency to establish and maintain a list of pre-qualified, independent technical consultants with expertise in relevant fields (e.g., hydrology, air quality modeling, socioeconomic analysis). The contract for services must be only between the Department and the consultant(s), ensuring the duties of

the consultant(s) are solely to the Department and the public interest. Concurrently with its notice of intention to pursue an application, the applicant should be required to post a bond guaranteeing full payment to the consultant(s) for services rendered. No application should be considered complete and ready for submission for review by the Department unless it is accompanied by a full report of the independent, third-party reviewer(s).

- **Scope of Verification:** The mandate of the reviewer(s) should be clearly defined in the rules. Reviews should assess:
  - The accuracy and completeness of the baseline data used in the applicant's studies.
  - The appropriateness of the scientific methodologies and models employed.
  - The validity of the applicant's conclusions regarding the nature and extent of potential impacts.
  - The feasibility and likely effectiveness of proposed mitigation measures.
- **Procedural Integration:** The verification report must be a formal part of the review process. The report must be completed and made public at the time the application is submitted to the Department's permitting agency.
- Strict Conflict of Interest Standards: The regulations must define and prohibit conflicts of interest. Any individual or firm serving as an independent verifier should be barred if they have a recent financial or employment history with the applicant or stand to gain financially from the project's approval.

2. Publicly-Empowered Mitigation Fund

This model enhances community participation by providing resources for the public to conduct mitigation responses that address vulnerabilities identified in the third-party reviews and analyses.

- **Technical Assistance Fund:** The regulations should establish a "Technical Assistance Fund," capitalized by a significant application fee.
  - Bona fide community groups or local governments in the impacted area would be eligible to apply for grants from this fund.
  - The grant money would be used to hire their own independent expert to analyze the application and impact studies and implement mitigation responses.
- **Incomplete Application Provision:** The rules should explicitly state that if an independent verification review reveals that the applicant's impact analysis is fundamentally flawed, based on inaccurate data, or incomplete, the agency must deem the application incomplete. The review clock would stop until the applicant submits a corrected, sufficient analysis.

3. Definitional Requirements for a "Complete Application"

To ensure applications are deemed incomplete if they lack verified impact assessments, several legal and regulatory mechanisms should be embedded into the permitting framework. These mechanisms create clear, enforceable procedural gates that prevent an

application from advancing until all substantive requirements, including independent verification, are met. The most direct mechanism is to define a "complete application" in the regulations as one that includes the required verified impact assessment. By making the verified assessment an explicit, mandatory component of the initial submission, its absence automatically renders the application incomplete.

- **Bright-Line Rejection Rule:** The regulations should state unambiguously that incomplete applications will not be processed. The agency should be given clear authority in the rules to refuse to even docket an application that lacks the required verified assessment.
- **Enumerated Content Requirements:** The regulations should list all required contents for a complete application. This list would explicitly include the final report from an independent verifier.
- **Formal Rejection Notice:** When an application is rejected for being incomplete, the Department should provide a specific reason simultaneously to the applicant and the general public. This creates a formal record and instructs the applicant on how to cure the defect and informs the public in a transparent manner.

4. Procedural Mechanisms: The "Completeness Clock" and Deficiency Notices

Procedural rules can create powerful incentives for applicants to submit complete and verified information from the outset by tying the review timeline directly to the submission's adequacy.

- **Toll the Review Clock:** A key mechanism is to stop the statutory or regulatory clock for agency review until the application is formally deemed complete. The Department's review period should not begin until it receives all requested information and it deems the application complete. This will prevent an applicant from using a "fast-track" timeline to pressure the permitting agency into reviewing an insufficient submission.
- **Formal Deficiency Notice and Opportunity to Cure:** If an application is submitted without the verified assessment, the agency should be required to issue a formal deficiency notice. The regulation should specify a fixed period for the applicant to provide the missing verification.
- **Dismissal for Failure to Cure:** The regulations must specify the consequences of failing to remedy the deficiency within the allotted time. This creates a final, dispositive consequence for non-compliance.

5. Codifying Verification as a Condition Precedent to Completeness

The regulations should be drafted to ensure that it is not just the applicant's study, but the *verification of that study*, that is a required element of the application package.

- **Mandate for Independent Evaluation:** The regulations should stipulate that an application is not complete until the agency has conducted its own independent evaluation of the applicant's data. The agency's written concurrence with the analysis would become a required document before the application is deemed complete.
- **Required Disclosure and Integrity Statements:** The application itself can be required to contain certifications by applicant officials that facilitate verification,

such as a "professional integrity statement" or a "disclosure statement specifying any financial or other interest" in the project's outcome. An application submitted without these required statements should be deemed facially incomplete.

Conclusion and Call to Action

In conclusion, I urge you to amend the proposed rules to incorporate these critical protections. A permitting process for major industrial facilities like high impact data centers and microgrid districts must include mandatory public transparency and require comprehensive, independently verified impact analyses as a prerequisite for consideration. By adopting these measures, you can ensure that West Virginia's pursuit of economic growth does not compromise its commitment to environmental stewardship, transparent governance, local autonomy, and the private property and due process rights of its citizenry.

Thank you for giving my comments your serious consideration.

Sincerely,

Philip Baker-Shenk
88 Shepherd Village Circle
Shepherdstown, WV 25443

Philip Baker-Shenk
88 Shepherd Village Circle
Shepherdstown, WV 25443

December 9, 2025

PUBLIC COMMENT FILED VIA EMAIL TO: garner.marks@wv.gov

A. Garner Marks
1900 Kanawha Blvd
Building 3, Suite 800
Charleston, WV

Re: Public Comment on Proposed Rules to Implement WV House Bill 2014 Regarding Commerce Department Certification of a Microgrid District or High Impact Data Center [Docket Number/Rulemaking Identifier]

Dear Mr. Marks:

I am writing as a concerned taxpayer, landowner, and resident of West Virginia to ask that serious consideration be given to my comments set out below on the proposed rules for the implementation of WV House Bill 2014, which concerns the permitting of microgrid-powered data centers. I urge you to modify the proposed rules in some significant ways to preserve and protect private property, due process rights, and local governmental authority.

Why I am Submitting These Comments

While I support economic development for West Virginia, I am persuaded that economic development should not yet again come at the expense of our environment, community health, governmental transparency, and local authority.

In all candor, I opposed the underlying legislation prior to its enactment because it authorized an unconstitutional seizure of property rights without due process and imposes autocratic, state government control of ground water and land use at the expense of local self-government authority which is the heart of American democracy. As a registered Republican, I strain to imagine any policy more antithetical to the Republican Party philosophy than the one embodied in House Bill 2014 –removing as it does all local government control over ground water and

land use at the county and municipal levels. As former president Ronald Reagan often said, the best government is the government closest to those governed. With all due respect, the best government for ground water and land use is local government, not state government.

For these reasons I am working for repeal of the underlying House Bill 2014, because it emasculates local government. But pending repeal of the statute, I urge the Department to make changes to the proposed implementation rules of this imprudent law to ensure that the permitting process it authorizes is more responsible and accountable to the public.

Background on WV House Bill 2014 and Proposed Rules

WV House Bill 2014 is designed to create an expedited permitting process to attract microgrid-powered data centers to West Virginia. The proposed rules dictate how this "fast-track" process will operate. Its accelerated timelines present a significant risk of overlooking critical environmental and community impacts. It is imperative that these implementing regulations build in safeguards that prioritize public transparency and thorough due diligence over speed, ensuring that new industry like this actually benefits our state without causing irreparable harm to our natural resources and local communities.

A Transparent Permitting Process Is Essential to Due Process

A fast-tracked permitting process must not be a closed-door process. To maintain public trust and ensure accountable decision-making, the final rules must mandate a robust and transparent public review for every permit application. This should include, at a minimum: mandatory public notice immediately upon receipt of an application, a clearly defined public comment period of no less than 30 days, and the requirement to hold public hearings upon reasonable request from the affected community. The Department can and should mandate such requirements under its general authority. True transparency requires that all application materials, supporting documents, and agency communications be readily accessible to the public immediately upon their submission to the Department. Private sector interests seeking to protect proprietary interests must give way to the greater public interest in ensuring that any expedited permitting process be accompanied by full transparency of all application materials. West Virginians have a right to be fully informed and to participate meaningfully in decisions that will so substantially affect our air, water, land, and quality of life.

Requirement for Environmental and Community Impact Analyses

To enable both the Department in its permitting authority and the public to make an informed assessment of a proposed data center or microgrid district, the rules must be amended to require each applicant to submit a comprehensive environmental and community impact analysis as part of its final, complete application. This analysis must go beyond cursory and conclusory statements and provide detailed, data-driven assessments of all potential impacts on air and water quality, ground water quantity in the surrounding community over the life cycle of the facility, noise pollution, local energy grid stability, water resource consumption, land use changes, and socioeconomic effects. To ensure objectivity and prevent conflicts of interest, the rules should specify that these impact analyses must be conducted by a qualified, independent third party and subsequently verified by the appropriate state agencies before an application can be considered complete and ready for consideration. Everything submitted by an applicant to the Department, including impact analyses, must be made immediately available to the general public in full.

Proposal for Incomplete Application Consideration

To give these requirements force, the final rules must include a clear, non-discretionary provision addressing incomplete application submissions. Specifically, the regulations should state that any permit application submitted without the required independent and verified environmental and community impact analysis will be deemed incomplete and will not be processed further until this deficiency is corrected. Only a complete application may trigger the timeframes in House Bill 2014. This "completeness check" is essential to prevent the approval of projects based on inadequate, biased, or non-existent data. It establishes a firm procedural guardrail that ensures the core principles of due diligence are met before any fast-tracked approval process can be begun and any permit approval be granted.

Steps to Ensure Transparency in the Permitting Process

To ensure transparency in a permitting process, regulations should incorporate specific, mandatory procedural steps that guarantee public access and participation from the initial application to post-decision monitoring. Drawing from established federal regulatory practices, here are specific steps that can be included to build a transparent framework.

1. Early, Broad, and Continuous Public Notice

The public cannot participate in a process they are not aware of. Therefore, the foundation of transparency is a robust notice requirement.

- **Multi-Platform Notification**: The Department, as the permitting agency, should be required to use several methods to announce key milestones (e.g., receipt of an application, draft permit issuance, public hearing dates). This should include:
  - Publication in the non-legal section of major local newspapers of general circulation.
  - Broadcasts over local radio stations.
  - Prominent posting on the agency's official website.
  - Direct written notification to local government units, adjacent state authorities, and the owners and occupants of nearby properties.
  - Maintaining and using an email or mailing list for all individuals and organizations who have requested to be notified of permit actions.
- **Clear and Understandable Content**: The notice itself must be written in language understandable to the general public. It should clearly identify the applicant, the project's location, the nature of the proposed activity, a non-technical summary of potential environmental impacts and community effects, and the research goals of the project. Crucially, it must provide details on how the public can access documents, submit comments, and request a hearing, including all relevant deadlines and agency contact information.
- **Defined Notice Periods**: Strict timelines for notice must be established. For example, a notice of a draft permit should provide for a public comment period. Reasonable notice for a public hearing must be given prior to the hearing date.

2. Unfettered Public Access to Information

Transparency requires that the public have access to the same information the Department has received and is using to make its permitting decision.

- **Comprehensive Public File**: Regulations should mandate that the permitting agency maintain a complete public file for each application. This file must include all submitted application

materials, any additional information requested by the agency, all agency analyses (including environmental reviews), the draft permit, and all correspondence with the applicant.

- **Dual Accessibility**: This information must be made available for public inspection both online via the agency website and in at least one physical location in the area affected by the source, such as a local library, community center, or county and municipal government office.
- **Record of Participation**: The agency must keep a public record of all persons who submit comments and the issues they raised. Following any public hearing, a full recording or written transcript must be made available to the public.

3. Transparent Decision-Making and Accountability

The Department's final decision must be clearly explained and justified to the public.

- **Response to Comments**: The agency should be required to prepare a formal "Response to Comments" document. This document would summarize all substantive comments received and provide a specific response from the agency, explaining how the comment was considered and, if rejected, why.
- **Published Record of Decision**: Following a final decision, the agency should issue a formal "Record of Decision". This document should explain the rationale for the agency's action, respond to the principal arguments raised, and detail any conditions attached to the permit. If the agency's decision runs contrary to an analysis provided by another expert agency, it should be required to provide a detailed explanation for its conclusion.
- **Post-Permit Transparency**: To ensure long-term accountability, the rules should mandate that the permittee submit periodic compliance reports to the Department. The Department, in turn, must be required to make these reports publicly available immediately upon receipt.

Third-Party Review Must Be Required As Part of Each Application

Incorporating an independent verification of environmental and community impact analyses into an application must be a prerequisite for the submission of a complete application. Such a review process is crucial for ensuring the objectivity, accuracy, and public credibility of permitting decisions. This can be achieved only

by amending the proposed rule to require such specific, structured mechanisms along the lines of the following models.

1. Agency-Managed Third-Party Review

This model insulates the verification process from applicant influence by placing the Department, as the permitting agency, in control of selecting and managing the independent reviewer.

- **Selection and Contracting:** Before any applicant submits an application, it should be required to notify the Department of its intention to pursue an application. Thereafter, the Department should select an independent reviewer or reviewers to work with the prospective applicant at the applicant's expense. The regulations should require the permitting agency to establish and maintain a list of pre-qualified, independent technical consultants with expertise in relevant fields (e.g., hydrology, air quality modeling, socioeconomic analysis). The contract for services must be only between the Department and the consultant(s), ensuring the duties of the consultant(s) are solely to the Department and the public interest. Concurrently with its notice of intention to pursue an application, the applicant should be required to post a bond guaranteeing full payment to the consultant(s) for services rendered. No application should be considered complete and ready for submission for review by the Department unless it is accompanied by a full report of the independent, third-party reviewer(s).
- **Scope of Verification:** The mandate of the reviewer(s) should be clearly defined in the rules. Reviews should assess:
  - The accuracy and completeness of the baseline data used in the applicant's studies.
  - The appropriateness of the scientific methodologies and models employed.
  - The validity of the applicant's conclusions regarding the nature and extent of potential impacts.
  - The feasibility and likely effectiveness of proposed mitigation measures.
- **Procedural Integration:** The verification report must be a formal part of the review process. The report must be completed and made public at the time the application is submitted to the Department's permitting agency.

- Strict Conflict of Interest Standards: The regulations must define and prohibit conflicts of interest. Any individual or firm serving as an independent verifier should be barred if they have a recent financial or employment history with the applicant or stand to gain financially from the project's approval.

2. Publicly-Empowered Mitigation Fund

This model enhances community participation by providing resources for the public to conduct mitigation responses that address vulnerabilities identified in the third-party reviews and analyses.

- **Technical Assistance Fund:** The regulations should establish a "Technical Assistance Fund," capitalized by a significant application fee.
  - Bona fide community groups or local governments in the impacted area would be eligible to apply for grants from this fund.
  - The grant money would be used to hire their own independent expert to analyze the application and impact studies and implement mitigation responses.
- **Incomplete Application Provision:** The rules should explicitly state that if an independent verification review reveals that the applicant's impact analysis is fundamentally flawed, based on inaccurate data, or incomplete, the agency must deem the application incomplete. The review clock would stop until the applicant submits a corrected, sufficient analysis.

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To ensure applications are deemed incomplete if they lack verified impact assessments, several legal and regulatory mechanisms should be embedded into the permitting framework. These mechanisms create clear, enforceable procedural gates that prevent an application from advancing until all substantive requirements, including independent verification, are met. The most direct mechanism is to define a "complete application" in the regulations as one that includes the required verified impact assessment. By making the verified assessment an explicit, mandatory component of the initial submission, its absence automatically renders the application incomplete.

- **Bright-Line Rejection Rule:** The regulations should state unambiguously that incomplete applications will not be processed.

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conducted its own independent evaluation of the applicant's data. The agency's written concurrence with the analysis would become a required document before the application is deemed complete.

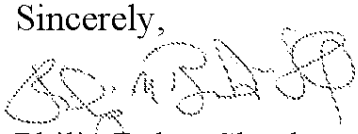
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Conclusion and Call to Action

In conclusion, I urge you to amend the proposed rules to incorporate these critical protections. A permitting process for major industrial facilities like high impact data centers and microgrid districts must include mandatory public transparency and require comprehensive, independently verified impact analyses as a prerequisite for consideration. By adopting these measures, you can ensure that West Virginia's pursuit of economic growth does not compromise its commitment to environmental stewardship, transparent governance, local autonomy, and the private property and due process rights of its citizenry.

Thank you for giving my comments your serious consideration.

Sincerely,



Philip Baker-Shenk

From: "Sara Lindsrom" <saralindstrom1979@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:52:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sara Lindsrom
2289 Big Ugly Creek Rd Chapmanville, WV 25508-5309
saralindstrom1979@gmail.com

From: "Diana Greenhalgh" <diana12759@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 06:14:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Diana Greenhalgh
2051 Red Lick Rd New Milton, WV 26411-6239
diana12759@gmail.com

From: "Tracy Lopez" <Tracyde.lopez@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:12:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Tracy Lopez

--
Tracy Lopez
Tracyde.lopez@gmail.com

From: "Shawn Phillips" <shawn@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:54:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Shawn Phillips
873 Chester Rd Charleston, WV 25302-2819
shawn@wvvag.org

From: "David Young" <indaydream@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:12:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
David Young
310 FAIRFAX Ave Davis, WV 26260
indaydream@gmail.com

From: "Mason Lantz" <Masonlantz24@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 08:32:52 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Mason Lantz
Masonlantz24@icloud.com

From: "Gertrude Bagley" <trudyscov@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:10:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Gertrude Bagley
PO Box 621 Rainelle, WV 25962-0621
trudyscov@yahoo.com

From: "John Cheshire" <sbennumi@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:44:25 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
John Cheshire
sbennumi@gmail.com

From: "J King Seegar" <kseegar@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:32:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As a concerned, resident of Pendleton County, West Virginia who's community will be significantly impacted negatively by the proposed data centers, which consume inordinate amounts of West Virginia's resources I feel applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. J King Seegar
321 N Main St Franklin, WV 26807-6569
kseegar@mac.com

From: "Katerina Fuller" <ktyfuller@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:47:41 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Katerina Fuller
ktyfuller@gmail.com

From: "Rachel Whelan" <rperezwhelan@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:38:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Rachel Whelan
27 Top Of The Hill Ln Old Fields, WV 26845-1101
rperezwhelan@icloud.com

From: "Keeley Ellakany" <syngensohmers@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:53:25 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Keeley Ellakany
syngensohmers@gmail.com

From: "Karla Reynolds" <reynoldskjnurs12@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:20:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Karla Reynolds
100 Evergreen Pl Beckley, WV 25801-2752
reynoldskjnurs12@icloud.com

From: "James Webb" <wamessjebb@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:22:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

How do webenefit from data center proliferation?

Thank you for the opportunity to provide this comment.

Sincerely,
James Webb
2295 Luther Jones Rd Shenandoah Junction, WV 25442-4552
wamessjebb@gmail.com

From: "Susan Sauter" <stsauter@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:48:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

>From my Preston County porch, if everything goes as proposed, I'll look over at the next hillside and see what isn't touted for tourism or health: a swath of tree-less hillside with a gigantic power line on it (MARL) to fuel data centers. Who is benefiting from this devastation of my county and state? Certainly not me. And fighting it is not even my paid job, unlike the forcing of it upon me by corporations and legislators.

Furthermore, not too many miles from my Preston County porch a solar microgrid is proposed on pristine farmland and woods supporting so many plants and animals and our very watershed, the Big Sandy/Cheat. Detailed and serious consideration of impact should provide detailed plans to minimize breaking up forests and woodlands.

Let's even the playing field just a little: Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Susan Sauter
1932 Girl Scout Camp Rd Bruceton Mills, WV 26525-6534
stsauter@frontiernet.net

From: "Michelle Paquette" <michellepocket3@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:10:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Michelle Paquette
404 Callen Ave Morgantown, WV 26501-6414
michellepocket3@yahoo.com

From: "Tyler Meador" <tmdr6456@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:51:15 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tyler Meador
62 Coyote Dr Pax, WV 25904
tmdr6456@gmail.com

From: "Madison Matheny" <madi.matheny@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:33:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Madison Matheny
591 Badgley Fork Rd Mineral Wells, WV 26150-3058
madi.matheny@gmail.com

From: "Judy Williamson" <judylw29@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 17:28:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Judy Williamson
601 Poplar Ave Williamstown, WV 26187-1037
judylw29@live.com

From: "Emma Casale" <crprocrastinator@aol.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: HB2014
Date: Mon, 08 Dec 2025 16:56:27 -0500
Importance: Normal

I am writing to ask you to stop HB2014, the Data Center Bill.
I am the owner of a small retail store in Jefferson County and have been a resident here since 2014. My family have been residents for generations.
I have many objections to this bill as outlined below.
I. Data centers are resource hogs that take from the residents of a region
A. Any data center going forward should be required to use 75% renewable energy to protect the grid from being overloaded and residents from having to pay an unfair amount for their electricity.
B. Water is a finite resource. The water table is shared by all of us (farms and residents and businesses). Data centers waste an unconscionable amount of water and any being built should be required to have a majority closed cooling system (as nuclear plants do). Any discharged water needs to be monitored and filtered of chemicals that are over concentrated through evaporation. There is a probable issue at data center out west whose water usage is causing dangerous concentrations of chemicals that are making people sick.
II. There is no emergency that necessitates any form of emergency measure.
III. Eliminating public comment and reducing public notice takes sovereignty from tax paying constituents and prevents them from having a say in what happens to their homes and businesses.
A. Any project that cannot undergo a public vetting process or seeks to remove the public vetting process is obviously trying to hide from accountability and are doing something contrary to public interest.
IV. HB2014 makes no protections for historic landmarks, legacy farms or nature tourism or impact on existing businesses and communities. All of these need to be taken under consideration.
In conclusion, it is high time for the people who represent the people of WV to stand up for those people and not sell us out to big business and polluters who only want to take our resources. Any business wanting to operate in WV should have to go through the appropriate channels including public and scientific review.
-Emma Casale
101 S Princess St
Shepherdstown WV 25443

From: "Randi Pokladnik" <randi.pokladnik@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:39:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Some points to consider for DATA CENTERS:
Some of the concerns expressed by communities located close to data centers include: the noise, water usage, acres of land transformed into industrial centers, exposure to air pollution from power generation, high voltage transmission lines cutting through communities and farmlands, and probable increases in their utility bills due to the increases in power consumption.
Data centers require an enormous amount of water for cooling purposes.Data centers can consume up to five million gallons per day; the equivalent of a town of 10,000 to 50,000 people.
Data centers require large amounts of electricity and 56 % of that energy will be from fossil fuels.
According to a report from the Ohio River Valley Institute, "A 100 MW data center, assuming it operates at 70% max capacity over a year, will use 613,200 MWh of electricity. Producing that much electricity from natural gas will consume over 4.4 billion cubic feet of gas. This would emit roughly 300,000 tons of carbon dioxide, which is equivalent to the annual emissions of nearly 60,000 typical passenger cars."
It is estimated that U.S. data centers produced 105 million tons of carbon dioxide emissions in the past year.
The natural gas (methane) needed to power these centers will come from fracked gas.
Appalachian counties will be facing more health and environmental impacts from fracking.

Discharges from data centers can include: biocides, corrosion inhibitors, heavy metal, dissolved solids, flame retardants (PFAS compounds), and can also cause environmental damage from thermal pollution. A significant amount of water is used for cooling these data centers and water temperatures during the cooling process can be as high as 40 degrees F above initial water temperatures.
Managing the increased wastewater discharge from data centers requires significant resources, including advanced treatment technologies, skilled personnel, and financial investment. This can strain the budgets of public water management agencies, potentially diverting funds from other critical infrastructure projects.
Additionally, these data enters also use large quantities of PFAS-gas or f-gas chemicals.

The compounds have been linked to cancer, birth defects, decreased immunity, high cholesterol, kidney disease, and a range of other serious health problems.
They are dubbed "forever chemicals" because they do not naturally break down in the environment and they are also potent greenhouse gases.
The compounds are used in the cooling phase and also to manufacture some semiconductors.
Currently the Trump administration is moving to "fast-track" data centers by "expedited chemical review" for compounds used at data centers.
Local communities will see the effects while corporations reap the benefits of climate destroying energy hogging data centers.
Randi Pokladnik, PhD Environmental Studies

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national

register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Randi Pokladnik
randi.pokladnik@gmail.com

From: "Amanda Stroud" <Amanda.8433@outlook.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Rule Making for HB 2014 - Public Comments
Date: Tue, 09 Dec 2025 11:03:05 -0500
Importance: Normal

Good Morning Mr. Marks. Here are my comments/questions regarding this matter:

Section 145-20-1.5 Sunset Provision - a nice surprise that these rules will become null and void in approximately five and a half years. But that begs the question the why?

Section 145-20-2.3.4 A critical IT load of 90MGW or higher is a huge data center. What if someone wants to build a 50MGW data center? Will these rules not apply?

Section 145-20-2.4 - Remove "nearly" and make the requirement for parcels of property continuous. The state already has a shortage of usable land and having a large non-data center parcel between say sections 5 and 6 of an AWS data center is a poor use of limited resources. Build up, not out.

Section 145-20-11.1 Fourteen days is too short of a timeframe to approve a data center. Please change it to at least 30 if not 90 days.

Section 145-20-15 Just no on confidentiality. Thanks to the way HB2014 was written residents of this state have no say in theses matters. Bt y'all should at least provide us with the ability to know what's coming.

Thank you,
Amanda Stroud
Ranson, WV

From: "Caitlin Ware" <caitlineware@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:20:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Caitlin Ware
6616 Parkersburg Rd Sandyville, WV 25275-9404
caitlineware@gmail.com

From: "Olivia OBryan" <olivia.obryan02@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 08:47:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Olivia OBryan
4299 Brounland Rd South Charleston, WV 25309-6048
olivia.obryan02@gmail.com

From: "Jim Derzon" <jimderzon@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:12:09 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Jim Derzon
PO Box 322 Saranac Lake, NY 12983-0322
jimderzon@gmail.com

From: "Marcia Minsky" <mminsky@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:30:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Marcia Minsky
424 Sugar Maple Ln Cincinnati, OH 45246-4147
mminsky@cinci.rr.com

From: "Tamara Moore" <malbay721@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 21:32:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tamara Moore
686 Posy Hill Rd Lost City, WV 26810-8536
malbay721@msn.com

From: "Moss, Jeffrey S" <Jeffrey.S.Moss@em.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: NO to HB2014 Data Center Bill
Date: Tue, 09 Dec 2025 10:24:10 -0500
Importance: Normal

It's come to my attention that there is a bill to bring data centers to Jefferson County(HB2014). We can not allow this to happen in our community.
The citizens of Jefferson County do not want these massive monstrosities destroying our natural resources, historic beauty, and character of our
county. As a landowner in Jefferson County, the effects that these structures could potentially have on our ground water supply would be devastating,
leaving residents such as myself, who rely on wells, without water, and our properties useless. I have to think that the writers of this bill are aware of the
damage it will cause and the anger it will create among the residents of Jefferson County, since the bill is subject to passage under "emergency rules",
without any actual emergency explained and eliminates public comment and notification. So they plan to sneak it past us in the dead of night. We
can't have that. I urge you to stand with the residents of Jefferson County and oppose this bill at all costs.

Thank-you for your attention,
Jeff Moss

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From: "Katie See" <katiepsee@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 21:08:11 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

It is completely reckless to disregard the health and wellbeing of all WV residents for these facilities that do not help with the real needs of communities.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katie See
496 Kiwanis Ave Morgantown, WV 26505-2258
katiepsee@gmail.com

From: "Catherine Fleischman" <fleischmancatherine@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:55:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Thank you to the department of economic development for helping local business and government to build the most robust and successful tourism economy in the nation. Please don't compromise that work. West Virginia land is too valuable to be available to the LOWEST bidder. Our state has worked for decades to crawl back from the economic boom and ultimately bust cycles of the coal and timber businesses. Electricity generation for data centers and residents must be safe and affordable for residents. The current rules do not take into account the residents. We need our local
Sovereignty back. Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Catherine Fleischman
P0BOX 591 596 Thomas Ave Davis, WV 26260
fleischmancatherine@gmail.com

From: "Colleen Tucker" <cjem@his.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:08:08 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Colleen Tucker

--
Colleen Tucker
cjem@his.com

From: "Kay Kodak" <kck44leo@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:51:47 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. But allowing for emergency rules does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates any transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. Local protections serve an important purpose and protect residents. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber installation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kay Kodak
kck44leo@gmail.com

From: "Kathy Forsythe" <forsythe.kathy@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 14:47:43 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kathy Forsythe
forsythe.kathy@gmail.com

From: "Terry Thorson" <terry.thorson@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Objections to HB 2014
Date: Wed, 10 Dec 2025 21:52:02 -0500
Importance: Normal

(I sent this comment through another means, but I'm not sure it worked. I am resending it here.)

I am, obviously, sending a copy of a suggested objection to HB2014. I'm tired and am not going to be eloquent here. You must understand how undemocratic this bill is and how horrific the consequences for this state. No protection for historic sites? No provisions to protect our precious groundwater? I am on a well as is most of Jefferson county. I grow my own vegetables and I know the drought conditions of the last several years. So to pass this you eliminate informing us of the projects and eliminating any say in the matter? It's almost too hard to wrap my mind around, the fact that someone would propose such a bill.
Honestly, I simply wonder, do the people who propose these sorts of things not have or have friends who have children? Don't they think about what they are leaving for the future? What happens when the AI bubble bursts, and these data centers become too expensive to maintain?

So below is the factual measured statement that I support.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
--
Terry Thorson
8036 Shepherdstown Pike | Shepherdstown WV 25443
304-876-1526 | 202-603-6023

From: "Jeff Kessler" <artbakeryforsale@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 13:27:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jeff Kessler
228 Battle Hill Dr Lewisburg, WV 24901-1459
artbakeryforsale@gmail.com

From: "Jonathan Yoder" <jonathanyoder158@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 19:57:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

In addition, I request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jonathan Yoder
481 Lee Ave Harrisonburg, VA 22802-2207
jonathanyoder158@comcast.net

From: "Kelly Alba" <wonderwagon.wv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:30:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As a full-time resident of Tucker County, I am deeply concerned. These proposed rules would impact me, my loved ones, and my community immensely and detrimentally.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Please consider these factors, for the sake of Tucker County residents and all who care about our beautiful and irreplaceable area.

Thank you for the opportunity to provide this comment.

Sincerely,
Kelly Alba
1464 S Haddix Rd Montrose, WV 26283-8822
wonderwagon.wv@gmail.com

From: "Patti Martin" <ppattiplcsam@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 18:02:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs Patti Martin
17249 Helen K Dr Spring Hill, FL 34610-7720
ppattiplcsam@aol.com

From: "Amy Cimarolli" <wv4ster@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 17:41:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Amy Cimarolli
958 BLACK BEAR Trl Davis, WV 26260
wv4ster@yahoo.com

From: "Ebony Martin" <etmartin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:22:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ebony Martin
13 Twin Pines Vlg Morgantown, WV 26508-6250
etmartin@mix.wvu.edu

From: "Kendra Clark" <kendra.clark1220@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:35:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kendra Clark
kendra.clark1220@gmail.com

From: "Brianna Myers" <brilmyers6@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 00:26:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Brianna Myers
47 Donley St Morgantown, WV 26501-5906
brilmyers6@gmail.com

From: "Rachel Dash" <wvrachel9@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:00:38 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Rachel Dash
1217 Dudley Rd Charleston, WV 25314-1415
wvrachel9@aol.com

From: "Nora Drish" <ndrish@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:12:10 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

I think this bill is wrong for so many reasons - as stated above. We who live in the area and know the history and infrastructure should definitely have a voice.

Sincerely,

--
Nora Drish
ndrish@frontiernet.net

From: "John Weaver" <weaverjohntm@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 16:11:57 -0500
Importance: Normal

As a homeowner in Thomas, WV, I am writing to submit my comments regarding 145-CSR-20, the Data Center Rules. As drafted, the current rules disproportionately favor large data companies by allowing projects to proceed without meaningful public input. To ensure transparency, accountability, and community protection, I respectfully request the following revisions:

1. **Amend Section 5.4** to require public notice and comment, as well as an opportunity for the public to appeal decisions.

2. **Amend Section 15** to require both a public filing and a separate Confidential Business Information filing.

3. **Amend Section 4.1.6** to require petitioners to disclose the following information:

    - Anticipated air emissions, including criteria pollutants, hazardous air pollutants, and greenhouse gases;
    - Feasibility of using renewable energy and battery storage for some or all projected power needs;
    - Anticipated water consumption, water sources, expected discharges, and receiving streams;
    - Expected noise levels at the property boundary;
    - Construction and operational traffic volumes and their impact on local roads;
    - Anticipated workforce, job types, and operating schedule;
    - Safety policies and safety record, including any OSHA-recordable events;
    - Expected needs for emergency services (fire, police, medical, etc.);
    - Potential conflicts with existing land uses or local regulations;
    - Expected impacts on local housing, schools, and infrastructure; and
    - Expected community benefits.

Any company applying for approval of a data center project should be required to make a separate public filing that discloses sufficient information for the community to understand the likely costs and benefits of the project. This level of transparency is essential to allow affected residents to identify concerns and propose mitigation measures. Public filings should address the economic, environmental, and social impacts most relevant to the local community.

As someone who lives in the area near the proposed project, I am deeply concerned about the negative impacts of a large industrial facility that is unlikely to benefit local residents. This is not a project that I believe is appropriate for Thomas and Davis, WV.

Thank you for the opportunity to comment on these rules.

John Weaver

From: "Halona Young-Wolfe" <Hlywolfe@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 14:19:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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Sincerely,

--
Halona Young-Wolfe
Hlywolfe@gmail.com

From: "Kellie Tatem" <seethergrl@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:30:57 -0500

Importance: Normal

ABSOLUTELY NOT. NO DATA CENTERS IN JEFFERSON COUNTY. NO NO NO. NO ONE WANTS THIS. IT WILL RUIN OUR WATER TABLE. OUR ELECTRIC BILLS ARE GOING TO SOAR. DO NOT DO THIS. STOP LISTENING TO THE BILLIONAIRE'S BULLSHIT AND WORK FOR THE PEOPLE OF THIS COUNTY.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kellie Tatem
seethergrl@gmail.com

From: "Luanne McGovern" <lmmcg32@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:53:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Luanne McGovern
858 Alta Rd Charleston, WV 25314-1810
lmmcg32@yahoo.com

From: "Nathalie Cataisson" <nathcats@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:57:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs Nathalie Cataisson
9909 Holmhurst Rd Bethesda, MD 20817-1617
nathcats@yahoo.com

From: "Amanda Pitzer" <amanda@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:47:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Amanda Pitzer
1276 Scotch Hill Rd Thornton, WV 26440-7116
amanda@cheat.org

From: "JOhn Schmittauer" <jcschmittauer@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:24:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
JOhn Schmittauer
10500 Sand Ridge Rd Millfield, OH 45761-9665
jcschmittauer@yahoo.com

From: "alicia noble" <acbnoble@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:32:14 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.
My main concern about data centers is that they use up groundwater. There are locations in the country where people's wells have gone dry and they had no recourse. In the Eastern Panhandle the karst terrain means our well water could be affected.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely, Alicia Noble

--
alicia noble
acbnoble@gmail.com

From: "Val Hansbarger" <vhansbar@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 21:23:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Val Hansbarger
1686 Rowan Rd Gap Mills, WV 24941-8714
vhansbar@gmail.com

From: "Arthur Karl Diefenbach" <karldief@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:40:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Arthur Karl Diefenbach
1207 Chinkapin Oak Trl Westover, WV 26501-1212
karldief@gmail.com

From: "Mary Lynn Richford" <richfordlynn1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sat, 06 Dec 2025 18:33:09 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Mary Lynn Richford
richfordlynn1@gmail.com

From: "Clara Everett" <clarabelle0792@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:32:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Clara Everett
1845 Roxalana Rd Dunbar, WV 25064-2704
clarabelle0792@gmail.com

From: "George Rutherford" <Gruther1@msn.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:26:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
George Rutherford
Gruther1@msn.com

From: "Lella Miller" <lellamiller@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:48:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lella Miller
902 Valley Rd Charleston, WV 25302-3220
lellamiller@icloud.com

From: "Matthew Powell" <matt_powell1@everyactioncustom.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Please revise data center rules to include more oversight, environmental protection, and accountability
Date: Fri, 05 Dec 2025 21:56:36 -0500
Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Matthew Powell
615 4th St Saint Marys, WV 26170-1422
matt_powell1@yahoo.com

From: "Tia TRIPLETT" <tia@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 14:27:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tia TRIPLETT
2821 1/2 S Sycamore Ave Los Angeles, CA 90016-3411
tia@anlf.com

From: "Edward Kachmarek" <Ekachmarek@outlook.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Data Center rules
Date: Tue, 09 Dec 2025 14:45:02 -0500
Importance: Normal

Sir, as a West Virginia resident and someone who loves Tucker County's natural beauty I implore you to amend the proposed rules to limit the discretion of the Secretary of Commerce. West Virginians have to have a say about what happens to our communities. We need more say. It's the right thing to do in a democracy.
Thank you.
Ed Kachmarek
Kerens, WV

Sent from my iPhone

From: "Jackson Propst" <jacksonpropst99@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:21:01 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jackson Propst
jacksonpropst99@gmail.com

From: "Annah Kaiser" <kaiserannah@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 22:00:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Annah Kaiser
1513 Grosscup Ave Dunbar, WV 25064-2906
kaiserannah@gmail.com

From: "Anne Weshinskey" <Thewondercabinet@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:31:32 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

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3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely, Anne Weshinskey

--
Anne Weshinskey
Thewondercabinet@gmail.com

From: "Savanna Brown" <stbrown92@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:34:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Savanna Brown
248 Orchard Xing Morgantown, WV 26505-1726
stbrown92@gmail.com

From: "Roger Yackel" <rayackel1975@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:15:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Roger Yackel
13348 Fieldstone Way Gainesville, VA 20155-6616
rayackel1975@gmail.com

From: "Amy Margolies" <margolies.amy@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Certified Microgrid Development Program comment
Date: Tue, 09 Dec 2025 14:37:52 -0500
Importance: Normal

Dear Mr. Marks,

I respectfully submit the following comments on the proposed rule for Certified Microgrids under HB 2014.

First, **Section 5.4** should be amended to limit the Secretary of Commerce's unchecked discretion. The rule currently contains no public notice, no comment process, no independent technical review, and no appeals mechanism. The rule must require public notice and comment and provide clear opportunities for appeal. I would like to please request there be a public meeting to discuss this rule. Even under emergency rules, there are 42 days. Surely, there could be a brief public hearing of a couple of hours where we can have our concerns addressed? Considering all the opposition to these facilities around the state, it seems like it would be a prudent action to engage communities and have an open conversation to validate their concerns.

Second, **Section 15 (Confidentiality)** should be revised to require both a public filing and a separate Confidential Business Information (CBI) filing. HB 2014 only protects information that the applicant designates as CBI—it does *not* authorize blanket confidentiality for all materials, as the proposed rule currently implies. In addition, any requests for CBI must have a legitimate, factually based rationale that shows that the proposed information to be redacted is not already patented and thus not subject to confidentiality concerns. Why, for example, would the height of a smokestack be redacted? If I wanted to build an office building in Charleston, could I redact the height of that building as CBI?

Because HB 2014 preempts local controls, the Secretary becomes the only reviewer of community, environmental, and economic impacts. Therefore, **Section 4.1.6** should be amended to require applicants to disclose key information that affects the public to the public (including myself and my family who live in Canaan Valley full time), such as expected air emissions including emissions generated at lower than full operating capacity (where the potential to emit pollutants is higher than at full capacity) and criteria pollutants, hazardous air pollutants and greenhouse gases), assess all energy sources including those that will be less harmful to local communities like mine in Davis, expected water consumption, sources and discharge into local waterways and receiving streams, fence-line noise levels, anticipated road impacts and traffic during construction and operation (very relevant to my community which has no stoplights and roads continually affected by harsh mountain weather), workforce size, job types, operating schedules, safety policies and OSHA history, expected emergency services needs, conflicts with existing land use or local zoning or regulations, impacts on local housing, housing market, and schools. Finally, we deserve to know what the benefits will be to our communities. To give local communities the respect they deserve, companies should be subject to binding Community Benefits Agreements when regulatory waivers are sought.

Additional revisions are needed to ensure transparency and protect ratepayers. **Section 3.1.2** should be amended to ensure existing ratepayers are not subsidizing data centers; data centers must pay the full cost of electricity, including capacity charges associated with their load.

Section 4.1.6 must define objective, consistent evaluation criteria. The phrase "sufficient information" is too vague and allows arbitrary discretion in accepting or rejecting applications.

Section 4.1.6.3 should require independent verification of financial capacity, not just the applicant's self-certification. We have seen too many large projects in the state promised that were never built, and ultimately WV pays for that, either through stranded assets or through subsidies to industrial projects that fail. If small

businesses in our countries must provide a business plan to get a loan, how is it that we just take the word of high-impact projects, mostly brought in from out-of-state?

Sections 5.2 and 11 should be amended so that other relevant agencies—including the Office of Energy, DEP, PSC, and Division of Economic Development—shall review applications, supported by qualified professionals such as professional engineers, accountants, and environmental assessors.

Section 7 should require disclosure of electricity flows and costs, including how much power is sold to or purchased from the grid, the rates paid, and associated capacity charges.

Regarding appeals (**Sections 8 and 13**), the current language effectively prevents any affected party other than the petitioner from appealing. Under the WV Administrative Procedures Act, affected parties must receive notice, an opportunity to comment, and the right to appeal. The rule must be amended accordingly.

Finally, **Section 14.1.4**, which limits applications to a five-page letter, is inadequate. The rule should require more comprehensive legal, technical, financial, and environmental documentation before a certification can be granted.

Thank you for the opportunity to comment. As a mother of two small children, I cannot state enough how impactful these rules will be on our local communities' health and wellbeing. I hope the state hears our concerns, as the current rules remove our voice from this process. Do we not deserve a voice in our own future? We want jobs for our children, but not at the cost of their lives.

I respectfully request a public meeting and hearing to address our concerns. This is your opportunity to show us that you care. This is West Virginia's opportunity to guide positive and smart economic development for our future generations.

Thank you for your time and consideration.

Best,

Amy Margolies, PhD

From: "Susan Snyder" <Susan@snyders.us>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:18:56 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

I , as a Jefferson County resident, wish and hope that you consider the environmental impact the data centers will have- we the public need to know what is happening so we as a collective group can decide what is best for the county. It is not right for the public not to know what is happening in their county. The land is not regenerative and once you destroy it - it will not be the same. Destroying land, wild life habitat etc... will impact future generations. We should do as God has directed us and take care of all He has created - look for solutions that will benefit all- Data Center grids are not the answer and we as county residents need to be informed of all the that is happening so we can come up with a solution that will benefit all.
Sincerely,
Susan Snyder

--
Susan Snyder
Susan@snyders.us

From: "Daniel Cogswell" <DANIEL.COGSWELL@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:15:23 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Daniel Cogswell
1698 Steamboat Run Rd Shepherdstown, WV 25443-4116
DANIEL.COGSWELL@GMAIL.COM

From: "Michael Klausing" <mike_klausing@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:14:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Michael Klausing
624 Cross Lanes Dr Apt 11 Nitro, WV 25143-1156
mike_klausing@hotmail.com

From: "Natalie Boyland" <nataliebdc@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 21:56:34 -0500
Importance: Normal

Hello
My name is Dr Natalie Boyland and I am a full-time permanent resident of Tucker County WV, specifically Canaan Valley. I am concerned about HB 2014 and the proposed data center rules 145-CSR-20 as these rules give no opportunity or power for WV residents to have a say in what happens in their own communities regarding data centers and associated power plants.

I am in agreement with the many full-time WV residents, part-time WV residents as well as the experts in energy and environmental fields that have reviewed the proposed rules and found them to be lacking in certain protections as outlined below and proposed additional protections to be written into the rules...

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.

2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Please review the many letters that will be submitted on these proposed rules and HB 2014 and make suitable and fair amendments. WV residents deserve to have the power to protect the physical and economic health of their communities.

Best regards
Dr Natalie Boyland

--
Dr Natalie Boyland, DC
Canaan Valley Chiropractic
canaanvalleychiropractic@gmail.com
106 Morrell Way
Davis WV 26260

From: "Joshua Lambert" <joshlambert32@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:57:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Please look at what data centers have done to communities. Entire towns can't get fresh water in rural areas, like WV, because of data centers having no regulation. Please don't let this happen to our state and the wonderful people that live here. No oversight will turn our state into another documentary about poverty and la k of education.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Joshua Lambert
882 Tremont St Morgantown, WV 26505-2566
joshlambert32@gmail.com

From: "Laura Alvis" <laura.alvis@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:39:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Laura Alvis
4498 Woodrum Ln Charleston, WV 25313-2327
laura.alvis@gmail.com

From: "Sawyer Collins" <scoll491@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 21:50:29 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sawyer Collins
611 E Hunter St Charles Town, WV 25414-1109
scoll491@gmsil.com

From: "Jennifer East-Cole" <myshadowtraining@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:18:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

First, I speak from firsthand experience. My community spent 9 long months fighting a massive data center and power plant project in our area in S. Virginia, the Balico Project. There was very little transparency about all parts of the project. We were not even informed until ten days before the zoning approval. We rallied. The more we learned about the deception behind this zoning application, the more we united and fought, because the negative impacts to our community were numerous: Road usage, local neighborhoods disrupted, compromising wetlands and habitat, pollution of the air, noise pollution and last but not least - water usage. The list goes on and on. Please be careful and deliberate and look beyond the promise of revenue. Oftentimes that is deceptive as well and is not forthcoming.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jennifer East-Cole
3897 Payneton Rd Chatham, VA 24531-4649
myshadowtraining@gmail.com

From: "Karlette Peck" <Karlettepeck@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:31:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Karlette Peck
37 Jackson St Peterstown, WV 24963-6014
Karlettepeck@gmail.com

From: "Kathy Ball" <pkball94@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:01:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kathy Ball
104 Cooper St Athens, WV 24712
pkball94@hotmail.com

From: "Susanne Norris" <honeytree340@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:44:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Susanne Norris
2138 Boones Mountain Rd Frankford, WV 24938-5001
honeytree340@gmail.com

From: "Kathy Goings" <kgoingswv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 17:17:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs Kathy Goings
314 Maple Leaf Rd Foster, WV 25081-5600
kgoingswv@gmail.com

From: "Stephen Wetmore" <swetmore@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:03:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Stephen Wetmore
3000 Glenmark Ct Morgantown, WV 26505-2984
swetmore@hsc.wvu.edu

From: "jim Hatfield" <hatfield.jch@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:27:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. jim Hatfield
1077 Foley Dr Saint Albans, WV 25177-3633
hatfield.jch@gmail.com

From: "Joseph Hamlette" <Hamlettej@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:59:48 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Joseph Hamlette
Hamlettej@gmail.com

From: "Jeffry Levesque" <jeffsque@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 17:39:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Jeffry Levesque
510 S Seminary St Charles Town, WV 25414-1347
jeffsque@gmail.com

From: "Lella Miller" <lellamiller@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:49:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lella Miller
902 Valley Rd Charleston, WV 25302-3220
lellamiller@icloud.com

From: "Linda Yoder" <lindakyoder@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:31:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Linda Yoder
640 Goshen Rd Morgantown, WV 26508-2431
lindakyoder@gmail.com

From: "shannon carbaugh" <scarbaugh615@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:21:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
shannon carbaugh
84 Pleasant Dale Dr Augusta, WV 26704-8017
scarbaugh615@gmail.com

From: "Alexander Gillette" <alex.bosthd@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:27:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Alexander Gillette
alex.bosthd@gmail.com

From: "Alison Griffith" <4slatted_slice@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:33:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Alison Griffith
570 Farrow Hill Rd Davisville, WV 26142-8964
4slatted_slice@icloud.com

From: "Andrea Perrow" <a.perrow11@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:43:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Andrea Perrow
1601 Summit Dr W Charleston, WV 25302-2931
a.perrow11@gmail.com

From: "Naomi Cohen" <nwcohen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 17:02:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Naomi Cohen
PO Box 39 Gap Mills, WV 24941-0039
nwcohen@hotmail.com

From: "Jennifer Hastingd" <jenniferahastings@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:25:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jennifer Hastingd
521 Grand St Morgantown, WV 26501-6607
jenniferahastings@gmail.com

From: "david yelton" <dbyelton45@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:54:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
david yelton
35 Bates Rd Morgantown, WV 26505-3605
dbyelton45@comcast.net

From: "Elizabeth Riordan" <Emmriordan@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:17:24 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Elizabeth Riordan
Emmriordan@gmail.com

From: "Maggie Louden" <loudenmaggie@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 08:10:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Maggie Louden
389 Goaway Rd Hedgesville, WV 25427-7283
loudenmaggie@gmail.com

From: "Britta Aguirre" <britta@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:11:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Britta Aguirre
180 Nighbert Ave Logan, WV 25601-4003
britta@britforwv.com

From: "Kit McGinnis" <kitmcginnis@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:46:49 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kit McGinnis
kitmcginnis@gmail.com

From: "maggierelutz@gmail.com" <maggierelutz@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Bad for us, bad for WV
Date: Sun, 07 Dec 2025 09:28:53 -0500
Importance: Normal

Dear Mr. A. Garner Marks and Department of Commerce, State of West Virginia:

I am writing to formally oppose the proposed legislative rule "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20). As written, it does not provide financial or operational guardrails, it opens the state of West Virginia to unqualified participants and ultimately does not help to provide "transformative positive economic impact".

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require.

The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

My specific concerns are following:

- The table in Section D (p. 3 of 9) MUST include a revenue estimate. It is not only a fiscal detail required in the table, but more importantly, a well-publicized objective of HB 2014. The explanation in Section E (p. 3 of 9) provided in lieu of an estimate is UNACCEPTABLE. In essence, you are asking to approve something for which the state did not even create a basic financial model.

- Financial capacity of a petitioner is not enough: Section 4.1.6.3 needs to be amended by adding "evidence of Petitioner's organizational competency to complete the project of this size and complexity".

- Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential." This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust and respect for all institutions involved.

I respectfully request the rejection of the proposed rule in its current form.
Sent from my iPhone

From: "Sandra Fallon" <sfallon608@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 18:15:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am deeply opposed to the WV legislature and government pursuing data center development in our state. Communities do not want it. Unless the data centers are approved by the local community and use acceptable renewable power, they are a threat to our local air, water, natural environment and public health, let alone quality of life and real estate values.

Applications must be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sandra Fallon
39 Buckhannon Ave Morgantown, WV 26501-4401
sfallon608@gmail.com

From: "Dave Greber" <davegreber@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:10:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dave Greber
3562 Poole St Baltimore, MD 21211-2327
davegreber@gmail.com

From: "Eva Smith" <evalsmith00@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:53:03 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Eva Smith
Civil Engineer, BS CE

--
Eva Smith
evalsmith00@gmail.com

From: "Stacy Hester" <cnmngrrrl@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Public Comment regarding HB 2014 - I oppose data centers, microgrids, AI development in WV
Date: Wed, 10 Dec 2025 11:56:51 -0500
Importance: Normal

Hello Mr. Marks,

Respectfully, I oppose data centers, related microgrids, and AI infrastructure development in West Virginia. They are not in the best interest of the state or our people. I am a concerned resident of Monongalia County. I will be making every effort to shift my lifestyle away from big tech and social media use. A movement to analog, regenerative living is the best way forward.

Data centers will leave yet another stain of extraction by outsider interests. Same playbook, different era. The struggles we see today are principally the same as what occurred over one hundred years ago in the WV Mine Wars. Industry is trying to move in, ravage our beautiful landscape, suck our water dry, and pump money out, leaving us with environmental ruin, waste, broken bodies, and nothing to show for it. Actually, one thing we will notice is rising electric costs. That burden should stay with private companies, not be passed on in public utility prices. That's not the kind of local economic impact anybody wants or in many cases, can afford.

Do you want any of this built in your county? No. Let alone your backyard, town, or anywhere remotely close to you and loved ones. Look what's happening in Memphis, Tennessee. They are the case study for the rest of the country. Other communities are waking up to the harms. Opposition is accelerating. Please don't let this come to West Virginia. We don't even have reliable or widespread internet infrastructure. The risks outweigh the benefits.

More clarity and transparency, please! Redact the redactions! There's no such thing as trade secrets when it comes to our health and wellbeing. I am counting on YOU and OUR government to do right by the local folks this impacts.

Thank you,
Stacy Hester
308 Grandview Ave
Morgantown, WV 26501

From: "Tom Barton" <chuckwillsdad@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Data/Power Rules - comments
Date: Wed, 10 Dec 2025 17:23:54 -0500
Importance: Normal

Dear Sir:

I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts. Additionally our governor and various representatives, quite plainly, have failed us by allowing such a travesty to occur between the towns of Davis and Thomas when the Mount Storm area located just to the east contains many viable sites? Irreparable harm will occur if something is not done immediately. Please do the right thing before it is too late.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

Tom Barton
Hugely Concerned Citizen and property owner in Tucker County
3045464953

From: "Allison Gunn" <a.r.gunn.dc@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sat, 06 Dec 2025 16:46:11 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

As a proud citizen of Jefferson County, I am immensely concerned regarding the impact of HB2014 on our area as well as the inherent lack of transparency baked into this legislation.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language:

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Allison Gunn

--
Allison Gunn
a.r.gunn.dc@gmail.com

From: "Jillian Welsh" <jillian@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 14:38:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jillian Welsh
125 Swarthmore Ave Charleston, WV 25302-3212
jillian@wvcag.org

From: "Beverly Britton" <Bevbritton52@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:26:47 -0500

Importance: Normal

Preserve our water for our future generations

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Beverly Britton
Bevbritton52@gmail.com

From: "Annlee Boutwell" <woohooboop@msn.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>, "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Amendment of 4.1.6.3 of Proposed Microgrid Rule
Date: Wed, 10 Dec 2025 11:45:19 -0500
Importance: Normal

Dear Sirs-

I am sitting here on this beautiful mountaintop awaiting a blizzard and feeling blessed to be part of such a great community in one of the most uniquely beautiful places on earth...at the same time feeling as if I am in a nightmare. How could anyone who has visited and spent time in Eastern Tucker County think that this is a good place for a data center complex? I have been an active member in Tucker United since its beginnings and am so proud of our community leaders and their passion for this place we call home.

I am super concerned that Fundamental Data has no idea what they are doing with this project. The lack of trasnsparency and redactions on the permit points in the direction of "we will figure it out as we go along" type of mentality. It looks like a big money grab with no well-thought out blue prints. I strongly urge you both to please enforce that Fundamental Data shows evidence to complete a project of this size and complexity.

Thank you -

Annlee and Rob Boutwell
269 Kent Ave.
Davis, WV 26260

From: "David Maxfield" <Dkmaxfield@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:25:04 -0500

Importance: Normal

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Sincerely,
David W Maxfield

--
David Maxfield
Dkmaxfield@frontiernet.net

From: "Suellen Myers" <Willowsp@earthlink.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:30:21 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.
I am appalled! This rule is not an emergency. It sidelines elected officials, ignores public comment, ignores water, agriculture, tourism, anything to do with openness or accountability. It is simply wrong and unethical to allow an entity to ignore any and all existing regulations and processes and do whatever they want wherever they wanT to do it. Again, I am appalled.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Suellen Myers

--
Suellen Myers
Willowsp@earthlink.net

From: "Barbara Hartman" <Barbarahartmanrdn@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 19:59:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Barbara Hartman
172 Flat Rabbit Ln Kearneysville, WV 25430-4951
Barbarahartmanrdn@gmail.com

From: "Katherine Russell" <katierussell405@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:58:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katherine Russell
568 Pierce Benbush Rd Thomas, WV 26292-8023
katierussell405@gmail.com

From: "Caitlyn Johnson" <creativecait09@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:54:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Caitlyn Johnson
984 Zerkle St Saint Albans, WV 25177-3935
creativecait09@yahoo.com

From: "Denise Elliott" <denielliott@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:45:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Denise Elliott
1040 Chestnut Flats Rd Lewisburg, WV 24901-9058
denielliott@frontier.com

From: "Jamie Jacobs" <mountainlaurelwellnessllc@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER
Date: Wed, 10 Dec 2025 07:59:58 -0500
Importance: Normal

December 9, 2025

A. Garner Marks, Department of Commerce
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305
garner.marks@wv.gov

cc: Randy Smith, President
West Virginia Senate
randy.smith@wvsenate.gov

Dear Mr. Marks,

I am writing to register my concerns about the proposed rule for the implementation of House Bill 2014, regarding the certification of microgrid districts and high impact data centers. I also have included requests for specific amendments to the rule, in the interest of protecting the citizens and communities of our state. Finally, a public hearing on the rules package should be held to offer the citizens of West Virginia an opportunity to share their concerns.

As written, the proposed rule excludes residents and local elected representatives from the process, and threatens the economy and environment of our state. Specifically, the proposed rule does not: 1) provide for public oversight of development projects that will significantly impact West Virginians' communities, businesses and health, 2) require petitioners to submit - to either the Department of Commerce or the public - objective and/or independent information and analysis that are vital to decision-making and accountability, and 3) protect West Virginians from the rapidly increasing costs of power generation.

Although the legislative rule has yet to be finalized, the shadow of HB2014 hangs over Tucker County in the statements of elected officials, in comments from the project's representatives, and in the concerns of the public. Dropping a massive data center complex on top of Davis and Thomas would erase the gains made by businesses and people who for many years have worked hard to invest in the community. It would drive away the many visitors who come each year to appreciate this exceptional part of our state, and who sustain the vibrant tourism economy. Those visitors leave Loudoun County, VA to visit Davis and Thomas or take advantage of the Ascend program to permanently move away from big cities. No one who lives near the proposed Ridgeline site wants to turn Tucker County into what the tourists are fleeing. Not only does the proposed rule threaten Tucker County, it also threatens all fifty five counties with imposition of similar projects that offer next to nothing for communities while imposing heavy burdens to their infrastructure, economy, environment and quality of life.

The implications of this legislation have already had a significant impact on me personally, due to the proposed

Ridgeline plant and associated data centers in Tucker County. I have lived most of my life in West Virginia, and my family has raised multiple generations here. Like many families, some of us have stayed, some have moved away, and some have moved around within the state. My immediate family has been planning such a move, to Tucker County, where we have a home but also land, a contractor ready to build on it, and a plan to relocate two small businesses from Monongalia County. Already we are deeply involved in community life, and in the last few years have done hundreds of hours of volunteer work there. With the announcement of the Ridgeline power plant we have tabled our plans because we do not want to sacrifice our life savings and businesses to live under a plume of pollution, lose access to clean water and a peaceful environment, and face the ruin of the existing local economy and small town way of life.

Amendments must be made to the proposed rule in the following areas:

Public Participation and Oversight

There are several places in the proposed rule where amendments would improve protections for the citizens of West Virginia by increasing opportunities for public involvement and by requiring the disclosure of information from petitioners to both the Secretary of the Department of Commerce and the public.

Section 140-20-4 should be amended to require:
- Public hearings, public comment, and local government consent

Section 140-20-5 should be amended to require:
- Public notice, public comment and public appeal
- Expanded review of projects to include agencies such as the WVDEP, PSC, and WVOE

Section 140-20-15 should be amended to require:
- Full public disclosure of applications and assessments
- An end to full confidentiality of letters of intent and petitions
- Public filing in addition to CBI filing of petitions

Sections 140-20-8 and 140-20-13 should be amended to require:
- Notice of a petition to affected parties, an opportunity to comment on the petition, and the right to appeal a decision that adversely affects them

Independent Information and Analysis

The requirements for a letter of intent fail to include multiple areas of critical importance to communities. In addition, the proposed rule does not require any independent analysis or objective support, only the assertion of the petitioner.

Section 140-20-4 should be amended to require:
- Independent confirmation of petitioner's financial capacity to complete the project
- Detailed information on air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases
- Health, economic and environmental impact assessments
- Estimated water consumption, sources of water, proposed treatment facilities and expected discharges
- Estimates for noise levels at the property border and nearest homes, schools and businesses
- Estimated traffic volume, type and impact on local roads
- Estimated staffing, job types, and operating schedule
- Hazardous materials plans including risk assessments and decommissioning plans
- Documented safety policies and expected needs for emergency services (fire, police, medical, etc.)
- Expected impacts on existing land uses and conflict/compliance with local regulations,
- Expected impacts on local population, housing and schools, including diversion of property taxes due to HB2014

- Planned community benefits, including but not limited to agreements negotiated with the local community

Costs of Power Generation

The expansion of data centers is raising demand on power grids and costs to ratepayers around the country. West Virginians are already overpaying to support the provision of power to data centers in other states.

Section 140-20-3 should be amended to require:
- Protection for West Virginia residents from data center use of grid power; data centers, not regular people, should pay for the increase in demand from the grid
- Binding contracts instead of "good faith efforts" for provision of electricity from local utilities

The people of West Virginia deserve to be included in all aspects of decision-making about the microgrids and data centers that could forever alter our communities, our health and our way of life. The proposed rule excludes residents and local elected representatives from the process of certification of microgrid districts and high impact data centers, and threatens the existing economy and environment of our state. It must be amended to include public oversight, require objective analysis to increase transparency and accountability, and protect West Virginians from the rapidly increasing costs of power generation. I urge you to act in the interest of the people of West Virginia to revise the proposed rule to include us by increasing transparency, public inclusion, and protections for our access to affordable power.

Sincerely,

Jamie Jacobs

Morgantown, WV 26501
Davis, WV 26260

From: "Marybeth Darlington" <mbdarling@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 12:24:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Mary

--
Marybeth Darlington
mbdarling@frontiernet.net

From: "Derek Benedict" <dsbened@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 19:47:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Derek Benedict
709 212th Pl SW Lynnwood, WA 98036-8606
dsbened@frontier.com

From: "Jordan Brown" <zazubrain90@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 20:40:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jordan Brown
1317 Valley View Woods Morgantown, WV 26505-3813
zazubrain90@gmail.com

From: "Jane Smith" <rhumover@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:35:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jane Smith
708 NW 58th St Seattle, WA 98107-2747
rhumover@gmail.com

From: "Juliane Ford" <Julieford000@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 08:36:29 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Stop selling out our state! We don't been these highly problematic constructions polluting and harming the beauty of the land. The people of West Virginia should have a say not just the politicians. Stay green West Virginia
Julie Ford

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Julie Ford

--
Juliane Ford
Julieford000@gmail.com

From: "Jennifer Wysong" <turk1975@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:37:10 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jennifer Wysong
turk1975@frontiernet.net

From: "Kate Leary" <kate_g_leary@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:42:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kate Leary
1239 Pineview Dr Apt 5 Morgantown, WV 26505-2748
kate_g_leary@yahoo.com

From: "Dave Harshbarger" <harshbargerd@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:02:20 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

It is so important to have local input on such community impactful projects.

I request that the department host a public hearing on the rules package.

Sincerely
Dave Harshbarger

Thank you for the opportunity to provide this comment.

Sincerely,
Dave Harshbarger Mr
1009 Vandalia Rd Morgantown, WV 26501-6251
harshbargerd@gmail.com

From: "Caitlin Lokant" <caitlinlokant@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:14:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Caitlin Lokant
612 Brandon St Morgantown, WV 26501-6106
caitlinlokant@yahoo.com

From: "Traci Anderson" <tracia@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:21:28 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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We should not have these sites forced on us without due process.
I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Traci Anderson
tracia@frontiernet.net

From: "Hilary Lo" <lo.family.wv@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:33:46 -0500

Importance: Normal

Deputy General Counsel, Senators and Delegates of the Eastern Panhandle,

My family, longtime citizens of Jefferson County and lifetime citizens of WV ask that you take action to allow public participation in any decision-making about corporate data centers in our region. As it is our collective property values, water resources, air quality and energy costs that will be impacted, to exclude us from the discussion in favor of outside interests would be undemocratic.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Hilary Lo

--
Hilary Lo
lo.family.wv@gmail.com

From: "Jennifer Emch" <jmemch93@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 07:29:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Jennifer Emch
809 Country Club Dr Sistersville, WV 26175-9765
jmemch93@gmail.com

From: "Melissa Trimble" <trimbliss@outlook.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>, "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Public Comment on Proposed Rule 145-CSR-20 (Data Center Certification Rules)
Date: Wed, 10 Dec 2025 23:40:28 -0500
Importance: Normal

Melissa Trimble
Davis, WV Full-Time Resident

As a full-time resident, along with my trail walking, tree climbing, fishing, dirt digging, gardening and bike riding family of eight (5 young children), we are terribly concerned about how our opinions, interests and culture are being completely voided through HB2014. The individuals in my community are woven through similar interests, community experiences and a shared love of Davis, Thomas and Canaan that surpasses any differences. We hold potlucks, talk to each other in the post office, wave as we drive by one another past the locally-owned shops - we are a small community, but with rich history and big hopes and plans. All of this picturesque scene is threatened by handing over almost all decision-making about data centers and micro grids to the state . Not only is the peacefulness of my community being threatened by "allowable" noise/light/air/water/ground pollution of the proposed Fundamental Data microgrid - of which we currently have zero input, but we are due to experience 100% of the environmental consequences - but because of HB2014, my family cannot know exactly what is being proposed and does not even have an avenue to weigh in, agree/disagree, approve/appeal or question the overly protected information. How are "always free" West Virginians provided less protection than the million/billion dollar companies making plans in our backyard - literally one mile from my living room deck! Our community members' well-being, security and livelihood are being outsourced to the highest bidder and we are left with increased energy bills, dried up waters, dirty air and indoor lives.

What happened to public or due process? Do I not deserve public notices, a voice, real transparency, the chance to question benefits versus consequences? It amazes me that Speaker Hanshaw, just this week, stated, "We know that the way we best advance West Virginia is by empowering local people in local communities to make decisions about their own economic future." I guess he just forgot he actually SPONSORED HB2014. Talking from both sides of the mouth is what Davis residents have received from the very beginning of this data center/microgrid travesty. Just the fact that the companies and state officials in "the know" have avoided our community and/or provided evasive, watered down answers is enough of a reason to question, "Might there be something secretive or hidden happening in this situation?".

In meetings and interviews, spokespeople and state people have stated that:
They cannot consider the diesel-delivering trucks' emissions and/or traffic issues, because they are not in charge of that part of the plan.
They cannot go against the Governor/President if they want a chance at re-election, even if they don't really like the placement of the microgrid.
They cannot consider any environmental and/or air studies paid for by residents and conducted by a third party because the list in the book they are following doesn't have that listed as an option for a minor source facility.
And so on it goes. If a community, a hospital, a school, a business, a household ran on similar rationales for decision-making, humanity would have already been extinct! What sense is there in these reasons? It is offensive as a Davis resident. As well, it is offensive to be disregarded as insignificant when we will bear the burdens of however the microgrid might turn out.

Our very successful tourism business - over 800,000 visitors to Tucker County - most in Blackwater Falls, Davis and Canaan Valley, our renown skiing, biking, hiking, hunting, fishing is lucrative and carries the county financially, as there are no hospitals and the schools are small. Just the chance that the residents could have points that if no extra effort is put forth in protecting the area - both the people and the environment - our tourism

business could be gone. 800,000 people, many older and children, are going to choose data center noise, air, drought and increased costs in Davis rather than another, fresh-air community? Residents with children (myself), the large elderly population, the store owners, the remote and local business owners (myself) are going to choose this life of drab surroundings, questionable surroundings, declining health (as per EVERY health study conducted regarding data center living)? Of course not! The towns will be barren, not only from Fundamental Data's facility and their 10 local employees - while the real tech work will be done remotely from a safe distance from the toxins that they insist don't exits - but also because people will move to a more secure and safe location. An entire WV culture will be lost to folklore so our state and some out of state companies can make money, while the folks too poor already to move will wither away at the monetary scraps HB2014 affords the town which bears all of the consequences. What an unacceptable, ill-prepared and just dirty plan this seems to be the way it has been quickly created and shoved through the loosely written rules.

Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed. The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs. Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community. West Virginians should be protected from higher electric bills. Data centers should cover the full cost of their electricity use and any grid updates they require - not the residents.
The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria. Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities. A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments,
Melissa Trimble
304-694-5085

From: "Alexandre Erchov" <aerchov@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 18:49:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Alexandre Erchov
159 Wildflower Way Davis, WV 26260-8379
aerchov@hotmail.com

From: "Jim Baczuk" <jbaczuk@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 20:06:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jim Baczuk
14 Shay Ln Thomas, WV 26292-8011
jbaczuk@frontiernet.net

From: "Julie Kimmel" <jkimmel@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 08:30:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

As a parent who lives a few short miles from the world's largest concentration of data centers, I'm well aware of their potential health impacts not just for my family and in my community but well beyond. Microgrids emit particle pollution and NOx, a precursor to ozone. Particle pollution is deadly; it's tiny and can get into the heart and lungs and cause asthma, lung disease, and heart attacks. Ozone is a potent lung irritant. Both are especially harmful for children, whose organs are still developing. And remember that air pollution spreads. It's not just West Virginians who will be impacted by data centers there; it's your neighbors in my state too.

I'm urging you to increase transparency around the pollution and other environmental impacts of these data centers in the interest of public health.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Julie Kimmel
1270 Wedgewood Manor Way Reston, VA 20194-1325
jkimmel@momscleanairforce.org

From: "Elaine Halki" <elainehalki108@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 09:29:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Elaine Halki
3100 Laurel Creek Rd Greenville, WV 24945-7069
elainehalki108@gmail.com

From: "Linda Shoupe" <linda.shoupe@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 16:10:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Linda Shoupe
223 Mossy Rdg Greenville, WV 24945-7161
linda.shoupe@hughes.net

From: "Norma Randall-Myers" <njrmyers@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 17:09:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Norma Randall-Myers
164 Chiropractic Dr Millstone, WV 25261-8554
njrmyers@yahoo.com

From: "Margaret Liskey" <mliskey98@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:21:57 -0500

Importance: Normal

Growing up, I was always told that water will be more valuable than gold. Now is that time!

Once our water supply is gone, it is gone.

The karst topography that Jefferson county sits on is a hydrogeology challenge at best.

Jefferson county and part of Monroe county are karst. These two counties should be exempt for data centers or any extreme water usage consumers.

Jefferson county ground water should remain for farming.

Thank you!

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring

surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Margaret Liskey
mliskey98@gmail.com

From: "Jennings Berry" <Coachjgberry@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 15:47:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Leadership is built upon a foundation of trust. That trust is undermined when the government allows corporations to harm the public and vital resources without transparency. Democracy is severely harmed when transparency is removed from the equation. At that point, the government is dangerously flirting with tyranny, which is defined as cruel and oppressive rule by the government.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to demonstrate the economic viability of the microgrid's energy source, explaining why the stock feed is most cost-effective for both the company and the public. Consideration of the impact on local and state utility costs should prioritize ratepayers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment, and no plan to incorporate this public input meaningfully, nor any provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I also request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jennings Berry
122 Odell St Fairmont, WV 26554-1744
Coachjgberry@gmail.com

From: "John Sabanosh" <Jcsoriole@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 09:56:21 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
John Sabanosh
Jcsoriole@gmail.com

From: "Robert Anderson" <Andersonbobcat2@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:51:31 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Robert Anderson
Andersonbobcat2@gmail.com

From: "Madge Morningstar" <MadgeMorningstar@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 12:54:58 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Dear Delegates,

I am sharing the following information in hopes that you will seriously consider this request, which represents the best interests of 99% of your constituents, even if most of them are not following this issue or able to take the time to write to you.

This rule should NOT be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. PLEASE remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Madge Morningstar
MadgeMorningstar@gmail.com

From: "Giuliana Brogna" <brogna.giuliana@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 12:06:14 -0500

Importance: Normal

To Whom it May Concern,

I have many concerns about the rules for implementation of HB2014.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Giuliana Brogna

--
Giuliana Brogna
brogna.giuliana@gmail.com

From: "Lani wean" <nalani.wean@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:47:15 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lani wean
1321 Virginia St E Charleston, WV 25301-3053
nalani.wean@gmail.com

From: "Eric Hoffmaster" <eric.hoffmaster12@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 09:13:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Eric Hoffmaster
eric.hoffmaster12@gmail.com

From: "Kathy Chiodo" <kcchiodo@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@WV.gov>
Subject: Public hearing on rules for data centers
Date: Wed, 10 Dec 2025 15:12:30 -0500
Importance: Normal

I live in Barbour County and strongly protest the implementation of any data centers without complete transparency made to West Virginians

Kathy Holbert

From: "Jillian Burchfield" <ikagayming@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:42:59 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

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To address these concerns please add the following paragraphs under the appropriate section:

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jillian Burchfield
ikagayming@gmail.com

From: "Jeffrey Colledge" <jeffcolledge@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:12:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jeffrey Colledge
PO Box 455 Truchas, NM 87578-0455
jeffcolledge@hotmail.com

From: "Claire Davis" <clairedavisnj@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 18:55:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Claire Davis
2482 Julia Rd Renick, WV 24966-9668
clairedavisnj@yahoo.com

From: "Doreen Voigt" <piebald-rough0v@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 23:20:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Doreen Voigt
piebald-rough0v@icloud.com

From: "Kendra Clark" <kendra.clark2004@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:04:46 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

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Kendra Clark
kendra.clark2004@gmail.com

From: "Lynn Delles" <lbdelles@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:52:35 -0500

Importance: Normal

I am a Jefferson County property owner. Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Lynn Delles
lbdelles@gmail.com

From: "Merri Morgan" <merrismorgan@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 15:11:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Merri Morgan
PO Box 3 Greenville, WV 24945-0003
merrismorgan@gmail.com

From: "Angela Iafrate" <a.t.iafrate@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:19:51 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Angela Iafrate
2609 Cleveland Ave Parkersburg, WV 26104-2809
a.t.iafrate@gmail.com

From: "Susan Hicks" <shicks052309@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Statement of opposition to Title 145, Series 20
Date: Sat, 06 Dec 2025 20:00:24 -0500
Importance: Normal

Dear Mr. A. Garner Marks and Department of Commerce, State of West Virginia:

This is my formal statement of opposition to the proposed legislation: "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20). As written, this rule provides no financial or operational guardrails. It opens the state of West Virginia to unqualified participants and ultimately does not help to provide "transformative positive economic impact".

Despite the stated purpose of the rule being to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require.

It requires no meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

Here are my specific concerns:

· Include a revenue estimate in the Section D table (p. 3 of 9). It is not only a fiscal detail required in the table, but more importantly, a well-publicized objective of HB 2014. The explanation in Section E (p. 3 of 9) provided in lieu of an estimate is UNACCEPTABLE. In essence, you are asking for an approval of an abstract notion. The state hasn't even created a basic financial model.

· A petitioner's "bank account" is not enough: Amend section 4.1.6.3 by adding "evidence of Petitioner's organizational competency to complete the project of this size and complexity".

· Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential," therewith hiding even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust and respect for all institutions involved.

I respectfully request the rejection of the proposed rule in its current form.

Sincerely,
Susan Hicks

From: "Craig Clapper" <5d299tqzm@everyactioncustom.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Please revise data center rules to include more oversight, environmental protection, and accountability
Date: Sat, 06 Dec 2025 17:13:40 -0500
Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
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- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Craig Clapper
7583 220th St Mediapolis, IA 52637-9372
5d299tqzm@mozmail.com

From: "Laura Thomas" <Lthomas100408@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:45:45 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

I want more for West Virginia! Data centers are nothing to be proud of. Don't sell out.

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This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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--
Laura Thomas
Lthomas100408@gmail.com

From: "Kristy Fisher" <Kafisher3@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:36:04 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Kristy Fisher

--
Kristy Fisher
Kafisher3@gmail.com

From: "Robert and Brenda Phillips" <brenandbob28@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:15:07 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Robert and Brenda Phillips
992 Inwood, WV 25428
brenandbob28@gmail.com

From: "Sylvia Hawkes" <hawknestsyl@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 08:59:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Sylvia Hawkes
16229 Seneca Trl S Lindside, WV 24951-7258
hawknestsyl@frontier.com

From: "Kirsten Lee" <wvhorsetrainer@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 13:55:01 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

The decisions being made now will impact our community for generations, potentially forever. The possible negative environmental and financial effects of both the fast tracking process and the data centers themselves need to be thoroughly considered.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit. The properties within the microgrid district are contiguous or nearly contiguous, the high impact data centers dictate the emissions that will be made by both the data center (generators) and the power plant, and but for the data centers the power plants would not generate emissions because without the data centers the power plants would not have a customer for 95% of their electric.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from

the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district including any associated high impact data center serviced by the microgrid will be considered and applied for as one source; 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions; and 3) all air emissions sources from either the microgrid district or the high impact data center will be included in all air emissions permitting including backup generators.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kirsten Lee
wvhorsetrainer@gmail.com

From: "Karen Conant" <chadconant0@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 18:43:14 -0500

Importance: Normal

Rules need to include buffers from residential and commercial properties, groundwater protection and surface water usage, local protection for impervious areas and farmland preservation, and preferred data center districts.

Citizens and municipalities should have control over their communities.

Please find below my further comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this

provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Karen C. Conant

--
Karen Conant
chadconant0@gmail.com

From: "Adam Booth" <boothaj@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:31:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Adam Booth
PO Box 3125 Shepherdstown, WV 25443-3125
boothaj@gmail.com

From: "Bonnie Rogers" <garogers@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 18:39:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Bonnie Rogers
675 High Knob Rd Old Fields, WV 26845
garogers@frontiernet.net

From: "Scott Mathis" <Sjmathis@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:09:34 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Scott Mathis
Sjmathis@gmail.com

From: "Justin Tarovisky" <tarhead71@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:01:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Justin Tarovisky
27 Kingwood Pike Morgantown, WV 26508-3965
tarhead71@yahoo.com

From: "Heather Hamlette" <hejoko@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:52:07 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Please dont sell out our beautiful West Virginia

Sincerely,

--
Heather Hamlette
hejoko@gmail.com

From: "Maggie Lutz" <maggierelutz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 22:18:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Maggie Lutz
1048 Cortland Rd Davis, WV 26260-8021
maggierelutz@gmail.com

From: "Cindy Pappas" <Cindypappas3@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 17:16:56 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Cindy Pappas
Cindypappas3@gmail.com

From: "Lenora Baldwin" <katie122351@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:22:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lenora Baldwin
1471 Powder Springs Rd Moorefield, WV 26836-8464
katie122351@icloud.com

From: "Jason Tatem" <jattdb@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:32:21 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jason Tatem
jattdb@gmail.com

From: "DL Parsons" <dloup48@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 21:16:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. DL Parsons
3914 Washington Ave SE Charleston, WV 25304-2426
dloup48@duck.com

From: "Bill Reger-Nash" <Billregernash@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 19:09:34 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am a lifelong resident of West Virginia. I am disressed eith this data center enabling legislation. Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Bill Reger-Nash
304 Dream Catcher Cir Morgantown, WV 26508-9473
Billregernash@gmail.com

From: "Jean Carlon" <shalebankbonjour@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:51:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jean Carlon
13288 Trout Run Rd Wardensville, WV 26851-8040
shalebankbonjour@gmail.com

From: "Nichole Chapman" <nichole.chapman@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:10:50 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Nichole Chapman
nichole.chapman@icloud.com

From: "Frank Shomo" <frankshomo@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:21:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Rev. Frank Shomo
235 Teays Meadows Rd Scott Depot, WV 25560-7113
frankshomo@suddenlink.net

From: "Tamatha Cheke" <cheke.tammy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 15:05:05 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Tamatha Cheke
1724 Left Fork Cooper Ridge Rd Milton, WV 25541-6973
cheke.tammy@gmail.com

From: "Charlene Herring" <rosebudswv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:40:46 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Charlene Herring
1366 Cemetery Hill Dr Elkview, WV 25071-7962
rosebudswv@yahoo.com

From: "Catherine Fleischman" <fleischmancatherine@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "Randy Smith" <randy.smith@wvsenate.gov>
Subject: 145-CSR-20, Data Center Rules
Date: Mon, 08 Dec 2025 13:07:14 -0500
Importance: Normal

Good afternoon Secretary Marks, Thank you for taking the time to consider public comment on this issue and for all you do for our state as a public servant. Below are issues I feel need to be addressed in order for West Virginia to make sound and long term policies that allow businesses and residents to flourish.

Please consider, amending the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Please consider adding **a section to the rules to require public notice and comment, and opportunities for appeal**. When neighbors have an opportunity to speak to neighbors neither party is blindsided by the other and healthy debate can lead to better policy.

Please consider amending the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential. All is a really big word here. I feel our elected officials would be left out of policy decisions as they are there to represent their constituents. HB 2014 was a total surprise to even our senator who is ccd in this comment. He acknowledged at a public meeting in Parsons that HB 2014 needed revising and to give it even broader authority would be detrimental to the sovereignty of our citizens. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

All of these points are not designed to be bad for business. They are designed to offer solid and transparent information for making business decisions that are more informed. Healthy debate and transparency and accountability are the basis for a capitalist economy. West Virginia has worked to hard and come to far from the third world policies of the first boom economies that built our small towns and mom and pop industries.

Thank you for your time and leadership as we move forward.

Sincerely,

Catherine Fleischman

From: "Susan Cebulski" <susanc710@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:05:18 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Susan Cebulski
susanc710@gmail.com

From: "Michael DeMary" <mdemary1@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:27:50 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Michael C DeMary

--
Michael DeMary
mdemary1@icloud.com

From: "Linda Blakeley" <lmblakeley@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 07:14:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Linda Blakeley
549 Aurora Pike Aurora, WV 26705-8511
lmblakeley@gmail.com

From: "Cindy Weidman" <cindyweidman4@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 05:37:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am a home owner. I live here. My health and the health of my neighbors and local wildlife would be adversely impacted by the excessive heat and noise from a local data center. I'm wondering if I should move away from WV to protect my health from WV government that priorities industry over human and wildlife health.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Cindy Weidman
736 Southern Ave Morgantown, WV 26501-6833
cindyweidman4@gmail.com

From: "Karol Carter" <wazcarter@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:39:49 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Karol Carter
105 Laurel View Rd Masontown, WV 26542-1502
wazcarter@gmail.com

From: "dani parent" <daniella.parent@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:56:03 -0500

Importance: Normal

Dear Garner Marks,

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
dani parent
12 Arlington Ct Charleston, WV 25301-1802
daniella.parent@gmail.com

From: "Ashton Ribeiro" <ashtonlribeiro@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:12:14 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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Thank you for the opportunity to provide this comment.

Sincerely,
Ashton Ribeiro
28 Creekside Valley View Dr Union, WV 24983-6767
ashtonlribeiro@gmail.com

From: "Anni Corley" <anni.corley@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:56:02 -0500

Importance: Normal

Dear Garner Marks,

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Thank you for the opportunity to provide this comment.

Sincerely,
Anni Corley
97 S High St Philippi, WV 26416-1339
anni.corley@gmail.com

From: "Terri McLellan" <raftingirl55@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:44:18 -0500

Importance: Normal

No to Data Centers, period.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Terri McLellan
raftingirl55@hotmail.com

From: "Nell Friend" <nell.friend22@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:10:13 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Nell Friend
nell.friend22@gmail.com

From: "Theresa Jenkins" <tj91061@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:04:32 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Theresa Jenkins
tj91061@gmail.com

From: "Linda A Lewis" <Lalewis54@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:18:15 -0500

Importance: Normal

I AGREE WITH THE FOLLOWING SUGGESTIONS on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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Sincerely, Linda A Lewis, Jefferson Co.

--
Linda A Lewis
Lalewis54@gmail.com

From: "Nicholas Lentol" <Nilent@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 13:07:54 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

There is no pressing "emergency" to rush this "rule" through before every resident of West Virginia actually realizes what's being proposed.

Frankly, the whole motivation for this initiative is blatantly corrupt as it will do great harm to the vast vast vast majority of the people of West Virginia for generations to come so that a very small number of wealthy and powerful individuals can reap massive short term profits.

The only reasons any legislator would be voting to support rushing this through as you are obviously doing, are corrupt reasons.

The worst kind of corruption is the legalized kind.

Shame on you for taking advantage of the sad fact that most of the population of West Virginia doesn't closely diligently follow what their elected officials are doing and that most don't vote and are not even registered to vote.

The worst aspects of these projects are that they will result in more pollution of every kind, and that the costs of electricity will go up for people who can't even afford the existing costs, and that the the massive amount of water it will take to continously cool the AI compute will permanently reduce what's available for the future of life in West Virginia.

If these project have to exist there would need to be 100% self generated electricity so that there is no cost to the rest of the people of the state and that that electricity be 100% generated by clean renewable means with no pollution.

Also the design would recycle the same water over and over to cool the computers, that design alreasy exists....that means cooling towers.

The main reason the corporations want to do this in Wesst Virginia is because they believe this is the cheapest state to do it in as the locals won't protest and because they can buy off the legislators and public officials dirt cheap

I realize that the fix is in and that it's highly unlikely that you will do the right things for the people of West Virginia as that's not your primary concern/motivation.

Please prove me wrong. Prove that I am being overly cynical.

Please examine your own God given potentials for adhering to the dictates of common human decency and Conscience.

Put a stop to trying to do the dirty work of the tech billionaires who don't give a damn about anything other than becoming more rich and more powerful.....no matter the consequences for the future of humanity in general and the people of West Virginia in particular.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules.

This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Nicholas Lento

--
Nicholas Lentol
Nilent@gmail.com

From: "Josh Nease" <jsnease@gmail.com>
To: garner.marks@wv.gov, randy.smith@wvsenate.gov
Subject: comments on 145-CSR-20, Data Center Rules
Date: Tue, 09 Dec 2025 08:17:34 -0500
Importance: Normal

To:

garner.marks@wv.gov
A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305
304-558-2234

Cc:
randy.smith@wvsenate.gov
Randy Smith, Rule-Making Review Committee
Room 229M, Building 1, State Capitol Complex
Charleston, WV 25305
Capitol Phone: (304) 357-7995

Dear Mr. Marks and Mr. Smith,

I'm writing as a seventh generation West Virginian and Tucker County resident.

The proposed data center and power plant rules in HB 2014 do not provide any opportunity for our local governments to have a say about what happens in our communities. It is a big government/big business approach that cedes local control to Charleston and big business, and sends local tax revenue to Charleston. We need that tax revenue for our rural schools, not to reduce income tax for the wealthiest West Virginians.

My requests of the Secretary of Commerce are to:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.

2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

3) Because HB 2014 preempts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases

- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Other issues include:

- Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:**
  - how much electricity is sold to the grid
  - how much is acquired from the grid
  - the rate they paid
  - capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Thanks for your efforts to correct this bill. It does nothing to benefit the vast majority of us West Virginians. It does nothing to reverse the population drain that plagues our state. It benefits the wealthiest citizens and out of state corporations, while passing along the air pollution and increased public infrastructure and public service demands to localities, while also detering people and other economic opportunities from staying in or moving to our great state.

Very Best,

Josh Nease
124 Hummingbird Lane
Davis, WV 26260

From: "Rachel McGuire" <rachel.erin4@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:22:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Rachel McGuire
PO Box 131 Danese, WV 25831-0131
rachel.erin4@gmail.com

From: "MacKenzie Thaxton" <mackenziethaxton@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:40:49 -0500

Importance: Normal

Dear Garner Marks,

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Sincerely,
MacKenzie Thaxton
120 Cornwall Ln Charleston, WV 25314-2493
mackenziethaxton@gmail.com

From: "Steven Smith" <sssrms97@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 06:37:28 -0500

Importance: Normal

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10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

Jefferson county in peticular is currently suffering from a growth explosion that has the infrastructure on its knees. All growth needs to come with infrastructure improvement as a major part of the plan with the developers paying for the improvements not the tax payers.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Steven S. Smith

--
Steven Smith
sssrms97@gmail.com

From: "Courtney Kincaid" <ckincaid48@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sun, 07 Dec 2025 09:37:25 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Courtney Kincaid

--
Courtney Kincaid
ckincaid48@hotmail.com

From: "Dina M Mohler" <dinamohler@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:29:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dina M Mohler
641 Holly Rd Charleston, WV 25314-1150
dinamohler@yahoo.com

From: "Erin Kelly" <erinmk718@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:18:18 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Erin Kelly

--
Erin Kelly
erinmk718@gmail.com

From: "Renee Alves" <reneealves23@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:50:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Renee Alves
1039 Valley Rd Charleston, WV 25302-3221
reneealves23@gmail.com

From: "stephen moore" <bradmoore1952@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 12:28:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
stephen moore
PO Box 44 Thomas, WV 26292-0044
bradmoore1952@gmail.com

From: "Vicky Hu" <vshu@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 11:10:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

This is critical information that affects residents, wildlife, and everyone in the area, and responsible construction requires being transparent about the costs and impacts. Failure to do so will only encourage irresponsible growth and poor local relations.

Applicants should also be required to present economic viability of the energy source of the microgrid, presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize ratepayers, and fairly treat all affected members instead of favoring only one party.

The rules should also implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. As such there must be a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package. As one of the many affected, we all agree that we need a stronger voice during these processes to ensure the proceedings are fair.

Thank you for the opportunity to provide this comment.

Sincerely,
Vicky Hu
22819 Oatlands Grove Pl Ashburn, VA 20148-6748
vshu@yahoo.com

From: "Manpreet Gill" <manpreetgill@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 08:14:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Manpreet Gill
manpreetgill@gmail.com

From: "Annlee Boutwell" <woohooboop@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 14:26:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Annlee Boutwell
269 KENT Ave Davis, WV 26260
woohooboop@msn.com

From: "Gina Faber" <fabermail@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:35:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I live in Virginia, very near to the West Virginia border. Every state should do all it can to reduce the environmental impact of data centers. In VA, we are asking our state for oversight, transparency, consumer protection, and improved efficiency from data center applicants.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Gina Faber
38771 Dutchmans Knoll Dr Lovettsville, VA 20180-2785
fabermail@fastmail.fm

From: "Bonnie Rogers" <garogers@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:53:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Bonnie Rogers
675 High Knob Rd Old Fields, WV 26845
garogers@frontiernet.net

From: "Bryan Shadduck" <bshadduck@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sun, 07 Dec 2025 09:47:30 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Bryan Shadduck
bshadduck@gmail.com

From: "Benjamin Sites" <Benji7079@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 14:07:34 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.
My family and I just purchased our first home thinking we have made the American dream a reality, but the property next to our new neighborhood has already been sold to a data center company. This will no doubt raise prices on water, sewer, and electric. We should not allow a data center that will yield very little jobs take advantage of the West Virginia economy. People are struggling enough in this economy. Please give citizens a voice.
I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely, Benjamin sites

--
Benjamin Sites
Benji7079@gmail.com

From: "Hannah Grubb" <hgrubb1993@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:15:15 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Hannah Grubb
3702 Venable Ave Apt 4 Charleston, WV 25304-1559
hgrubb1993@gmail.com

From: "Beverly Triplett" <bevtrippy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 19:31:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Beverly Triplett
1783 Smith Rd Charleston, WV 25314-2276
bevtrippy@suddenlink.net

From: "Howdy Henritz" <howdywv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 18:17:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Howdy Henritz
916 Casey Creek Ln Greenville, WV 24945-7037
howdywv@hughes.net

From: "Skye Allen" <mycookieman1296@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 13:56:02 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

First and foremost, I'm 100 percent AGAINST any data centers in WV, especially Jefferson County. The create nothing but water shortages and noise pollution.

As for the rule, this rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit. The properties within the microgrid district are contiguous or nearly contiguous, the high impact data centers dictate the emissions that will be made by both the data center (generators) and the power plant, and but for the data centers the power plants would not generate emissions because without the data centers the power plants would not have a customer for 95% of their electric.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from

the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district including any associated high impact data center serviced by the microgrid will be considered and applied for as one source; 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions; and 3) all air emissions sources from either the microgrid district or the high impact data center will be included in all air emissions permitting including backup generators.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Skye Allen
mycookieman1296@gmail.com

From: "Danette Condon" <danettecondon@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 18:43:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Danette Condon
7958 Lobelia Rd Hillsboro, WV 24946-8655
danettecondon@yahoo.com

From: "Ralphie Beam" <beamralph3@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:07:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ralphie Beam
N OLDMILL Dr Fort Ashby, WV 26719
beamralph3@gmail.com

From: "Kathryn Christopher" <Kathrynjchristopher@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 12:26:48 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kathryn Christopher
Kathrynjchristopher@gmail.com

From: "Abigail Shaw" <abbyshaw00@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 23:36:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Abigail Shaw
406 Carmell Ct Morgantown, WV 26505-7803
abbyshaw00@gmail.com

From: "Weston Kopko" <weston.kopko@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 17:57:55 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Weston Kopko
weston.kopko@gmail.com

From: "Ally Furley" <tammyfurley1979@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:30:46 -0500

Importance: Normal

Our water is for our cattle which provides food for us

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic

places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Ally Furley
tammyfurley1979@gmail.com

From: "MARK WINSKI" <mwinski@bellsouth.net>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Data Center concerns
Date: Tue, 09 Dec 2025 17:14:38 -0500
Importance: Normal

Gentleman,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Sincerely,

Mark Winski

Sent from my iPhone

From: "Tracy Novak" <happycamperwv@me.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Wed, 10 Dec 2025 10:33:32 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features — expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.
- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,

Tracy Novak

309 Grandview Ave., Morgantown, WV 26501 (Monongalia County)

From: "Eric Pash" <epash@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:16:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Eric Pash
373 Degaetano Rd PA15701 Indiana, PA 15701-8446
epash@innovascript.com

From: "Robert Freedlander" <freedlander@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:41:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Please protect the health and environment of all West Virginians. Once again, the average West Virginian will be used to benefit the pockets of the few.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Robert Freedlander
960 Chestnut Ridge Rd # G-107 Morgantown, WV 26505-2838
freedlander@hotmail.com

From: "Jeseca DeMorse" <jdemorse1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 22:00:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jeseca DeMorse
3220 Little Stoney Creek Rd Ballard, WV 24918-6825
jdemorse1@gmail.com

From: "Tucker United" <tuckercountyunited@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: randy.smith@wvsenate.gov, johnpaul.hott@wvhouse.gov, jay.taylor@wvsenate.gov, "Tucker United" <tuckercountyunited@gmail.com>
Subject: Comments 145-CSR-20 SUBJECT: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER m
Date: Wed, 10 Dec 2025 10:09:56 -0500
Importance: Normal

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305
Sent Via Email: garner.marks@wv.gov

SUBJECT: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER

Dear Mr. Marks,

We are writing today to express our numerous concerns about 145-CSR-20, the proposed rules governing data center developments, as well as suggested amendments to these rules. We strongly urge you to make these amendments to protect the health, livelihood, and future of all West Virginians.

The proposed legislative rule under Title 145, Series 20, implementing House Bill 2014 (the Power Generation and Consumption Act of 2025) would harm West Virginians and their communities by valuing out-of-state investors over the interests of hard-working citizens in our state. The proposed rule centralizes decision-making authority in the Secretary of the Department of Economic Development, an appointed position immune from citizen oversight. It bypasses local residents, environmental protections, local businesses, and public transparency. Projects like the ill-conceived Ridgeline Facility in Tucker County, which threaten our communities' health, environment, and economic diversity, would be prioritized over thoughtful, homegrown economic development opportunities that would actually bring jobs to West Virginians and revenue to their counties. Substantial amendments to these proposed rules are essential to safeguard the interests of West Virginians and their communities.

As written, these rules offer no protection to the people of West Virginia. The “fast track” elides crucial considerations impacting the health, well-being, and economic future of local communities in our state. Revisions to these rules are needed to protect all West Virginians, as well as our diverse resources and thriving communities. The proposed rules should be amended to provide some straightforward and sensible guardrails that will prevent power plants and data centers from being developed in profoundly inappropriate locations.

One such proposal is the Ridgeline facility, a 500-acre gas and diesel power plant proposed for Tucker County. 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. This poorly chosen location will create a pollution plume that harms not only Tucker County residents, but also everyone who visits Blackwater Falls State Park, Canaan Valley, and areas downwind beyond the borders of Tucker County. Toxic pollutants like particulate matter 2.5, nitrous oxide, and formaldehyde will harm healthy people and exacerbate pre-existing conditions in

vulnerable populations, increasing heart disease, respiratory issues, and other long-term health risks. People who live near power plant and data center complexes are already experiencing a rise in health issues and associated medical costs. These concerns are especially important to consider given Canaan Valley's unique topography and the regular occurrence of thermal inversions, which trap pollution and prolong exposure.

While the people of this community believe in diversifying the local economy, Tucker County needs good businesses that guarantee well-paying, long-term jobs to local residents. Not only will data centers not create these jobs, but they also sacrifice the health of the community and threaten our tourism-based economy. Indeed, many of the 910+ tourism jobs only exist because of the natural beauty and vast recreation opportunities in Tucker County. As written, these rules offer no protection for West Virginians or the critical air, water, and natural resources we need to survive.

These proposed rules endanger the quality of life in Tucker County, and some of West Virginia's most beloved natural areas. Many West Virginians in communities across the state share the belief that HB 2014 and, by extension, these rules will irreparably harm their families, homes, and businesses.

I urge you to take this opportunity to amend these rules in a sensible and measured way, as suggested below, to protect West Virginians and their values.

Require Local Input, Site-Specific Evaluations, and Environmental Safeguards (§145-20-3 and §145-20-4)

Amend §145-20-3 and §145-20-4 to:

- Require binding power supply contracts, comprehensive Environmental Impact Assessments (EIAs) evaluating air, water, noise, biodiversity, and cumulative effects, and compliance with federal laws (Clean Water Act, Endangered Species Act).
- Mandate public hearings, public comment, local government consent, and minimum setbacks of 3 miles from residences, schools, or protected lands like Canaan Valley National Wildlife Refuge, in line with EPA community impact to protect vulnerable populations from pollution dispersion.
- Prohibit certifications near tourism-dependent or ecologically sensitive areas to prevent economic losses—Tucker County's $85 million annual tourism revenue supports a large majority of local jobs, which pollution could erode.

The rule omits any mandate for site-specific assessments or local approval, creating a loophole in §145-20-3 where eligibility hinges on vague "good faith efforts" to negotiate power supply (e.g., 300 MW) rather than binding contracts. This allows certification without verifying feasibility, as seen in Ridgeline's "synthetic minor" status teetering near major emission thresholds (NOx at 99.35 tpy, PM2.5 at 71.54 tpy).

Combined with §145-20-2.4's "nearly contiguous property" definition (up to 1 mile separation), it enables sprawling developments that evade scrutiny and amplify risks in sensitive areas like Canaan Valley, where inversions trap pollutants 2–5 times higher, worsening health and ecological impacts.

Amend the rule to add a mandatory 3-mile setback for natural gas power plants from schools, residences, and sensitive areas is essential to protect public health and equity. This aligns with the EPA's 3-mile radius in its Power Plants and Neighboring Communities Mapping Tool, assessing vulnerability to emissions like NOx, SO2, PM2.5, VOCs, and methane that disperse within this range. The radius highlights disproportionate impacts on low-income, minority, and vulnerable groups (e.g., children, elderly), where pollution peaks 0.3-1.9 miles from sources. Proximity within 3 miles links to respiratory illnesses, cardiovascular disease, asthma, and premature mortality. This setback mitigates risks by allowing dilution, addresses water contamination and methane-driven climate impacts, and promotes environmental justice by avoiding marginalized areas. Grounded in EPA standards and science, it reduces burdens while enabling responsible development.

Require disclosure of infrastructure, economic and environmental impacts (§145-20-4)

Amend §145-20-4 in section 4.1.6 to require the petitioner to disclose:

- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools, including diversion of property taxes
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community

Increase Opportunities for Public Oversight of Decision-Making (§145-20-5)

Amend §145-20-5 to:

- At section 5.4, add a section to the rules that requires public notice and comment, and opportunities for appeal. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments and all decision-making is at the discretion of the Secretary of Commerce.
- At section 5.2, (and section 11) require review by other agencies (Office of Energy, Div. of Economic Development, WVDEP, PSC. Change "may seek assistance" to "shall." Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, and other relevant professionals.

Address Public Health Risks and Economic Burdens (§145-20-3 and §145-20-4)

Amend §145-20-4 to:

- Require health impact assessments modeling emissions and spills, developer-funded monitoring, and renewable sourcing to reduce costs and align with clean energy goals.
- Mandate hazardous materials plans compliant with EPA SPCC regulations, risk assessments for storage in karst terrain, and developer-funded cleanup bonds/decommissioning trusts to avoid taxpayer burdens.
- Add provisions to mitigate health threats from emissions or massive fuel storage (Ridgeline's 30 million gallons of diesel), imposing costs on the state through healthcare, lost productivity, and cleanups. Canaan Valley's high number of annual inversions amplify pollutants, hiking asthma attacks by 20–30%, cancer risks by 15–25%, and preterm births by 15–20%.
- Address fossil fuel bias in §145-20-4 Section 4.1.10 (detailing power sources without renewable incentives) that locks in high rates and stranded assets, costing billions nationally in health damages while hindering diversification.

Amend §145-20-3 Section 3.1.2 to require that existing ratepayers must be protected when data centers negotiate with the local utility. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.

Ensure Transparency and Accountability (§145-20-4, §145-20-6 §145-20-7 §145-20-8 §145-20-13 §145-20-14 and §145-20-15)

Amend §145-20-15 to revoke confidentiality and require full public disclosure of applications, assessments, and rationales.

§145-20-15's blanket confidentiality for Letters of Intent and petitions shields projects from scrutiny, conflicting with due process and inviting lawsuits. For Ridgeline, limited disclosures have spurred appeals

over hidden risks.

Amend §145-20-15 to require a public filing in addition to the Confidential Business Information filing. The proposed rule exceeds the scope of confidentiality outlined in HB 2014, which allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

Amend §145-20-6 to require objective criteria rather than the vague"sufficient information," which provides undue discretion by the Secretary to accept or reject an application or to apply different standards to different petitioners.

Amend §145-20-4 at section 4.1.6.3 to require evidence of financial capacity in the form of an independent financial analysis of the petitioner's financial capacity.

Amend §145-20-8 and §145-20-13 to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them. The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification.

Amend §145-20-7 to require disclosure of how much electricity is sold to the grid, and how much is acquired from the grid, the rate they paid, the capacity fees and the cost to the utility for that electricity. Include projected financial and service impact on residential ratepayers and rate increase protections.

Amend §145-20-14 section 14.1.4 to require a more comprehensive review. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Protect Economic Diversity (§145-20-1, §145-20-3 and §145-20-4)

Amend the rule to require independent analyses showing no net rate increases or adverse impacts on residential bills and tourism economies.

The rule favors short-term fossil fuel gains over sustainable sectors, potentially costing the state in lost tourism revenue and higher utility rates without cost-benefit mandates.

HB 2014's rule, with its sunset on August 1, 2031 (§145-20-1.5), risks irreversible harm before expiration. These amendments are essential to safeguard Tucker County and West Virginia.

The people of West Virginia deserve to be included in all aspects of decision-making related to microgrids and/or data centers. To that end, a public hearing should be held on this rules package. We believe HB 2014 is bad business for our community, and for West Virginia. Tucker County is the gateway to the state's premier attractions of Canaan Valley and Blackwater Falls, and we already have a thriving tourism economy that generates $90 million of revenue, but this will all be derailed by poor site selection for these facilities. We implore you to act decisively to protect our rights and our environment by making these suggested revisions before finalization—our future depends on it.

Sincerely,

Cris Parque, Nikki Forrester, Jamie Jacobs
On Behalf of the Tucker United Steering Committee & Supporters

CC: WV Senate President Randy Smith, randy.smith@wvsenate.gov, WV Delegate John Paul Hott, johnpaul.hott@wvhouse.gov, WV Senator Jay Taylor, jay.taylor@wvsenate.gov

www.tuckerunited.com

From: "Robert and Brenda Phillips" <brenandbob28@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:16:34 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Robert and Brenda Phillips
992 Strobridge Rd Inwood, WV 25428-3158
brenandbob28@gmail.com

From: "James Webb" <Wamessjebb@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:14:07 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

How is data center proliferation going to benefit jefferson county? Your constituents arw owed an explanation. How is taking away our right to regulate development democratic? Do you explain this to your kids at the xss dinner table?

Somebody is benefitting from this and it aint us. Do you explain that to your kids too?

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
James Webb
Wamessjebb@gmail.com

From: "Tim Huguenin" <tghuguenin@zoho.com>
To: garner.marks@wv.gov, randy.smith@wvsenate.gov
Subject: DATA CENTER LEGISLATION COMMENT
Date: Tue, 09 Dec 2025 11:37:57 -0500
Importance: Normal

RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

4. Ideally, all local communities affected by proposed data centers and their associated constructions should be allowed to decide whether or not the projects move forward, after careful review and investigation of all potential impacts.

From: "Chris Colvin" <ccolvin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:56:07 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I'm the founder of a grassroots organization in FAUQUIER COUNTY, Virginia, called Protect Catlett.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Chris Colvin
2427 Tenerife Rd Harvey, IA 50119
ccolvin@me.com

From: "Diane Blust" <dblust73@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:15:53 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Diane Blust
dblust73@gmail.com

From: "Cassondra Smith" <cassiecasseroll@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:38:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Cassondra Smith
124 Oakland Ave Clarksburg, WV 26301-4304
cassiecasseroll@gmail.com

From: "Denise Polng" <denise121255@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:57:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

To whomever reads this message, we are facing so many existential threats to our existence right now!!! The most dire are the race towards monopolizing AI and climate change. AI will rapidly accelerate climate change.The data center boom is hurtling us towards very possible species extinction!! And because these assholes still care more about profit and control then they do about any forms of life including their own is why this bill was passed in the first place. It has been nefariously passed behind closed doors to take away the rights and voices of the people who live here! I implore you to do everything in your power to demand oversight and transparency from these huge corporations who will radically exploit our resources while we the people suffer the consequences!

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Denise Polng
88 Cheat Valley Hwy Parsons, WV 26287-8002
denise121255@gmail.com

From: "Kay schultz" <kay.nixschultz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:10:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Many parts of West Virginia including where I live in the eastern panhandle depend upon our beautiful natural resources along with historic resources to continue to offer a destination for tourists and attract newcomers to the state. Our farmers and residents, streams and rivers depend upon robust ground water. All are threatened by the prospect of data centers with their substantial demand for land, power, and water. Localities must have a voice in protecting local land use. The siting of such facilities could irrevocably damage an area's economic vitality and livability.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Kay schultz
78 Shepherd Village Cir Shepherdstown, WV 25443-1832
kay.nixschultz@gmail.com

From: "Owen Mulkeen" <omulkeen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 09:58:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Owen Mulkeen
404 Callen Ave Morgantown, WV 26501-6414
omulkeen@gmail.com

From: "Carmella Campione" <ccampione@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 21:35:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sister Carmella Campione
137 Mount Saint Joseph Rd Wheeling, WV 26003-1762
ccampione@csjoseph.org

From: "David Withers" <ladywithaview12@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:28:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
David Withers
68 Eagles Nest Ln Harpers Ferry, WV 25425-5249
ladywithaview12@yahoo.com

From: "Charles Dittrich" <cwdittrich@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:18:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Charles Dittrich
3 Williamsburg Cir Wheeling, WV 26003-5568
cwdittrich@gmail.com

From: "Mark Connelly" <cmc909@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:45:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Mark Connelly
422 Wilson Ct Huntington, WV 25701-4948
cmc909@yahoo.com

From: "Gairold Flynn" <skip1577@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:50:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Gairold Flynn
1577 Mccoy Rd Huntington, WV 25701-4847
skip1577@gmail.com

From: "Barbara Fleischauer" <friendsofbarbara@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:20:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Barbara Fleischauer
951 Bakers Ridge Rd Morgantown, WV 26508-1441
friendsofbarbara@gmail.com

From: "Judy Williamson" <judylw29@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:28:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Judy Williamson
601 Poplar Ave Williamstown, WV 26187-1037
judylw29@live.com

From: "Katie Moore" <katiegmooree@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 15:35:58 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Please put our state and its people first. This land and these people are all we've got, and once the money from the data centers has been cashed out, it will be our people and our land who are left to pay the price.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to demonstrate the economic viability of the microgrid's energy source and explain why the stock feed is most cost-effective for both the company and the public. Consideration of the impact on local and state utility costs should prioritize ratepayers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, and no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I also request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katie Moore
1604 Berkshire Pl Charleston, WV 25314-2202
katiegmooree@gmail.com

From: "Travis Proffitt" <Proffittta@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:06:33 -0500

Importance: Normal

Our livestock needs our water please save our water for them

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic

places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Travis Proffitt
Proffittta@gmail.com

From: "Jacob Kent" <Jkent2585@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 14:58:58 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Jacob Kent

--
Jacob Kent
Jkent2585@gmail.com

From: "Donell Haynes" <donell.haynes@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 18:57:32 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Donell Haynes
210 Edgewood Cir Ripley, WV 25271-1620
donell.haynes@boe.jack.k12.wv.us

From: "Joseph Ferrante" <joesferrante@outlook.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:37:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Joseph Ferrante

--
Joseph Ferrante
joesferrante@outlook.com

From: "david rampy" <drampy48@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:30:46 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. david rampy
46 Shepherd Village Cir Shepherdstown, WV 25443-1832
drampy48@gmail.com

From: "Savannah Lusk" <smlusk2@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 08:36:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package. This HB could significantly impact constitutes' electric bills. As a doctor in the WV area, my patients are barely making ends meet as it is. Don't let data centers encroach on the WV way of life.

Thank you for the opportunity to provide this comment.

Sincerely,
Savannah Lusk
1235 Park Ave Charleston, WV 25302-2447
smlusk2@gmail.con

From: "Karen Trueblood" <karengtrueblood@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 21:32:34 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Karen Trueblood
karengtrueblood@gmail.com

From: "Stacey Rawlings" <chromedeere@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:09:01 -0500

Importance: Normal

Please listen to the residents of this state, and let residents of each county have a say!
Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Stacey Rawlings

--
Stacey Rawlings
chromedeere@gmail.com

From: "Kathryn Aultman-Moore" <kt.aultm@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:21:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

THE DATA CENTER SHOULD ABSOLUTELY NOT BE ALLOWED TO BE BUILT AT ALL. It is remarkably insane to put a massive water-guzzling, self-contained data center anywhere in WV, especially at this time of global environmental crisis. It also does absolutely nothing for local West Virginians except ruin our land, water, and lives. It will also destroy the lives of countless plants and animals, who have an equal right to take up space, and to live, on this planet. These data centers are a mark of true evil and will be remembered as such in history. I know everyone who has assisted with their implementation will swiftly be delivered to hell upon their much-awaited death.

But if. you must proceed, applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kathryn Aultman-Moore
50 Maple Ave Morgantown, WV 26501-6573
kt.aultm@gmail.com

From: "Dina M Mohler" <dinamohler@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:34:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dina M Mohler
641 Holly Rd Charleston, WV 25314-1150
dinamohler@yahoo.com

From: "T Murphy" <cvoroadglide1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:29:36 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
T Murphy
cvoroadglide1@gmail.com

From: "Warren Hilsbos" <warren.hilsbos@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:33:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

First, I request that the department host a public hearing on this rules package.

We are all in this life together and this reality is what necessitates and promotes the concept and tradition of self-government. To allow any government body to disenfranchise citizens to the benefit of a select few based on vague promises is not only absurd, but fundamentally unamerican.

Applications for unproven and speculative industrial ventures must be required to disclose more about the likely environmental impacts of these so-called "microgrids," including:
- air pollution,
- water consumption, discharge, and the impact on water availability & quality,
- impact of these above factors, as well as noise, visibility on communities and wildlife.

Applicants must also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers. To do otherwise is essentially to sell off our state and sovereignty to the lowest bidder.

The rules fail to meet the public burden of legitimacy without implementing more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Warren Hilsbos
225 1/2 Liberty Ave Fairmont, WV 26554-1973
warren.hilsbos@gmail.com

From: "Frank Jernejcic" <fjernejcic@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:52:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I can only imagine what a data center project will do to the ambience of the area around Davis and Thomas, in addition to the impacts of Corridor H. As a retired DNR fishery biologist and whitewater kayaker that worked on the streams in Tucker County for 45 years, I am aware of water availability and the low flows that occur seasonally. It was a travesty that our legislature approved such projects with so little local input and control.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Frank Jernejcic
202 Middle Brook Ln Morgantown, WV 26508-4511
fjernejcic@comcast.net

From: "Shaena Crossland" <crosslandvgc@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "Randy.smith@wvsenate.gov" <Randy.smith@wvsenate.gov>
Subject: HB2014 PUBLIC COMMENTS
Date: Sat, 06 Dec 2025 19:25:52 -0500
Importance: Normal

Dear Mr. A. Garner Marks and Department of Commerce, State of West Virginia:

My name is Shaena Crossland. I am a mother, wife, 24 yr permanent resident of Tucker County, and born and bread West Virginian.

I am writing to formally oppose the proposed legislative rule "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20). As written, it does not provide financial or operational guardrails, it opens the state of West Virginia to unqualified participants and ultimately does not help to provide "transformative positive economic impact".

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require.

The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

My specific concerns are following:

· The table in Section D (p. 3 of 9) MUST include a revenue estimate. It is not only a fiscal detail required in the table, but more importantly, a well-publicized objective of HB 2014. The explanation in Section E (p. 3 of 9) provided in lieu of an estimate is UNACCEPTABLE. In essence, you are asking to approve something for which the state did not even create a basic financial model.

· Financial capacity of a petitioner is not enough: Section 4.1.6.3 needs to be amended by adding "evidence of Petitioner's organizational competency to complete the project of this size and complexity".

· Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential." This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust and respect for all institutions involved.

I respectfully request the rejection of the proposed rule in its current form.

I also respectfully request you take the voices of us all into consideration. I love my home sir. I love this state. My husband and our family are low income. We both work multiple jobs to barely scrape by. I know the importance of good jobs and revenue needed here. WV has always been needing. We have watched for

generations as big business comes in, rapes and destroys our lands for profit and we are left to clean up the mess. Bad water, bad health, and poverty.
This bill will do just that. Please, put West Virginia first

Farewell and Regards,
Shaena M. Crossland

From: "John Fischer" <jfischer5@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Proposed Rule 145-CSR-20 (Data Center Certification Rules)
Date: Wed, 10 Dec 2025 20:52:13 -0500
Importance: Normal

I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers must cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. As indicated by Abraham Lincoln in the Gettysburg Address, government is to be of the people, by the people, for the people.. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

Regards,

John D. Fischer

From: "Liam Walker" <liamawalk@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 15:54:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, request that the department host a public hearing on this rules package.

I also want to say that I oppose the data center being placed near Davis,WV. This area of the state in pristine and attracts alot of tourism, placing a data center there will harm the environment and deter tourism that brings money to these communities.
I believe that if data centers are to be built in WV, they should be placed in less desirable locations, such as former mountain-top-removal sites and other mine remediation locations.

Thank you for the opportunity to provide this comment.

Sincerely,
Liam Walker
416 Central Ave Williamstown, WV 26187-1316
liamawalk@yahoo.com

From: "Katherine Triplett" <kot00001@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 20:10:35 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katherine Triplett
2232 Suncrest Vlg Morgantown, WV 26505-3934
kot00001@mix.wvu.edu

From: "Elizabeth Clark" <ebethc2@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 14:11:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Elizabeth Clark
PO Box 391 Lewisburg, WV 24901-0391
ebethc2@gmail.com

From: "Loretta Wilkins" <loretta.cotner@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 18:27:30 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Loretta Wilkins
7250 Ford Hill Rd Rio, WV 26755-6410
loretta.cotner@gmail.com

From: "ANNE BARRAT" <barrat@live.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 12:51:08 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Anne Barrat
293 Americana Lane
Shenandoah Junction West Virginia
25442

--
ANNE BARRAT
barrat@live.com

From: "Donna Miller" <donnamiller190@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:01:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Donna Miller
1735 Stephens Fork Rd Mineral Wells, WV 26150-6109
donnamiller190@gmail.com

From: "Hardy County PSD" <hardypsd@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:22:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Hardy County PSD
45 District Dr Moorefield, WV 26836
hardypsd@hardynet.com

From: "Jeff Lloyd" <Jwllloyd@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:20:12 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jeff Lloyd
Jwllloyd@gmail.com

From: "Kathleen Hays" <kitmhays@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:13:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kathleen Hays
kitmhays@gmail.com

From: "Robert Nutter" <rnutter1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:52:20 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Robert Nutter
901 Back Hollow Rd Davis, WV 26260-8093
rnutter1@gmail.com

From: "Andrew Wadsworth" <andywadsworth23@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:43:20 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Andrew Wadsworth
125 W 33rd St Reading, PA 19606-2905
andywadsworth23@hotmail.com

From: "Andrej Beder" <beeeeeedo@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:05:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Andrej Beder
8420 Kingston Pike Knoxville, TN 37919-5351
beeeeeedo@gmail.com

From: "Diana Suttenfield" <sutenfield@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:03:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

My biggest concern is about water.
I understand that data centers use a great deal of water. I have a well. I also live near to a stream, Town Run, (south of Shepherdstown) that has lost a lot of its flow in recent years; the stream is a secondary water source for the town.
Jefferson County is karst topography; a still in progress housing development, Tollhouse Woods, did a lot of blasting for infrastructure- my home and others nearby did suffer some damage, but our concerns are about the impact of the blasting on the stream and our other underground water sources. The negative effects of blasting may not be known any time soon and there are no re assurances that there will be no negative impact on our wells...
. Jefferson County has had droughts which have impacted our underground water also. So the idea of allowing a business which uses a great deal of water is of grave concern, and should be to everyone.
As citizens who live in Jefferson County and are affected by these new businesses, we must have opportunities to express our concerns at public meetings. We pay taxes so I believe the county and the state should be required to hold public hearings.
I have lived in Jefferson County since 1963 and I have owned land since 1986 and built a home in 1995, paying taxes for all those years; I have made an investment in West Virginia and I would like to be re assured that the state acknowledges that investment with my best interests at heart; I am not sure data centers in Jefferson County are in my interest.
The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Diana Suttenfield
PO Box C Shepherdstown, WV 25443-0587
sutenfield@aol.com

From: "Caitlyn Kidwell" <kidwell.caitlyn@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 20:25:07 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Caitlyn Kidwell
1317 Valley View Woods Morgantown, WV 26505-3813
kidwell.caitlyn@gmail.com

From: "Robert Freedlander" <freedlander@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 17:38:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Robert Freedlander
960 Chestnut Ridge Rd # G-107 Morgantown, WV 26505-2838
freedlander@hotmail.com

From: "Robert Gronan" <robgronan@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 16:20:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

It is inconceivable to me that the rule does not require disclosure or public input about such developments. I have seen these in other states and the energy usage they require has created more demand than the electric grid can supply and driven up electric power costs for everyone. They also require huge quantities of water for cooling, depleting local water supplies. It is wrong for communities to not have a say in such drastic impacts on them.

Also, I request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Robert Gronan
25166 Midland Trl E Lewisburg, WV 24901-5428
robgronan@yahoo.com

From: "Diane Brown" <dianematthewbrown@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:15:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I live in Jefferson County, which is already fraught with ridiculous development and attacks on our natural and historical resources. None of this development will help county residents. Again, this state government is allowing the pillage of county, and silencing us when we say NO. We are saying NO to this newest assault on our natural resources.
Thank you.

Sincerely,

--
Diane Brown
dianematthewbrown@gmail.com

From: "Erin Felder" <renee.felder@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:22:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Erin Felder
509 View Ave Fairmont, WV 26554-4749
renee.felder@yahoo.com

From: "Jo Shoesmith" <jshoesmith75@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:22:50 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jo Shoesmith
jshoesmith75@gmail.com

From: "Ellen Allen" <ethompsonallen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 09:20:00 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ellen Allen
PO Box 677 Pinch, WV 25156-0677
ethompsonallen@gmail.com

From: "Eve Faulkes" <faulkeseve@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Please consider the finite quantity of water in areas designated for AI Centers
Date: Wed, 10 Dec 2025 09:59:20 -0500
Importance: Normal

Dear Counsel Garner Marks,
The lack of transparency in the rules for implementing HB 2014 is extremely concerning, especially considering the devastation of communities like the Thomas and Davis area which is already experiencing water shortages for residents even before the cooling water quantities are taken from the groundwater supply. This area is the most successful tourist economy in the state which stands to be ruined. Transparency and community input must not be censored to prevent the Microgrid to be more of a loss than a gain for West Virginia residents.
Thank you for this consideration.
Sincerely,
Eve Faulkes,
Concerned WV resident and user of the Mon Forest and Mon Forest Towns

From: "Remigius Onyshczak" <rjo@theremster.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:05:24 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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Understand that this is our home and it needs to be treated as you would treat your own home.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Remigius Onyshczak

--
Remigius Onyshczak
rjo@theremster.com

From: "Jared Cornelia" <jaredc1200@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:50:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Jared Cornelia
2165 Bedell Rd Grand Island, NY 14072-1620
jaredc1200@gmail.com

From: "Pamela Timmons" <pmtimmons52@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 21:52:41 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Pamela Timmons
2063 Hutchinson St Apt 238 Charleston, WV 25387-1515
pmtimmons52@gmail.com

From: "Tiffany Gale" <misstiffanysecehouse@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 15:02:41 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tiffany Gale
113 Colliers Way Weirton, WV 26062-4044
misstiffanysecehouse@gmail.com

From: "Jacob Matz" <Jacob.Robert.matz@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 05:49:12 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jacob Matz
Jacob.Robert.matz@gmail.com

From: "Meg Jernigan" <megjernigan@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:48:38 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Meg Jernigan
megjernigan@gmail.com

From: "Jocelyn Phares" <jocelynj.phares@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:07:19 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Jocelyn Phares
1511 Taylor Ave Elkins, WV 26241-3049
jocelynj.phares@gmail.com

From: "Marsha Frame" <mframe427@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:21:14 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

LApplications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.
My family and our home, and our quality of life will be destroyed. We are mere yards from the proposed Mason Co. site. If you are taking everything we have worked for in the 41 years we've been here, then we should have transparency.

Thank you for the opportunity to provide this comment.

Sincerely,
Marsha Frame
337 University Ln Point Pleasant, WV 25550-3341
mframe427@gmail.com

From: "Kelsey Hartmann" <kelseyromer@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 21:53:11 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kelsey Hartmann
kelseyromer@gmail.com

From: "Karen Buck" <karenkaren.buck@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:17:45 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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I respectfully ask that you add these suggestions to the draft. Thank you.

*Also, Why can't the data centers have independent on-site power generation like Elon Musk is developing?

Sincerely,
Karen Buck

--
Karen Buck
karenkaren.buck@gmail.com

From: "Peter Anderson" <wvrnsson@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:39:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Peter Anderson
824 Central Ave Apt 906 Charleston, WV 25302-1628
wvrnsson@gmail.com

From: "Teresa Parcell" <tlparcell000010@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 13:15:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

There will be atrocious environmental impacts and applications should be required to disclose everything. The damaging effects it will cause wildlife, the copious amounts of water usage and the huge amounts of air pollution caused. The cost to rate payers needs addressed as well. Should be outlined if it will be cost-effective or simply a boondoggle.

And why is the public for all intense purposes being left outage? Should be rules for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

The department needs to host a public hearing on this rules package!

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Teresa Parcell
6024 Little Sandy Rd Elkview, WV 25071-7764
tlparcell000010@gmail.com

From: "Susan Ford" <susan.rae.ford@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:21:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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HAS THE PUBLIC BEEN MADE AWARE OF THE NOISE THESE SITES GENERATE AND HOW MUCH OF OUR GREATEST NATURAL RESOURCE, WATER, WILL BE USED TO COOL THE CENTERS.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely, SUSAN FORD

--
Susan Ford
susan.rae.ford@gmail.com

From: "Savannah Blythe" <scblythe7@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 11:37:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Savannah Blythe
11 Copperfield Ct Morgantown, WV 26505-2827
scblythe7@gmail.com

From: "Seth Davis" <etmartin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:23:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Seth Davis
191 Brookhaven Rd Morgantown, WV 26508-8701
etmartin@mix.wvu.edu

From: "CHERI PERKS" <perksc@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:32:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. CHERI PERKS
114 Devon Way Shepherdstown, WV 25443-4615
perksc@comcast.net

From: "Hollie Gregory" <hollie1003@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:26:09 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Hollie Gregory
15 Beechurst Ave Apt 304 Morgantown, WV 26505-5467
hollie1003@aol.com

From: "Katrina Stewart" <kklugh@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 20:39:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katrina Stewart
13 Hillview Ests Morgantown, WV 26501-7757
kklugh@gmail.com

From: "Norm Rezmer" <ndrezmer@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:51:37 -0500

Importance: Normal

It appears that government leaders are at it again with bringing in questionable businesses that aren't necessarily a benefit to the community. There is only one reason for deals to be made behind closed doors for things that affect the public community without the public being informed. While those serving in the positions may not be directly benefitting from it, the good 'ol boys club is usually in play and they'll sell out the community so their family and friends benefit, seen it happen with the solar farms and I wouldn't be surprised if Rockwool was in the same boat as there were too many things done before the community was informed of what was happening. If you're going to sell out the community, at least do it fairly with consideration to those that live here and call this area home, be fully transparent and give them protections to ensure they can continue the same lifestyle without added burden for someone else to profit.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not

alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Norm Rezmer
ndrezmer@hotmail.com

From: "Natalie Pien" <natcpien1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:26:23 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Natalie Pien
20644 Gleedsville Rd Leesburg, VA 20175-6532
natcpien1@gmail.com

From: "Janet Bailey" <janetbailey1150@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:44:31 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Janet E. Bailey

--
Janet Bailey
janetbailey1150@gmail.com

From: "Debora Mattingly" <deboramattingly@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:52:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Debora Mattingly
898 Sherwood Rd Charleston, WV 25314-1852
deboramattingly@yahoo.com

From: "Catherine Falknor" <catherinefalknor@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:49:22 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

It is very short sighted to give such powers of oversight away and to assume data centers are of such urgency that their buildings can ignore the sustainability of implementing them at a very high cost to the community surrounding them, including the environmental demands of water usage that the community needs for their livelihood. People need to be heard. These businesses from out of state thinking only of profit are too expensive to be given such freedom of our resource usage.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

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3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Catherine Falknor
catherinefalknor@gmail.com

From: "Charles Walbridge" <ccwalbridge@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:39:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr Charles Walbridge
1886 Little Sandy Rd Bruceton Mills, WV 26525-5268
ccwalbridge@cs.com

From: "Kris Jordan" <kris.jordan37@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: randy.smith@wvsenate.gov, johnpaul.hott@wvhouse.gov
Subject: Please reject proposed rule on microgrid district and high impact data center certification
Date: Wed, 03 Dec 2025 16:09:08 -0500
Importance: Normal

Mr. A. Garner Marks, General Council, WV Department of Commerce

Dear Mr. Marks,

As a full-time resident of Tucker County, I am writing to express my strong disapproval of the proposed "Rule to petition the Department of Commerce for certification of a microgrid district or certification as a high impact data center." HB 2014 leaves residents in the municipalities where these facilities are proposed devoid of any means of local control over the facilities. This proposed rule as written does nothing whatsoever to mitigate that huge injustice imposed on the citizens of West Virginia.

There is nothing in the rule as it is written that allows for any public examination of, or recourse against, a proposal prior to certification. In fact, section 15 of the proposed rule states that all Letters of Intent and Petitions shall be deemed confidential. This means that even basic information about proposed developments will remain hidden from the people who will be directly affected by them, including location, size, energy demand, water consumption, pollution (air, water, noise, and light), and other potential local impacts.

For these large-scale, resource-consumptive, noisy, polluting projects, this government-condoned secrecy does nothing but convince the public that our institutions and the people involved with them are not to be trusted. If you were acting in our best interest, why would you need to write rules that guarantee that critical data is kept from us? Further, as written the rule does not provide any financial or operational guardrails for the projects, potentially exposing the citizens of West Virginia to businesses that are unqualified to build or run the projects they are proposing.

In short, the rule does nothing to ensure that the citizens of West Virginia have the right or ability to protect our health, our environment, our livelihoods, and our way of life. In fact, you are taking steps to ensure that even the most basic information required for us to know what is going on with microgrid and data center projects in our communities is kept from us. I, for one, am angry about this, and I am far from alone.

I appreciate your time and consideration, and respectfully request the rejection of the proposed rule in its current form.

Kristine Jordan
1409 Mountainside Road
Davis, WV 26260

cc: Senator Randy Smith - randy.smith@wvsenate.gov
Delegate John Paul Hott - johnpaul.hott@wvhouse.gov

From: "John Christensen" <jbc4re@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 15:37:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. John Christensen
512 Stoney Lick Rd Martinsburg, WV 25403-1875
jbc4re@yahoo.com

From: "Karen Wiedemann" <karen.wiedemann@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules
Date: Mon, 08 Dec 2025 21:10:30 -0500
Importance: Normal

Thank you for the opportunity to comment on the proposed rules implementing HB 2014. As a homeowner in Davis, I have deep concerns about the proposed approach. Following are my four principal comments, as well as some additional observations.

Principal Comments

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.

2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014, which allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential. In that regard, the proposed rule is unduly restrictive and obstructive of the rights of interested parties.

3) Because HB 2014 preempts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

4) As an alternative to opportunities for local input, or in addition to them, **add provisions that will protect locations and populations that are especially vulnerable to the environmental effects and other negative externalities created by microgrid power plants and the data centers they service.** For example, you could provide that power plants and data centers eligible to operate under the rules cannot be sited within a stated radius (e.g., ten miles) of specified environmentally sensitive areas (e.g., state and national parks, wildlife refuges, wilderness areas, and the like), and facilities that house particularly vulnerable populations (e.g., schools, daycare centers, and healthcare facilities such as hospitals and nursing homes). Such provisions would preserve the benefits of the "one stop shop" efficiencies and opportunities for development envisioned by the drafters of HB 2014, while avoiding particularly high environmental and human costs that the drafters did not specifically consider. Preempting opportunities for local input does not absolve the Secretary of its responsibility to enact rules that rationally balance the costs and benefits of the programs it regulates; on the contrary, the Secretary's responsibility is all the greater when the normal due process protections around local development have been eliminated. It is up to you to see to it that the costs and benefits of the program are appropriately aligned. Provisions that preserve benefits while avoiding costs are an important step in that direction.

Other issues include:

- Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:**
    - how much electricity is sold to the grid
    - how much is acquired from the grid
    - the rate they paid
    - capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Thank you again for the opportunity to comment.

Sincerely yours,

Karen C. Wiedemann

From: "Matt Woodman" <Woodmanmatt11@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 18:50:24 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Matt Woodman
Woodmanmatt11@gmail.com

From: "Morgan King" <morganking513@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 23:04:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Morgan King
515 A Maxwell St Charleston, WV 25311-2031
morganking513@gmail.com

From: "April Smith" <Aleewink@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:40:46 -0500

Importance: Normal

Dear Mr. Marks,

I am writing to submit comments regarding Emergency Rule 145-CSR-20. I am a new resident of Ranson in Jefferson County. I moved here recently and I am excited about the potential for economic growth in the Eastern Panhandle.

I am pro-business and I genuinely support bringing large employers, including data centers, to our state. I believe these industries can offer great value to West Virginia families, especially since I already work in the tech industry.

However, I have reviewed the concerns raised by local organizations regarding HB 2014, and I agree that we need stronger guardrails to ensure this growth doesn't harm existing residents.

Specifically, I ask that you amend the rules to address the following:

Water Protection in Karst Terrain: My new home already struggles with extremely hard water (measuring a 15 on the hardness scale). Because our area sits on "Karst" geology, our groundwater is vulnerable. Please adopt the suggestion to prohibit these districts from using groundwater in Karst terrain. They should be required to use surface water utilities so they do not deplete or contaminate the wells our homes rely on. We have seen nationally, such as in Flint, Michigan, the tragic consequences that occur when economic urgency overrides safety oversight. We must ensure West Virginia sets a higher standard and protects the water quality our families depend on.

Air Quality Transparency: I understand these centers may build their own gas power plants. To protect our air, the data center and its power plant should be treated as one single source for air pollution permits. We need an honest accounting of the total emissions these facilities will create.

Local Fairness & Historic Buffers: Ranson and Jefferson County have a rich history. Please ensure there are buffers (such as the suggested 300 yards) around historic properties. Furthermore, we must ensure that tax revenue from these districts is shared fairly with the County so our local schools and emergency services are not left behind.

I want these businesses to come here, but I want them to be good neighbors. Please remove the "Emergency" designation and allow for a full public hearing so we can get this right.

Sincerely,

April Smith Ranson, WV

--
April Smith
Aleewink@gmail.com

From: "Lori Bahamonde-DiGiambattista" <loribahadigi@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:52:21 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect. Quit playing shady.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules. Transparency is vital. The public trust will be lost without it. Knowledge is a power to be allowed to the people of West Virginia.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. It's difficult comprehend the devastating results to quality of life, safety and protection of the resources that the people of West Virginia RELY UPON.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic

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The agricultural communities are vital to local consumers. Our water resources are dwindling due to drought and expansion. Data Centers take more than they give. Please protect the panhandle from becoming victim of under-regulated industry.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Lori Bahamonde-DiGiambattista

--
Lori Bahamonde-DiGiambattista
loribahadigi@hotmail.com

From: "Rajwinder Mann" <rajmann2@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 07:51:56 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Rajwinder Mann
rajmann2@hotmail.com

From: "Blake Flessas" <m.b.flessas@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 15:24:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Data centers could be a boon to local communities, but the rules as they are written currently leave no room for local control or input, and if we do not alter them our communities will not reap the benefits of this new industry. So many of our industries have extracted from us endlessly, and we must set up this new industry with local input and local control to keep economic benefits in our communities and reduce negative health impacts.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

These things impact the lives and livelihoods of all community members in the vicinity of the centers. We need only look at the centers that already exist to see how to do this effectively--and what to avoid.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Blake Flessas
108 Hess Ave Fairmont, WV 26554-1827
m.b.flessas@gmail.com

From: "Kerren Hall" <kerrengh@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 18:34:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

THIS IS A STEP IN THE RIGHT DIRECTION THINKING OF WAYS TO MAKE INCOME FOR WV. .. BUT YOU MUST ALLOW LOCAL COMMUNITIES TO BE INFORMED AND HAVE A SAY IN WHAT HAPPENS.Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Kerren Hall
PO Box 149 Fayetteville, WV 25840-0149
kerrengh@yahoo.com

From: "Lane Martin" <lanemartin2000@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:46:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

The people of WV have for too long been subject to the environmental degradation and contamination wrought by corporations. Our population suffers from elevated cancer rates, decreased access to clean water, and a host of other risk factors. Enough is enough!

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lane Martin
807 Maple Rd Charleston, WV 25302-2807
lanemartin2000@gmail.com

From: "Frank Muth" <ftmuth@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 21:01:15 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency, nor does it explain why it is an "emergency. " This is very dubious. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect. Calling it an emergency, just to jam it down our throats without proper overnight, is reckless.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. We only learn where they are going when construction starts? What kind of "planning" involves keeping everything confidential? This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. How are you possibly bypassing the Stafe Historic Preservation Office? The legality of this is suspicious. For these reasons, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

Nothing is said about the greenhouse gas emissions and how much these data centers will add to any already precarious situation. Additionally, there's no mention of the power source for these data centers. This should be a major consideration of both siting and approving.

Where, how, and how much will the data centers acquire water resources necessary for cooling. These are known to be very resources intensive. If data centers are constructed in karst geography, the likelihood of sinkhole formation increases log rhythmically. For this reason, we require more transparency.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Frank Muth
ftmuth@gmail.com

From: "joseph martin" <foei@msn.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:21:29 -0500

Importance: Normal

I rise today to offer a few comments regarding proposed RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

I am concerned about the classification of the rule regarding it be designated an emergency. While legislation allows for emergency rules, in my opinion, this does not actually constitute an emergency. Please remove the emergency designation and allow our elected representatives to participate in debate and the rule making process before any rule goes into effect.

Further, I cannot understand why the rule eliminates public participation, but it also eliminates the ability of the public to seek information and know anything about these developments. Closing the door to the very people you are elected to serve is not compatible with Democracy. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

And, natural and historic resources are likely left unprotected by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide specified protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Joseph Martin
Charles Town WV

--
joseph martin
foei@msn.com

From: "Rose Namay" <rmnamay@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 21:35:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Rose Namay
1002 Mathews Ave Charleston, WV 25302-2416
rmnamay@outlook.com

From: "Evelyn Eichorn" <evelyn.eichorn@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:47:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Before we all understood what was happening, data centers destroyed the historical and cultural significance of Loudoun County. They are in the process of having the same impact in Prince William County on lands once hosting major Civil War battles and known by folks around the world. Please don't allow this rule to move the decision-making away from the locals who know the history, the culture, the tourism value of their West Virginia communities.

Thank you for the opportunity to provide this comment.

Sincerely,
Evelyn Eichorn
3192 Lost Corner Rd Delaplane, VA 20144-2229
evelyn.eichorn@mail1.com

From: "Steve Malafy" <smalafy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 10:36:20 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Steve Malafy
280 Centerville Harp Rd French Creek, WV 26218-7338
smalafy@gmail.com

From: "Elizabeth Boone Wheeler" <ewheelerwv@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 11:52:14 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Elizabeth Boone Wheeler
ewheelerwv@gmail.com

From: "Ann Dorsey" <aedorsey@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:47:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ann Dorsey
18042 Schoenborn St Northridge, CA 91325-3844
aedorsey@hotmail.com

From: "Judy Slusher" <Judyslusher1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 17:56:25 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Judy Slusher
Judyslusher1@gmail.com

From: "Tamera Furley" <furleytamera@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:02:02 -0500

Importance: Normal

Save our water for our livestock

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

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Tamera Furley
furleytamera@gmail.com

From: "Sean Baker" <seanbakerwv82@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:00:32 -0500

Importance: Normal

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seanbakerwv82@gmail.com

From: "Susan Mitchell" <susan.a.mitchell@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:49:56 -0500

Importance: Normal

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Susan Mitchell
susan.a.mitchell@gmail.com

From: "Darla Johnson" <djohnson8@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sun, 30 Nov 2025 16:53:42 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

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Sincerely,

--
Darla Johnson
djohnson8@hotmail.com

From: "Michelle Wilkins" <gmssbaybilly@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:30:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Michelle Wilkins
893 Sirbaugh Rd Capon Bridge, WV 26711-9330
gmssbaybilly@aol.com

From: "Jefferson Co NAACP" <jcwvnaacp@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: PUBLIC COMMENT HB 2014 Implementation
Date: Wed, 10 Dec 2025 09:02:32 -0500
Importance: Normal

PUBLIC COMMENT SUBMITTED TO THE WEST VIRGINIA DEPARTMENT OF COMMERCE

Addressee: General Counsel, West Virginia Department of Commerce

Subject: Demand for Immediate Pause and Mandate for Binding Legislative Rules to Restore Public Trust and Ensure Accountability in HB 2014 Implementation

Submitted by: Nicola Bastian, Chair – WV NAACP Environmental Justice Committee

The West Virginia NAACP, a statewide organization committed to protecting the health, economic security, and civil rights of all West Virginians, urgently demands an **immediate pause** on the permitting of data center and microgrid developments authorized by the enactment of HB 2014, the "Power Generation and Consumption Act of 2025."

The Department of Commerce is charged with promulgating legislative rules to implement this act. We submit that the proposed rules must be fundamentally strengthened to ensure good faith, transparency, and accountability, mitigating the documented risks already faced by communities in Mingo County and the Eastern Panhandle (including Jefferson County). The absence of robust, enforceable rules will only reinforce the historic pattern of extraction and broken promises that has plagued our state.

IMMEDIATE CALL FOR PUBLIC HEARING AND REFORM

We respectfully request that the General Counsel recognize the profound impact of HB 2014 and mandate that the Division of Economic Development schedule **at least one mandatory in-person, public hearing** before these legislative rules are finalized. The current process, which limits citizens' and local governmental review and input, is unacceptable, particularly given that initial development efforts saw regulators show "no intention of providing a hearing at all".

I. Legislative Rules Must Limit Discretion and Restore Oversight

HB 2014 establishes a fast-tracked, "one-stop shop" process where data center developers bypass established local governmental approval structures, including Planning Commissions and local zoning. Furthermore, the Secretary of Commerce is mandated to issue certification to a High Impact Data Center (HIDC) within 14 days of receiving notification. This rapid, centralized approval process, combined with the Legislature's intent to "occupy the whole field" of regulation, means the legislative rules are the only remaining mechanism for ensuring checks and balances.

To maintain trust and good governance, we demand that the legislative rules be amended to:

1. **Limit the Discretion of the Secretary of Commerce:** The rules must contain provisions for independent review by qualified engineers, economists, and environmental experts prior to certification. Given that HB 2014 pre-empts local controls, the Secretary of Commerce becomes the only review authority for issues critical to local health and safety. The current speed of certification (14 days) allows no time for meaningful review or public inquiry.

2. **Require Public Notice, Comment, and Appeals:** The rules must include a specific section detailing mandatory public notice, periods for community comment on proposed projects, and an opportunity for citizens to appeal certification decisions based on environmental, health, or economic impacts. This is essential to counter the "hush hush" nature of data center deals and the history of silencing local concerns,.
3. **Amend Confidentiality Provisions (CBI Filing):** The rules must be amended to require a public project filing, which must be distinct from any Confidential Business Information (CBI) filing. The statute allows only information that the applicant *identifies* as confidential business information to be exempt from the Freedom of Information Act. The statute does **not** authorize all operational information to be kept confidential. Developers nationally use NDAs and trade secret exemptions to hide company identities, water usage, and pollution abatement specifics. We cannot allow the rules to permit this level of corporate secrecy in West Virginia.

II. Mandatory Disclosure for Public and Environmental Safety

Because HB 2014 strips counties and municipalities of the authority to regulate zoning, noise, viewshed, lighting, or land use, the Secretary of Commerce must require comprehensive disclosure on all relevant externalities before granting approval.

The legislative rules must mandate that the petitioner publicly disclose the following critical information:

- **Anticipated Air Pollution:** Disclose the amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated. In Mingo County, proposed gas turbine power plants would be among the state's largest in terms of greenhouse gas emissions. Pollutants like nitrogen oxides, formaldehyde, and fine particulate matter contribute to severe respiratory illnesses like asthma and COPD, especially in nearby residents. In Memphis, a facility operated turbines without pollution controls, emitting 1,000–2,000 tons of NOx, the largest source in the city.
- **Renewables and Battery Storage Feasibility:** Disclose whether renewables and battery storage are feasible for some or all of the anticipated power needs. Data center demand is so great that it is leading grid operators to postpone closing coal plants and build new natural gas plants. AI-driven demand could require as much as 12% of total US electricity use, making the use of more efficient, sustainable power critical.
- **Water Consumption and Sources:** Disclose anticipated water consumption and sources of water, as well as expected water discharges and receiving streams. Data centers are "thirsty," consuming millions of gallons daily, placing a danger on local water supplies. In communities like New Carlisle, Indiana, construction activities have already led to the depletion of water resources and contamination of private well water with sediment,,.
- **Anticipated Noise Levels:** Disclose anticipated noise levels at the fence line and the nearest residential and public facilities. The continuous, low-frequency drone from 24/7 cooling systems causes anxiety, sleep deprivation, and cardiovascular disease. Residents near data centers in Virginia report feeling vibrations through their walls due to the constant hum.
- **Traffic Volumes and Operating Schedule:** Disclose anticipated traffic volumes and the facility's operating schedule (e.g., continuous construction activity that causes noise at 2:00, 3:00, and 4:00 in the morning).
- **Safety Policies and Petitioner's Safety Record:** Disclose safety policies and the petitioner's safety record, including any OSHA recordable events.
- **Anticipated Emergency Services:** Disclose the anticipated need for emergency services (fire, police, medical, etc.) to ensure local infrastructure can handle the new demand, particularly since HB 2014 retains municipal service fees based on the cost of providing service.
- **Anticipated Conflicts with Existing Land Uses or Local Regulations:** Disclose conflicts with existing land uses, acknowledging that the Legislature intended to override local controls,.
- **Community Benefits:** Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community. Given that data centers typically employ fewer than 150 permanent workers, and the majority of tax revenue is diverted from local control, binding

commitments are necessary to ensure the local community receives tangible benefits in exchange for bearing the environmental and infrastructure burden.

III. Historic Context and Unjust Economics

The historic pattern of extraction in West Virginia, exemplified by the hollowing out of communities in Mingo County by the coal industry, requires extreme caution when embracing new extractive industries that demand "an incredible amount of resources" under a "lax regulatory landscape".

The economic structure of HB 2014 exacerbates these historic harms:

- **Tax Diversion:** HB 2014 diverts 70% of the incremental property tax revenue to the state, with the largest share (60% of the state's portion) funding the Personal Income Tax Reduction Fund. This fund generates tax cuts that disproportionately benefit the wealthiest 20% of households, while counties—including those with high poverty rates—are stripped of revenues needed for essential local services,.
- **Regulatory Bypass (PSC):** Entities providing electricity within a microgrid district are explicitly exempt from the jurisdiction of the PSC regarding rates and service conditions. This bypass, coupled with the statistical link between data center demand and rising electric bills for residential consumers, forces West Virginia ratepayers to cover infrastructure costs for some of the world's wealthiest corporations,.

We demand that the Department of Commerce utilize the rulemaking authority to immediately implement financial mechanisms to ensure citizens benefit:

1. **Restoration of Local Property Tax Revenue:** The portion of the incremental property tax revenue diverted to the Personal Income Tax Reduction Fund must be reallocated back to local counties to fund essential public services.
2. **Comprehensive Impact Fees:** Require developers to pay substantial impact fees covering the strain placed on local infrastructure, beyond basic utility cost-of-service charges, including a review and approval process by the PSC for water and sewer capacity fees to ensure fairness.
3. **Mandatory Workforce Development:** Mandate the industry funds dedicated academic and technical training programs to ensure high-skilled jobs are accessible to and prioritized for local West Virginia residents.

The WV NAACP demands an immediate pause on all permitting associated with HB 2014 until a formal, in-person public hearing is held, alternatives to current technologies are examined, and legislative rules are promulgated that fundamentally protect public health, local governance, and economic equity.

Respectfully submitted by Nicola Bastian Chair – WV NAACP Environmental Justice Committee (EJC)

From: "Hillary Hall" <hehall@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 18:26:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Hillary Hall
79 Orinoco Holw Belfry, KY 41514-7314
hehall@k12.wv.us

From: "Dennis Hatcher" <dgeraldh@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:06:28 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

There is no emergency,

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation, but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Dennis Hatcher
dgeraldh@frontiernet.net

From: "Theodora Cullum" <theo@frontier.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:01:51 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Theodora Cullum
theo@frontier.com

From: "Robert Foster" <bfosterrph@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules and their impact on Tucker County and WV
Date: Wed, 10 Dec 2025 12:28:26 -0500
Importance: Normal

Dear Sirs:

I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

On December 9th WSAZ TV News (both at 6:00 and 11:00 pm) did a piece on the Republican Legislative priorities for the 2026 session. House Speaker Roger Hanshaw said the following (exact quote) - ***"We know the way we best advance West Virginia is by EMPOWERING LOCAL PEOPLE in LOCAL COMMUNITIES to MAKE DECISIONS about THEIR OWN ECONOMIC FUTURE".***

This is the total opposite of what HR2014 does.

How does the following impact of a Data Center help the local communities:

* Water demand of 3 to 5 million gallons per day - Davis and Thomas have experienced water shortages the past two summers without a data center - where are they going to get the additional water for the Data Center - you can't run a business without water

*Water pollution - Boil water advisories do not help local businesses.

*Air pollution - that will most likely settle in the Canaan Valley bowl - the pristine environment is one of the main attractions for visitors and future residents - the concentration of the air in the Valley increases the chance for health problems

* Toxic emissions - Air and water - increasing rates of cancer, asthma, and other diseases are not conducive to attracting new businesses, tourist or homeowners

* Dramatic increases in Utility rates

* Noise and Light pollution

* The danger posed by three 10 million gallon diesel fuel storage tanks – catastrophic death due to explosion or water pollution due to leakage (we have never had that before in WV – Oh wait – maybe we did?)

* Due to the above you will have:

- Decreased tourism and the resulting loss of revenue
- business closures
- decreased property values
- decreased tax revenues
- deteriorating schools due to lower property taxes (especially with HR2014 rules that property taxes on the Center do not go to the schools)

** **How does any of this help economic development?** The job losses in tourism and small business will far outweigh any jobs gained through the Data Center.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.

• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.

• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.

• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.

• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.

• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.

• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

Thank you for considering our comments.

Robert L Jr. and Barbara W. Foster

Homeowners in Tucker County

From: "Kristin Day" <krisjim26@everyactioncustom.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Please revise data center rules to include more oversight, environmental protection, and accountability
Date: Sat, 06 Dec 2025 18:01:08 -0500
Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Dear Legislators,
As a Monroe County citizen and transplant from Northern Virginia I can tell you with confidence that we do NOT want data centers in our beautiful county. These centers are loud, water and energy-guzzling eyesores. Don't trade our beautiful West Virginia scenery that is so special and draws many tourists because it is wild and wonderful for a business proposition that we will all regret.

Kristin Day
Greenville, WV

P.S. Read below as I am in accord with the substance of the message:
should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kristin Day
2486 Laurel Creek Rd Greenville, WV 24945-7070
krisjim26@verizon.net

From: "Christy Huddle" <Huddlec@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:50:32 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

As a former city planner (30 years in local government), I learned that planning decisions that were rushed thru were ALWAYS a mistake in the end.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Christy Huddle
Huddlec@gmail.com

From: "Haley White" <haleylynnwe@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 09:25:35 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Haley White
haleylynnwe@gmail.com

From: "Melissa Trimble" <trimbliss@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 21:58:56 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Melissa Trimble
90 Tuscan Ridge Rd Davis, WV 26260
trimbliss@outlook.com

From: "Jakob Light" <Jakoblight95@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 13:54:10 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit. The properties within the microgrid district are contiguous or nearly contiguous, the high impact data centers dictate the emissions that will be made by both the data center (generators) and the power plant, and but for the data centers the power plants would not generate emissions because without the data centers the power plants would not have a customer for 95% of their electric.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not

within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district including any associated high impact data center serviced by the microgrid will be considered and applied for as one source; 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions; and 3) all air emissions sources from either the microgrid district or the high impact data center will be included in all air emissions permitting including backup generators.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jakob Light
Jakoblight95@gmail.com

From: "Kelly Campbell" <kelly1.campbell329@frontier.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sat, 06 Dec 2025 09:51:36 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kelly Campbell
kelly1.campbell329@frontier.com

From: "Terry Thorson" <overyonderfield@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:47:00 -0500

Importance: Normal

I am, obviously, sending a copy of a suggested objection to HB2014. I'm tired and am not going to be eloquent here. You must understand how undemocratic this bill is and how horrific the consequences for this state. No protection for historic site? No provisions to protect our precious groundwater? I am on a well as is most of Jefferson county. I grow my own vegetables and I know the drought conditions of the last several years. So to pass this you eliminate informing us of the projects and eliminating any say in the matter? It's almost too hard to wrap my mind around, the fact that someone would propose such a bill.
Honestly, I simply wonder, have the people who propose these sorts of things not have or have friends who have children? Don't they think about what they are leaving for the future? What happens when the AI bubble bursts, and these data centers become too expensive to maintain?

So below is the factual measured statement that I support.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Terry Thorson
overyonderfield@gmail.com

From: "Anna Saab" <rhododanna@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:35:05 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Anna Saab
1235 Park Ave Charleston, WV 25302-2447
rhododanna@gmail.com

From: "Thomas Conant" <tom@studio105.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 18:49:24 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Tom Conant
President, Studio 105 Inc

--
Thomas Conant
tom@studio105.com

From: "Katie Welch" <ktewelch@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:09:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katie Welch
2765 Russell Rd Green Cove Springs, FL 32043-8207
ktewelch@gmail.com

From: "Charlotte Haas" <reepicheep2002@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:11:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Charlotte Haas
112 S Walnut St Morgantown, WV 26501-6043
reepicheep2002@yahoo.com

From: "Frank Jernejcic" <fjernejcic@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:36:22 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Frank Jernejcic
202 Middle Brook Ln Morgantown, WV 26508-4511
fjernejcic@comcast.net

From: "Nicholas Melotti" <nickmelotti@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:48:24 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Nicholas Melotti

--
Nicholas Melotti
nickmelotti@gmail.com

From: "Susan Carpenter" <suegary26501@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:18:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Susan Carpenter
266 Caddell St Morgantown, WV 26501-6471
suegary26501@yahoo.com

From: "Larry Thomas" <larryvthomas@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 14:41:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Larry Thomas
PO Box 194 Circleville, WV 26804-0194
larryvthomas@aol.com

From: "Anthony Russo" <russoap@protonmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:45:30 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

I'm a datacenter infrastructure engineer at a large datacenter in Loudoun county. I have been in IT since 1995. In addition to all the reasons listed below, here are few others that make this proposed legislation so egregious:

- Exactly who benefits by excluding elected officials from participating in the rule making process? The datacenter owners, builders, contractors, and the State. Basically, this says to the local citizens "You don't matter, and your property doesn't matter."

- Datacenter construction is horribly destructive to the landscape. All you need to do is take a drive around Loudoun county and see for yourself. Not to mention transmission lines need 100-180 feet of easement.

- Since 2016, there has not been a single day that there hasn't been a datacenter underconstruction. Once it gets started, further datacenter operators take adavantage of concentrated power zones.

- A popular definition is that a microgrid onsists of a large power consumer (data center), an onsite power source (last-mile utility), a backup system (diesel generators), a regional grid connection (conglomerate power corridor). However, this compeletly ignores water for cooling, roadways, parking, etc. What is not is a non-contiguous parcel. Everything must be on one site. So, are micro nuclear power plants on the table? If this is passed, then local officials and the local populace would have no say about the composition of microgrids in their community.

- In 2018, Loudoun was at ~ 1Gigawatt for data center power. It is now at ~4.14 GW and is expected to between 11 GW (linear progression) and 30GW (due to increase density of AI-specific equipment) by 2029. Loudoun power grid is oversubscribed and will likely worsen,Once a power corridor is established, the only that will be built in that corridor will be data centers and power stations. To illuminate further:
- 5 Acres of Solar Panels Create 1 Mw of Electricity (nameplate)
- Solar power has a 24% capacity factor (avg. hourly power delivered)17, 18
- Example #1:
- Peak load: 100 Mw per data center (illustrative)
- Delivering nameplate power, data center would require 500 acres of solar panels
- Delivering average power (24%), data center would require 2,000 acres of solar panels
- 200 data centers at 100 Mw per data center = 400,000 acres of solar panels
- Total Loudoun County landmass = 333,000 acres

The power growth is simple unsustainable. We've already built new lines through the county to transfer WV power to VA.

- Jefferson county has a severe unemployment crisis. Any data center operator should be required to set up a training facility in the county to train the local populace datacenter operations and be required to hire at least 50% of the staff from Jefferson and Berkely counties. There is absolutely no serious technical technical training here. Datacenter operators and the state reap the windfall and NOT ONE PENNY is being invested into our communities.

- The hospital and public school system in Jefferson county are an absolute disgrace. One mountain ridge away is the wealthiest county in the nation, and we can't have a decent hospital and schools that graduate students proficient in STEM, or even reading? What a gross dereliction of duty to the citizens of this state.

- We don't have enough businesses to support organic growth (thanks to a very hostile, anti-business town council). We have fast food and bars, and a casino that is on its last legs. No plan for future economic development.

This is a slippery slope that once enjoined will only cascade into a disaster for Jefferson County. There are ~200 datacenters in Loudoun, 84 more planned

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Additionally, I would welcome the opportunity to speak at any public or private meeting concerning this matter. Thank you for your time and consideration.

Respectfully,
Anthony Russo

--
Anthony Russo
russoap@protonmail.com

From: "Cassondra Smith" <cassiecasseroll@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:00:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Cassondra Smith
124 Oakland Ave Clarksburg, WV 26301-4304
cassiecasseroll@gmail.com

From: "Mary Wildfire" <wildfire@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 16:06:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am outraged about HB 2014 taking away all local say about data centers, as well as most of the tax revenues that might come from them. One of them is not that far from me (the one in Mason County) and upwind. How does it seem fair to say that people who happen to live near one of these monstrosities get the air pollution, the noise and light pollution, the extra traffic on small highways, likely higher water and water bills...but NO say? And if there is a shortage of water during a drought, or of power for whatever reason, will residents be prioritized over these data centers that "have to" run 24/7--or the other way around?

We are told, of course, that there will be lots of jobs, and prosperity--but the trouble with THAT song is that we've heard it so many times before. We've come to expect that the reality will be far fewer jobs than advertised, especially permanent/good jobs...and then those typically go to people brought in from far away by the company. I believe I recall being told that the state CAN'T demand that a certain number or percentage of jobs go to locals. Then there's the massive contribution to climate change and other environmental harms. And the fact that these are primarily for cryptocurrency, used mainly for fraud and grift, and for AI which: contributes to the mental health crisis especially among youth; contributes to lost skills and knowledge; steals the work of creative people and then leads to massive layoffs; is believed by those most involved in the development to create a serious risk of wiping out humanity; and is lining up to collate the massive amount of data hoovered up by the government on every one of us so they can create a surveillance state.

Then there is the insult of citizens being told they can't even see the information in permit applications, because such questions as what will be burnt in the BECCS facility and how much air pollution will result are "proprietary secrets."

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.
Perhaps there should also be a statement as to why West Virginia officials prioritize the needs of billionaires living in mansion on the other side of the continent over the health and wellbeing of WV citizens.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mary Wildfire
1069 Steele Hollow Rd Spencer, WV 25276-8133
wildfire@spectrumz.com

From: "Torli Bush" <torlibush1219@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 20:02:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Torli Bush
57 River View Dr Webster Springs, WV 26288-8908
torlibush1219@gmail.com

From: "Jessie Barrett" <jessieb04@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 06:46:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jessie Barrett
46 Contrail Dr Kearneysville, WV 25430-2905
jessieb04@mailbox.org

From: "Katie Mowry" <mowry00@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:01:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katie Mowry
1551 Virginia St E Apt 5 Charleston, WV 25311-2440
mowry00@gmail.com

From: "Elizabeth Turner" <elizabethturnerwv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:53:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Elizabeth Turner
1517 Lee St E Apt A Charleston, WV 25311-2429
elizabethturnerwv@gmail.com

From: "Lindsay Paul" <linsypaul@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 16:55:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am strongly against data centers coming to Tucker County or other a counties in West Virginia.

If they are going to be here than I believe there needs to be strong accountability and regulations in place to protect communities.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lindsay Paul
515 Tanglewood Dr Old Fields, WV 26845-9106
linsypaul@gmail.com

From: "Sue Lewis" <blindwillie54@yahoo.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Application process for microgrids
Date: Wed, 10 Dec 2025 19:37:05 -0500
Importance: Normal

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for considering my concerns.

Sue Lewis
Beverly, WV
Randolph County

Sent from my iPhone

From: "himestr@suddenlink.net" <himestr@suddenlink.net>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsentate.gov" <randy.smith@wvsentate.gov>
Subject: HB2014
Date: Wed, 10 Dec 2025 13:56:54 -0500
Importance: Normal

All the secrecy surrounding HB2014 makes me think this bill is not good for W.Va. Governor Morrisey & friends are hell bent on pushing this through which makes me more suspicious

From: "Richard Young" <byoy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:15:56 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Richard Young
98 Dillweed Dr Falling Waters, WV 25419-3609
byoy@frontier.com

From: "Tom France" <twf959@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 14:09:49 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tom France
1799 Fort Spring Pike Fort Spring, WV 24970-9796
twf959@earthlink.net

From: "Patricia Jean Hedrick Young" <drpjhyoung@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Thu, 11 Dec 2025 01:11:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Patricia Jean Hedrick Young
15 Kittyoungo Ln Valley Grove, WV 26060-8304
drpjhyoung@gmail.com

From: "Toby Degenhardt" <tobydegenhardt@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sun, 30 Nov 2025 19:05:47 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Toby Degenhardt
tobydegenhardt@hotmail.com

From: "Logan Moyers" <lmoyers@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:17:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Logan Moyers
45 District Dr Moorefield, WV 26836
lmoyers@hardynet.com

From: "AJ cho" <amenoartemis@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 00:21:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
mx AJ cho
159 Santa Teresa San Leandro, CA 94579-1963
amenoartemis@gmail.com

From: "Kathy Lloyd" <Sweens1205@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:19:17 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kathy Lloyd
Sweens1205@gmail.com

From: "Julie Margolis" <Jayjuliemargolis@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:19:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Julie Margolis
23 Chatwood Rd Charleston, WV 25304-2764
Jayjuliemargolis@gmail.com

From: "Samuel Biesenbach" <sbiesenbach@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 13:03:45 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Samuel Biesenbach
sbiesenbach@gmail.com

From: "Christine Dillon" <christine.s.dillon@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:54:52 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Christine

--
Christine Dillon
christine.s.dillon@hotmail.com

From: "Hunter Flinn" <hflinn22@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 10:33:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

We live in a state known for natural beauty and welcoming residents. Please guard our rights toward these concerns!

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Hunter Flinn
149 S Fork Rd Moorefield, WV 26836-1107
hflinn22@hotmail.com

From: "Elliott Kletter" <kletterelliott@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Certified Microgrid Development Program
Date: Tue, 09 Dec 2025 14:34:42 -0500
Importance: Normal

Good Afternoon,

I wanted to voice some concern for HB2014 and I will keep this on the shorter side. If anything stands out that you or your team feels is valuable, I am more than happy to have a discussion on those potential topics.

I am very opposed to the fact that voters in WV and especially residents in counties that these proposed "growth efforts" are taking place or will take place do not have the voice that they should. I also want to voice my concern that the state taking a proposed 70% of the property tax is ludicrous. The state earns money through income taxes and other methods. If a DC goes to a particular county that county should benefit, not the state (we know all too well the state has failed us on managing money). I understand this idea is related to potentially eliminating state income tax, which would make WV more appealing but the money management problem needs to be addressed first. I get that big businesses like this can/should take on the tax burden, but that should not be at the expense of the residents, we need balance.

I want to be very clear, I am for business development and common sense growth in WV and in my home county of Jefferson. I have had a career in IT Engineering and Security for the past 15 years and have worked in Data Centers for a pretty good portion of that time (physically and remotely). I think Data Centers would make some positive impacts on the counties and state. However, WV has a past for over a 100 years of getting taken advantage of and abused. We have fairly lenient regulations and laws on things like this due to extensive lobbying. Companies take advantage of this to maximize profits. We need to hold them accountable, not the residents. I want to also make it clear that some groups are requiring 500' or so setbacks on residential and agricultural zoning and 200' on commercial / industrial. I think this is a little extreme and setbacks should occur along with proper privacy screening. Most people do not want to see or hear these facilities, so there are methods to privacy screening and conservation of the properties these DC's will end up on.

I have some suggestions:

- Closed water loop cooling systems, this uses far less surface and groundwater than continuous flow systems. These exist, don't let companies fool you, they can afford them.
- Geo-thermal cooling applications, again a far better alternative than that of using already stressed ground and surface water supplies.
- Nuclear reactors, we need to get a grip on the "dangers" of nuclear facilities. They are some of the most safe and efficient ways of energy production. WV is an energy state and should start to take more advantage of this method. NR's also produce high paying jobs to facilitate and maintain, thus creating state income tax revenue and ideally people moving to the area so they're closer to work, which creates property tax revenue for the counties in which they reside.
- Building vertically, of course staying within height restrictions vertical applications are very common and use less horizontal acerage. Build down and up, I have seen DC's multiple floors underground and above to maximize the space they can build on.
- Less spending and better money management, it doesn't matter what the state allows if our politicians and government can't effectively manage money, no amount will solve our problem as a state, we see that with our federal government and the ability to print money out of thin air.

We need common sense when constructing plans for these efforts. People who know alternatives to what is being proposed. These companies coming here will obviously try and sell you this beautiful picture, but at costs that individuals who are unaware have no idea until it is too late. Let actual qualified people help consult and guide, don't think you all can handle this scale of effort on your own, however don't listen to the anti growth individuals either, they are just as bad as the ones lying to your face.

V/r

--
Elliott Kletter

From: "Paul Beach" <paulbeac@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:45:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Paul Beach
4812 Windsor Ave Philadelphia, PA 19143-3498
paulbeac@gmail.com

From: "James Mays" <drewbay88@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 11:30:11 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
James Mays
315 Madison St Fairview, WV 26570
drewbay88@gmail.com

From: "Erin Albertson" <e2a2mom@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 08:49:58 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Erin Albertson
406 Liberty Ave Bridgeport, WV 26330-1839
e2a2mom@gmail.com

From: "Zina Raye" <zina.raye@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: randy.smith@wvsenate.gov, "zraye" <zraye@netmendersinc.com>
Subject: Comments for Microgrid Certification Rule
Date: Wed, 10 Dec 2025 21:51:09 -0500
Importance: Normal

Dear Mr. A. Garner Marks and Department of Commerce:

I am writing to formally oppose the proposed legislative rule “RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER” (Title 145, Series 20). As written, it does not provide financial or operational guardrails; it opens the state of West Virginia to unqualified participants and ultimately does not help to provide “transformative positive economic impact”.

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require.

The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

My specific concerns are as follows:

1. The table in Section D (p. 3 of 9) must include a revenue estimate, as this is both a fundamental requirement of the table and a central objective of HB 2014. The narrative explanation provided in Section E (p. 3 of 9), offered in lieu of quantitative projections, does not meet this standard. As presented, the Department is seeking approval for a rule without the support of even a basic financial model. The current justification relies on generic assertions of anticipated success without providing the concrete, quantitative analysis necessary to substantiate claims of "transformative positive economic impact."

2. The financial capacity of a petitioner is not enough. We all know the projects that failed miserably despite being well-funded. Section 4.1.6.3 needs to be amended by adding “evidence of Petitioner’s organizational competency to complete the project of this size and complexity”.

3. Section 15 states that all Letters of Intent and Petitions “shall be deemed confidential.” This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust and respect for all institutions involved.

I respectfully request the rejection of the proposed rule in its current form.

In light of the rule's significant implications and the concerns detailed above, I believe it is incumbent upon the Department of Economic Development to convene a public hearing. Doing so would uphold the State's commitment to transparency and safeguard taxpayer interests. By this letter, I formally request that such a hearing be scheduled.

I'm happy to discuss my comments by phone (703-579-7199) or via zoom (zina.raye@gmail.com). I'm also willing to lend my expertise in technology and project management to ensure the best outcome for the West Virginia taxpayers.

Respectfully,
Zina Raye, PMP
Concerned Citizen, Canaan Valley WV homeowner and taxpayer

From: "Chris Mickey" <mickwv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 07:55:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Chris Mickey
614 E Grafton Rd Fairmont, WV 26554-5639
mickwv@msn.com

From: "Bob Chamberland" <robertjchsage@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 05:57:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Bob Chamberland
223 Mossy Rdg Greenville, WV 24945-7161
robertjchsage@gmail.com

Jane M. Tabb
922 Old Leetown Pike
Kearneysville, WV 25430
304-725-4325 vinemont.farm@gmail.com

Public Comment: Certified Microgrid Development, HB 2014

As a property owner and former Jefferson County Commissioner of 18 years, I am strongly opposed to HB2014 as drafted.

Jefferson County has Planning and Zoning regulations which this bill appears to circumvent in the name of economic development. There has been no opportunity for local public hearing by our citizens or our County Planning Commission, or Municipalities or County Commission.

Economic development is necessary, but it should be developed with citizen input and safeguards for our land, water and air resources. West Virginia can do better!

Jefferson County is a WV economic success story where people want to live and work with some of the highest land values in the State. We have implemented ordinances in compliance with WV law that balances growth with safeguards and amenities.

I urge you to withdraw the proposed Certified Microgrid Development Program.

Sincerely,
Jane M. Tabb

From: "Mark Smith" <wvdead@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:48:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mark Smith
307 Morrow Rd Huntington, WV 25701-9373
wvdead@gmail.com

From: "missdawn2678@aol.com" <missdawn2678@aol.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Microgrid/Data Center Rule Public Comment
Date: Sun, 07 Dec 2025 08:10:54 -0500
Importance: Normal

Dear WV Department of Economic Development,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I also request that the department host a public hearing on this rules package.

Thank you for your time and consideration.

Sincerely,

Melissa W.
Morgantown, WV 26501

From: "Ronald Peyton" <rpeyton66@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:54:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Ronald Peyton
64 Ramey Dr Culloden, WV 25510-9573
rpeyton66@gmail.com

From: "JONATHAN YODER" <jonathanyoder158@comcast.net>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on 145-CSR-20, Data Center Rules
Date: Mon, 08 Dec 2025 20:26:06 -0500
Importance: Normal

To the Honorable WV Secretary of Commerce,

I'm writing as a part-time West Virginia resident in Tucker County who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

- The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
- Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
- The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
- Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
- The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
- Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
- A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. I request the state ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Thank you for considering my comments.

I have visited beautiful Tucker County for over 35 years and have owned a home at 255 Brown Street Thomas, WV since 2004.

Respectfully,

Jonathan Yoder
481 Lee Ave
Harrisonburg, VA 22802
540-289-3805

From: "Jennifer Hastings" <jenniferahastings@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:23:06 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jennifer Hastings
521 Grand St Morgantown, WV 26501-6607
jenniferahastings@outlook.com

From: "Ace Parsi" <aceparsi@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Tue, 09 Dec 2025 15:22:54 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014. I worry that these rules would make our people feel less empowered, our government less transparent, our environment dirtier, and the local benefits to be potentially nonexistent. Our friends at the West Virginia Highlands Conservancy have put together demands that I find very reasonable. Please adapt and use them, and be in touch if I can answer any questions.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features ---- expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.
- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,

Ace Parsi (Monongalia County, Morgantown)

From: "Kevin Johnson" <jesusbro1971@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 14:53:28 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Kevin Johnson Sr
20 Scott Ave Morgantown, WV 26508-8856
jesusbro1971@gmail.com

From: "Maisie Gore" <emmygore1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:22:32 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Maisie Gore
1606 Loop Rd S Charleston, WV 25303-2217
emmygore1@gmail.co

From: "Ron Moody" <Moody8289@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:02:36 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Ron Moody
Moody8289@gmail.com

From: "Abbie Amor" <abbieamor@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 10:44:37 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Abbie Amor
111 Linden Ln Culloden, WV 25510-9646
abbieamor@gmail.com

From: "Bully Soares" <Bullys123@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:44:56 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.
No data centers in our state! They provide nothing good for WV.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Bully Soares

--
Bully Soares
Bullys123@gmail.com

From: "Katy Davis McClane" <katy.mcclane@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Are you fully informed about the dangers we humans are facing?
Date: Fri, 05 Dec 2025 09:26:10 -0500
Importance: Normal
Attachments: Letter_about_data_center_law,_HB_2014.docx

Dear Mr. Marks,

We very much appreciate being able to comment, however, we read with dismay the article in the Nov, 25, 2025 Intermountain newspaper in Elkins, the site certification rules for data center/microgrid law, HB 2014. 80% of citizens in the USA want the big tech companies to slow down the break neck speed at which AI is being created. We need to be reassured that AI will be safe for humans. The creators of Artificial Intelligence are telling us that there is a chance that AI, which makes its own decisions, could cause the extinction of humans!

AI systems are being created without our permission and with no current governmental regulation. To top off the bad news for consumers, we are being asked to pay, in the form of data centers, to keep AI systems running. Why should we agree to allow our wild, wonderful West Virginia land, water, trees and other resources to be used to run systems that could cause our own extinction? Do you think we are stupid? Are you fully informed about the dangers we are facing as humans, consumers and workers? We want job creation that protects jobs for humans, not bots. Just because **Virginia** has already ruined its land with 650 data centers, why should WV be asked to ruin our land and have no say in the matter? The law is written to shut out citizen's concerns. We've seen this in WV before, but this time it is so much worse.

We very much oppose HB 2014!
Sincerely,
Katy and Richard McClane

From: "Austin Towns" <austintowns1998@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 11:30:29 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Austin Towns
1025 Radcliffe Rd Rivesville, WV 26588-9501
austintowns1998@gmail.com

From: "Deborah Klimek" <klimekdl@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:45:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Deborah Klimek
405 Buckingham Pointe Charleston, WV 25309-8274
klimekdl@yahoo.com

From: "Aslynn Trimble" <aslynno@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:59:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Aslynn Trimble
PO Box 306 Davis, WV 26260-0306
aslynno@outlook.com

From: "Phillip Schenk" <philcchs@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:36:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Phillip Schenk
6 Chansum Pl Elkview, WV 25071-9345
philcchs@gmail.com

From: "Sara Wilts" <swilts@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:00:35 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sara Wilts
72 Mount Grove Rd Bruceton Mills, WV 26525-5366
swilts@duck.com

From: "Charlene Herring" <rosebudswv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:28:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Charlene Herring
1366 Cemetery Hill Dr Elkview, WV 25071-7962
rosebudswv@yahoo.com

From: "Barbara Turnage" <barbara.turnage@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 19:46:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Barbara Turnage
PO Box 44 Dryfork, WV 26263-0044
barbara.turnage@yahoo.com

From: "virginia gerben" <boodlebugs@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 22:11:07 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
virginia gerben
boodlebugs@gmail.com

From: "Kristen Rivera" <ktilko@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 07:58:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kristen Rivera
1205 Peacock Ln Fairmont, WV 26554-2417
ktilko@gmail.com

From: "Ali Freischlag" <ali.freischlag@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:07:46 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I request that the department host a public hearing on this rules package.

The wild places and the hardworking people of West Virginia have been exploited by industry for far too long. This country and state are beautiful because of people who had the foresight to protect what's left of wild lands. The age of using political power to make billionaires more money instead of protecting human health, clean air, and clean water is over.

Thank you for the opportunity to provide this comment.

Sincerely,
Ali Freischlag
2394 Red Creek Rd Dryfork, WV 26263-8637
ali.freischlag@gmail.com

From: "Michele Cox" <Mcoxm@citlink.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:38:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Michele Cox
Mcoxm@citlink.net

From: "SUSAN PERRY" <perrychick112@aol.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comments on Proposed Leg Rule 145-20
Date: Wed, 10 Dec 2025 10:19:42 -0500
Importance: Normal

Thank you for the opportunity to provide input on the proposed legislative rule. I note generally that states across the country are finding significant issues that have cropped up when data centers and microgrids are permitted to be built and operated within close proximity to other businesses and residences. It seems that West Virginia has an opportunity to save itself from many of these emerging issues by addressing them upfront in its regulatory process.

1. I note in West Virginia Code §5B-2-21, that "certification of the microgrid district and location of new or expanded businesses within the microgrid district will have significant and positive economic impacts on the state." However, in the proposed rule there seems to be no method outlined for determining "significant and positive impact". And the term "having a positive impact on the state" seems geared toward the wrong entity. For example, if a microgrid results in higher tax revenue for the state, does that alone qualify as a " positive impact"? Nowhere in this rule do I see an opportunity for the Secretary to evaluate the positive or negative effect such a facility would have on the immediate area where the proposed facility is located.

While providing tax revenue to the state is generally seen as a positive factor, there are other factors that must be considered. What effect will the location and operation of this facility have on existing businesses within the county of proposed location?

What effect will the location and operation of this facility have on residents living and working within a five-mile radius of it?

What effect will the location and operation of this facility have on other existing infrastructure such as parks, schools, hospitals, churches, nursing homes, clinics, or colleges within the county?

Is there the potential to actively damage critical resources in the area - volume and quality of potable water, breathable air quality - that might pose a risk to both existing businesses and/or citizens in the county?

I would suggest that your fiscal note be amended to either include funding for another employee who would perform these economic evaluations, including visits to the specific proposed site, or, as an alternative, that the fiscal note include funding for the purchase of such evaluations by a third-party.

2. I also note that information in the application that is deemed by the applicant to be confidential is to be withheld from the public. If you read any news accounts from locations where microgrids are associated with data centers, you see that a myriad of issues have arisen that are related to the 24/7 operation of these facilities. For the public to be able to properly evaluate the potential impact - either positive or negative - these centers will have on potential air quality and water quality, noise pollution, it is vital that the entire application process be made open and transparent. No redactions should be permitted.

Again, as a general comment, I note that this rule appears to me to be written so loosely that a microgrid district could be permitted to operate immediately adjacent to an existing grade school or hospital. In my mind, that result would be absurd, but if only the tax-generating potential of the grid is considered, it is certainly a possibility. The concern for the effect on existing utilities is commendable, but I fail to see a similar concern for the potential effects on citizens and local businesses, particularly the small businesses which are the backbone of our state's economy.

Susan Shelton Perry
PO Box 112
Logan, WV. 25601
304-752-0126
Sent from my iPad

From: "Judith Rand" <Judyrand43@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 13:56:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit. The properties within the microgrid district are contiguous or nearly contiguous, the high impact data centers dictate the emissions that will be made by both the data center (generators) and the power plant, and but for the data centers the power plants would not generate emissions because without the data centers the power plants would not have a customer for 95% of their electric.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not

within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district including any associated high impact data center serviced by the microgrid will be considered and applied for as one source; 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions; and 3) all air emissions sources from either the microgrid district or the high impact data center will be included in all air emissions permitting including backup generators.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Judith Rand
Judyrand43@gmail.com

From: "Brynn Jenkins" <bnjenkins24@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Public Comment regarding HB 2014 - I oppose data centers, microgrids, AI development in WV
Date: Wed, 10 Dec 2025 11:03:11 -0500
Importance: Normal

Hello Mr. A. Garner Marks,

I oppose data centers, related microgrids, and AI infrastructure development in West Virginia. They are not in the best interest of the state or our people. I grew up in Wheeling WV, went to WVU and my parents still live in WV. I will be making every effort to shift my lifestyle away from big tech and social media use.

No dirty data centers! They would leave yet another stain of extraction by outsider interests. Same playbook, different era. The struggles we see today are principally the same as what occurred over one hundred years ago in the WV Mine Wars. Industry is trying to move in, ravage our beautiful landscape, suck our water dry, and pump money out. Unidirectional benefit. Leaving us with environmental ruin, waste, broken bodies, and nothing to show for it. Actually, one thing we will notice is rising electric costs. That burden should stay with private companies, not be passed on in public utility prices. That's not the kind of local economic impact anybody was hoping for.

As much as we craft up regulation, I do not trust the resulting outputs from this industry. Do you want any of this built in your county? No. Let alone your backyard, town, or anywhere remotely close to you and loved ones. Look what's happening in Memphis, Tennessee. They are the case study for the rest of the country. Other communities are waking up to the harms. Opposition is accelerating. I am part of that wave. Please don't let this come to West Virginia. We don't even have reliable or widespread internet infrastructure. This a simple case of risks outweigh benefits.

More clarity and transparency, please! Redact the redactions! There's no such thing as trade secrets when it comes to our health and wellbeing. I am counting on you and the government to do right by the local folks this impacts.

Thank you,

Brynn Jenkins

115 Ricelan Dr

Simpsonville SC 29681

From: "Sally Egan" <sallye0421@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:25:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Sally Egan
911 Sunset Dr Bridgeport, WV 26330-1317
sallye0421@ail.com

From: "Judith Delagarza" <judithdlg@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 22:52:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Judith Delagarza
6003 Woodland Bluff Rd Morgantown, WV 26508-9403
judithdlg@aol.com

From: "Dylan Jones" <dcjones84@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: randy.smith@wvsenate.gov, johnpaul.hott@wvhouse.gov, jay.taylor@wvsenate.gov
Subject: Public Comment on 145-CSR-20, Data Center Rules
Date: Tue, 09 Dec 2025 10:03:26 -0500
Importance: Normal

Dear Mr. Marks,

My name is Dylan Jones and I'm a full-time resident in Tucker County, West Virginia. I am writing today to express my numerous concerns about 145-CSR-20, the proposed rules governing data center developments, as well as suggested amendments to these rules. I strongly urge you to make these amendments to protect the health, livelihood, and future of all West Virginians.

The proposed legislative rule under Title 145, Series 20, implementing House Bill 2014 (the Power Generation and Consumption Act of 2025) would harm West Virginians and their communities by valuing out-of-state investors over the interests of hard-working citizens in our state. The proposed rule centralizes decision-making authority in the Secretary of the Department of Economic Development, an appointed position immune from citizen oversight. It bypasses local residents, environmental protections, local businesses, and public transparency. Projects like the ill-conceived Ridgeline Facility in Tucker County, which threaten our communities' health, environment, and economic diversity, would be prioritized over thoughtful, homegrown economic development opportunities that would actually bring jobs to West Virginians and revenue to their counties. Substantial amendments to these proposed rules are essential to safeguard the interests of West Virginians and their communities.

As written, these rules offer no protection to the people of West Virginia. The “fast track” elides crucial considerations impacting the health, well-being, and economic future of local communities in our state. Revisions to these rules are needed to protect all West Virginians, as well as our diverse resources and thriving communities. The proposed rules should be amended to provide some straightforward and sensible guardrails that will prevent power plants and data centers from being developed in profoundly inappropriate locations.

One such proposal is the Ridgeline facility, a 500-acre gas and diesel power plant proposed for Tucker County. 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. This poorly chosen location will create a pollution plume that harms not only Tucker County residents, but also everyone who visits Blackwater Falls State Park, Canaan Valley, and areas downwind beyond the borders of Tucker County. Toxic pollutants like particulate matter 2.5, nitrous oxide, and formaldehyde will harm healthy people and exacerbate pre-existing conditions in vulnerable populations, increasing heart disease, respiratory issues, and other long-term health risks. People who live near power plant and data center complexes are already experiencing a rise in health issues and associated medical costs. These concerns are especially important to consider given Canaan Valley’s unique topography and the regular occurrence of thermal inversions, which trap pollution and prolong exposure.

While the people of this community believe in diversifying the local economy, Tucker County needs good businesses that guarantee well-paying, long-term jobs to local residents. Not only will data centers not create these jobs, but they also sacrifice the health of the community and threaten our tourism-based economy, including the small business my wife and I own that is in the outdoor recreation sector. Indeed, many of the 910+ tourism jobs only exist because of the natural beauty and

vast recreation opportunities in Tucker County. As written, these rules offer no protection for West Virginians or the critical air, water, and natural resources we need to survive.

These proposed rules endanger the quality of life in Tucker County, and some of West Virginia's most beloved natural areas. Many West Virginians in communities across the state share the belief that HB 2014 and, by extension, these rules will irreparably harm their families, homes, and businesses. I urge you to take this opportunity to amend these rules in a sensible and measured way, as suggested below, to protect West Virginians and their values.

Proposed Amendments

Amend to Require Local Input, Site-Specific Evaluations, and Environmental Safeguards (§145-20-3 and §145-20-4)

The rule omits any mandate for site-specific assessments or local approval, creating a loophole in §145-20-3 where eligibility hinges on vague "good faith efforts" to negotiate power supply (e.g., 300 MW) rather than binding contracts. This allows certification without verifying feasibility, as seen in Ridgeline's "synthetic minor" status teetering near major emission thresholds (NOx at 99.35 tpy, PM2.5 at 71.54 tpy).

Combined with §145-20-2.4's "nearly contiguous property" definition (up to 1 mile separation), it enables sprawling developments that evade scrutiny and amplify risks in sensitive areas like Canaan Valley, where inversions trap pollutants and exacerbate health and ecological impacts.

A mandatory 3-mile setback for natural gas power plants from schools, residences, and sensitive areas is essential to protect public health and equity. This aligns with the EPA's 3-mile radius in its Power Plants and Neighboring Communities Mapping Tool, assessing vulnerability to emissions like NOx, SO2, PM2.5, VOCs, and methane that disperse within this range. The radius highlights disproportionate impacts on low-income, minority, and vulnerable groups (e.g., children, elderly), where pollution peaks 0.3-1.9 miles from sources. Proximity within 3 miles links to respiratory illnesses, cardiovascular disease, asthma, and premature mortality. This setback mitigates risks by allowing dilution, addresses water contamination and methane-driven climate impacts, and promotes environmental justice by avoiding marginalized areas. Grounded in EPA standards and science, it reduces burdens while enabling responsible development.

Amend §145-20-3 and §145-20-4 to:

- Require binding power supply contracts, comprehensive Environmental Impact Assessments (EIAs) evaluating air, water, noise, biodiversity, and cumulative effects, and compliance with federal laws (Clean Water Act, Endangered Species Act).
- Mandate public hearings, local government consent, and minimum setbacks of 3 miles from residences, schools, or protected lands like Canaan Valley National Wildlife Refuge, in line with EPA community impact radii to protect vulnerable populations from pollution dispersion.
- Prohibit certifications near tourism-dependent or ecologically sensitive areas to prevent economic losses —Tucker County's $85 million annual tourism revenue supports a large majority of local jobs, which pollution could erode.

Amend to Address Public Health Risks and Economic Burdens (§145-20-4)

No provisions mitigate health threats from emissions or massive fuel storage (Ridgeline's 30 million gallons of diesel), imposing costs on the state through healthcare, lost productivity, and clean-ups. Canaan Valley's high number of annual inversions amplify pollutants, hiking asthma attacks by 20–30%, cancer risks by 15–25%, and preterm births by 15–20%.

Fossil fuel bias in §145-20-4.1.10 (detailing power sources without renewable incentives) locks in high rates and stranded assets, costing billions nationally in health damages while hindering

diversification.

Amend §145-20-4 to:

- Require health impact assessments modeling emissions and spills, developer-funded monitoring, and renewable sourcing to reduce costs and align with clean energy goals.
- Mandate hazardous materials plans compliant with EPA SPCC regulations, risk assessments for storage in karst terrain, and developer-funded cleanup bonds/decommissioning trusts to avoid taxpayer burdens.

Amend to Ensure Transparency and Accountability (§145-20-15)

§145-20-15's blanket confidentiality for Letters of Intent and petitions shields projects from scrutiny, conflicting with due process and inviting lawsuits. For Ridgeline, limited disclosures have spurred appeals over hidden risks.

Amend §145-20-15 to revoke confidentiality and require full public disclosure of applications, assessments, and rationales.

Amend to Protect Economic Diversity (§145-20-3 and §145-20-4)

The rule favors short-term fossil fuel gains over sustainable sectors, potentially costing the state in lost tourism revenue and higher utility rates without cost-benefit mandates.

Amend to require independent analyses showing no net rate increases or adverse impacts on residential bills and tourism economies.

HB 2014's rule, with its sunset on August 1, 2031 (§145-20-1.5), risks irreversible harm before expiration. These amendments are essential to safeguard Tucker County and West Virginia. I implore revisions before finalization—our future depends on it.

Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce.

The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**

Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including

capacity charges, associated with the increase in demand.

Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.

Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.

Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall".** Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.

Amend section 7 to **require disclosure of how much electricity is sold to the grid, and how much is acquired from the grid, the rate they paid, the capacity fees and the cost to the utility for that electricity.**

Section 8 and 13, Appeals. The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". **The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. Thus, the rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**

Amend section 14.1.4 to **require a more comprehensive review.** The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Thank you for your time and consideration,

Cheers,
Dylan Jones
Founder | Creative Director
304.685.4611
DJones Media, LLC

DMEDIA

From: "Robert A. Mertz" <no1ramertz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 17:21:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Data centers have a BIG impact on the surrounding communities. People living nearby deserve to know what these centers will do to their community.

As a retired science teacher, I have a great respect for honest information.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Robert A. Mertz
1205 Mulberry Rdg Spencer, WV 25276-8561
no1ramertz@gmail.com

From: "William Alley" <william.alley@k12.wv.us>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: No data centers in WV
Date: Wed, 10 Dec 2025 11:10:34 -0500
Importance: Normal

To the West Virginia Division of Economic Development:
The citizens of West Virginia respectfully request that the Division of Economic Development hold an in-person public hearing before finalizing the rules outlined in House Bill 2014.
We strongly oppose the construction of data centers in our beautiful state. These projects pose significant risks to our environment, natural resources, and community well-being. Decisions of this magnitude should not be made without full transparency and public input.
We urge you to provide an opportunity for residents to voice their concerns and ensure that the process reflects the values and priorities of West Virginians.
Thank you for your attention to this matter.

Get Outlook for iOS

From: "Nicole Fuller" <nicole.fuller77@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:03:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

West Virginia has a long and unfortunate history of allowing outside companies to pillage our workforce and landscape for monetary gain, leaving us with decimated ecosystems, chronic illnesses, unsafe drinking water, economic disparity, and underfunded infrastructure. Now is your chance to bring this rapacious history to an end. Stand up for the citizens of West Virginia.

These data centers are proposed in areas already facing extreme hardship and socioeconomic disparity. With a lack of internet infrastructure, people cannot make truly informed decisions on the impacts of these data centers. This is an obvious, advantageous move on the part of both our politicians and the corporations that wish to make a quick buck here at the cost of the people. Stop selling out West Virginia. Promote transparency, and amend HB2014.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Nicole Fuller
37 Edgehill St Morgantown, WV 26501-6125
nicole.fuller77@yahoo.com

From: "David Blockstein Debra Prybyla" <daviddebrahome@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: public comment on 145-CSR-20, Data Center Rules
Date: Wed, 10 Dec 2025 13:03:59 -0500
Importance: Normal
Attachments: public_comment_on_145-CSR-20.pdf

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

Dear Mr. Marks,

I'm very concerned about how the rules **145-CSR-20 regarding data centers** proposed to implement HB 2014, shut out the local communities who will have to live with the consequences of data centers. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect their communities from major impacts.

I request that the state:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.
2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but it does not require ALL information to be kept confidential.
3) Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

I further request that the State:

- Amend Section 3.1.2 to **require that existing ratepayers be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
- Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold multiple public hearings before they are finalized.

The proposed rules go well BEYOND HB 2014 in limiting local authority and infringing on individual and community rights. To ensure economic viability of West Virginia communities and the state, the rules must ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to greatly amend the proposed rules to reflect these needs.

Thank you for considering my comments.

Debra Prybyla
7016 Sycamore Ave
Takoma Park, MD 20912

DavidDebraHome@gmail.com

public comment on 145-CSR-20, Data Center Rules

December 10, 2025

A. Garner Marks
1900 Kanawha Blvd E
Building 3, Suite 800
Charleston, WV 25305

I'm very concerned about how the rules **145-CSR-20 regarding data centers** proposed to implement HB 2014, shut out the local communities who will have to live with the consequences of data centers. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect their communities from major impacts.

I request that the state:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal.**
2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but it does not require ALL information to be kept confidential.
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- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
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- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations

- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

I further request that the State:

- Amend Section 3.1.2 to **require that existing ratepayers be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.
- Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.
- Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.
- Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.
- Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.
- Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**
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Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold <u>multiple</u> public hearings before they are finalized.

The proposed rules go well BEYOND HB 2014 in limiting local authority and infringing on individual and community rights. To ensure economic viability of West Virginia communities and the state, the rules must ensure that residents have transparency, a

voice in the process, and real protections. I strongly urge you to greatly amend the proposed rules to reflect these needs.

Thank you for considering my comments.

Debra Prybyla
7016 Sycamore Ave
Takoma Park, MD 20912

From: "Jocelyn Hafeman" <Jocelynjahn1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:18:50 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jocelyn Hafeman
Jocelynjahn1@gmail.com

From: "Sanjay Saluja" <sanjay.saluja@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:48:58 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Sanjay Saluja
62 Clarke Ln Falling Waters, WV 25419-7070
sanjay.saluja@gmail.com

From: "Kate Evans" <k8evans1218@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:46:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kate Evans
6412 Fisher Ridge Rd Kenna, WV 25248-7201
k8evans1218@gmail.com

From: "Hannah Hillen" <helisecasto96@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 21:23:29 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Hannah Hillen
2145 Kennon Ln Huntington, WV 25705-3547
helisecasto96@gmail.com

From: "CHRISTIE ZEPEDA" <christiezepeda@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:09:36 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
CHRISTIE ZEPEDA
christiezepeda@hotmail.com

From: "Fredi Pepper" <msfpl1@hotmail.com>
To: "garner.Marks@WV.gov" <garner.Marks@WV.gov>
Subject: Data centers
Date: Tue, 09 Dec 2025 09:47:11 -0500
Importance: Normal

I am against these centers going in, but since you have bowed down to the governor to enhance your own political career, let me say this. Make it a law that these centers must negotiate with the local governments to get the impacted communities some benefits for having to put up with them.

Make all documents uncensored and transparent and available to the public. No sneaky under the table deals.

This will probably ruin the only good thing that makes WV different than the rest of the USA, our natural beauty.

Fredi Pepper
Vienna, WV

304 4946687

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From: "Arthur Mullins" <artiemullins@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:03:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Arthur Mullins
25 Watkins Ln Robson, WV 25173-9708
artiemullins@earthlink.net

From: "david rampy" <drampy48@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:18:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
david rampy
46 Shepherd Village Cir Shepherdstown, WV 25443-1832
drampy48@gmail.com

From: "Susan DiMarino" <Sdimarino@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:06:24 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Susan DiMarino
Sdimarino@gmail.com

From: "Lisa White" <Hazeldog72@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 19:27:49 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Lisa White
Hazeldog72@gmail.com

From: "Wanda Buchanan" <speedbuggy11@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 18:11:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Wanda Buchanan
149 Spruce Run Lindside, WV 24951-7388
speedbuggy11@yahoo.com

From: "Beth Royall" <beth.royall@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 20:02:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Beth Royall
916 Riverview Dr Morgantown, WV 26505-4634
beth.royall@gmail.com

From: "Leonel Islas" <leonel.islas001@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:56:35 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Leonel Islas

--
Leonel Islas
leonel.islas001@gmail.com

From: "Jenny Williams" <jennywilliams.wv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 14:38:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Rev. Jenny Williams
PO Box 224 Dellslow, WV 26531-0224
jennywilliams.wv@gmail.com

From: "Bekah Murray" <rebekahcovey@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:54:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Bekah Murray
512 Worthington Dr Apt 8 Bridgeport, WV 26330-1475
rebekahcovey@gmail.com

From: "Katherine Russell" <katierussell405@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 13:00:35 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Katherine Russell
568 Pierce Benbush Rd Thomas, WV 26292-8023
katierussell405@gmail.com

From: "Diana Masso" <diana.masso@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:32:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Diana Masso
841 Somerset Dr Charleston, WV 25302-2737
diana.masso@gmail.com

From: "Ashley Nease" <acnease@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:56:04 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Ashley Nease

--
Ashley Nease
acnease@gmail.com

From: "Nathan Music" <nathan.music9@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 14:42:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Nathan Music
8876 Trout Run Rd Wardensville, WV 26851-8078
nathan.music9@gmail.com

From: "Rhonda Marrone" <rmm164@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:04:15 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Rhonda Marrone
416 Rambling Hills Rd Elkview, WV 25071-8929
rmm164@yahoo.com

From: "Jim Triplett" <jtrippy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 19:24:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Jim Triplett
97 DEERFIELD Vlg Davis, WV 26260
jtrippy@icloud.com

From: "Carrie Blessing" <blessing.cjane@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:39:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Carrie Blessing
blessing.cjane@gmail.com

From: "mariah clay" <rixhaley@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 10:58:24 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
mariah clay
858 Rt Frk Broad Holw Rd Huntington, WV 25704-9532
rixhaley@gmail.com

From: "TaCoal" <jasonooten01@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Data Center and ammonia plant
Date: Wed, 10 Dec 2025 14:00:41 -0500
Importance: Normal

First, I oppose the approval of putting the Data center and ammonia plant in our community.
Secondly, we were not notified of any sort of public comments being accepted. I saw someone post on Facebook talking about a deadline. This is a sneaky way for you all to push through whatever you wish to do. Every member of the communities that may be affected should be made aware of this before even considering anything. Do something fair for the people here! Send surveys in the mail to each household. Notify us via mail of accepting public comments. Do this right and fair. This current system your using to do whatever you wish is disgraceful.

From: "Charlotte Fremaux" <cmfremaux@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 20:50:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This is a thinly veiled attempt to silence the public and fast track the building of data centers and microgrids — without public notice, without considering the negative impacts on the community and the potential loss of property values, and failing to protect water resources also needed by communities, farmers, and the natural world for their survival. This is a blatant disservice to all who live in the state, prioritizing financial gain by a few at the expense of the lives and livelihoods of many.

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Charlotte Fremaux
cmfremaux@gmail.com

From: "Carl Cheke" <carlcheke@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:53:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Carl Cheke
1724 Left Fork Cooper Ridge Rd Milton, WV 25541-6973
carlcheke@gmail.com

From: "Patricia Davis" <wvpiggal@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:07:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Patricia Davis
729 Scary Crk Hamlin, WV 25523-9501
wvpiggal@zoominternet.net

From: "Martec Washington" <Martec@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 13:42:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Martec Washington
601 Randolph St Charleston, WV 25302-2020
Martec@blackAppalachianCoalition.Org

From: "Elizabeth Wheeler" <ewheelerwv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:51:34 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Elizabeth Wheeler
202 S PRINCESS St Shepherdstown, WV 25443
ewheelerwv@yahoo.com

From: "Ava Kaiser" <ava.erin.kaiser@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 17:56:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ava Kaiser
1513 Grosscup Ave Dunbar, WV 25064-2906
ava.erin.kaiser@gmail.com

From: "Isabel Stellato" <izzy1944@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:15:38 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Miss Isabel Stellato
1632 Virginia St E Charleston, WV 25311-2153
izzy1944@gmail.com

From: "Neal Nilsen" <neal@askneal.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:12:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Neal Nilsen
neal@askneal.net

From: "Chance McCoy" <chancepaulmccoy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 16:31:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Chance McCoy
1533 Hunter Springs Rd Greenville, WV 24945-7132
chancepaulmccoy@gmail.com

From: "Jessica Brimmer" <jessicabrimmer97@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:04:14 -0500

Importance: Normal

We need our water for our farms not data centers

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic

places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jessica Brimmer
jessicabrimmer97@gmail.com

From: "Susan Fagan" <morganspal@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20
Date: Tue, 09 Dec 2025 07:18:16 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences. I am very concerned about the water usage required to support this infrastructure.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features — expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.
- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,
Susan Fagan Shepherdstown, WV

From: "Amy Piedrahita" <piedrahitaa@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 08 Dec 2025 20:20:41 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Amy Piedrahita

--
Amy Piedrahita
piedrahitaa@frontiernet.net

From: "Andrew Wadsworth" <andywadsworth23@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:33:48 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Andrew Wadsworth
125 W 33rd St Reading, PA 19606-2905
andywadsworth23@hotmail.com

From: "Joshua Remmel" <joshremmel@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:55:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Joshua Remmel
900 Henryton Rd Marriottsville, MD 21104-1430
joshremmel@aol.com

From: "Mk Liskey" <Margaretsmasterpieces@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:32:27 -0500

Importance: Normal

A picture is worth a thousand words. Pictures a white tail deer in the dense green forest. The ecosystems are working in harmony. Trees create a canopy for cooling and transpiration. Trees emit oxygen and carbon dioxide. There is a synergy of all things working as God created them.

Now, man has excavated the mountains, destroying the white tail deer and it's habitat....for a data center. This is not what God intended for man to do.

Wild and wonderful West Virginia should always remain wild and wonderful. We are not open for data center business!

Thank you!

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Mk Liskey
Margaretsmasterpieces@gmail.com

From: "teresa.m.koon@gmail.com" <teresa.m.koon@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Tue, 09 Dec 2025 09:30:14 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority and local taxes from communities that will have to live with the consequences.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features — expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.
- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,

Teresa Koon, Charleston, WV Kanawha County

From: "Silas Childs" <silaspchilds@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 23:35:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Our natural environment is the best resource in the state and should be valued above temporary gain.

Thank you for the opportunity to provide this comment.

Sincerely,
Silas Childs
48 W High St Apt 3 Westover, WV 26501-4477
silaspchilds@gmail.com

From: "Savannah Poling" <jadedmist27@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:28:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Savannah Poling
1612 Buckhannon Ave Morgantown, WV 26508-8725
jadedmist27@yahoo.com

From: "Ann Pancake" <annpancake20@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:07:18 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ann Pancake
65 P Rd Reedsville, WV 26547-7291
annpancake20@gmail.com

From: "Edward Scherz" <Edward.scherz@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Sat, 06 Dec 2025 12:04:22 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule “surface water utility” is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Edward scherz

To add if you or anyone else in the state or local government are supporting data centers we the people of WV ask you to resign and relocate yourself your family and your businesses to another state as you are not welcome here.

--
Edward Scherz
Edward.scherz@gmail.com

From: "Jeffrey Gordon" <jeffhhr@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:56:04 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr Jeffrey Gordon
45 Maple Ave Morgantown, WV 26501-6571
jeffhhr@frontier.com

From: "T Rush" <trh2cts@lrwbf.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:57:03 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
T Rush
trh2cts@lrwbf.com

From: "Matthew Powell" <matt_powell1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 11:15:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Matthew Powell
615 4th St Saint Marys, WV 26170-1422
matt_powell1@yahoo.com

From: "Avy Singh" <palijatt@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 18:19:19 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Avy Singh
palijatt@gmail.com

From: "Kelly Weaver" <kellyweaver24@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:53:11 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr Kelly Weaver
425 Sunshine Rd Weston, WV 26452-7621
kellyweaver24@gmail.com

From: "lloyd fultz" <lloydfultz@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 09:15:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. lloyd fultz
42 Webb Ln Old Fields, WV 26845-8650
lloydfultz@gmail.com

From: "Kathleen Durkin" <kdurkin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:37:52 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kathleen Durkin CSJ
137 Mount Saint Joseph Rd Wheeling, WV 26003-1762
kdurkin@csjoseph.org

From: "Greg Lane" <morriscrik@yahoo.com>
To: randy.smith@wvsenate.gov, garner.marks@wv.gov
Subject: Data Centers
Date: Tue, 09 Dec 2025 23:27:53 -0500
Importance: Normal

Dear Gentlemen

RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a life long resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Sincerely yours

Greg Lane

From: "michael good" <michaeld.good@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:04:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. michael good
424 Harpertown Rd Elkins, WV 26241-5014
michaeld.good@aol.com

From: "Nikki Forrester" <nforrester11@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on 145-CSR-20, Data Center Rules
Date: Mon, 08 Dec 2025 16:36:20 -0500
Importance: Normal

Dear Mr. Marks,

My name is Nikki Forrester and I'm a full-time resident in Tucker County, West Virginia. I am writing today to express my numerous concerns about 145-CSR-20, the proposed rules governing data center developments, as well as suggested amendments to these rules. I strongly urge you to make these amendments to protect the health, livelihood, and future of all West Virginians.

The proposed legislative rule under Title 145, Series 20, implementing House Bill 2014 (the Power Generation and Consumption Act of 2025) would harm West Virginians and their communities by valuing out-of-state investors over the interests of hard-working citizens in our state. The proposed rule centralizes decision-making authority in the Secretary of the Department of Economic Development, an appointed position immune from citizen oversight. It bypasses local residents, environmental protections, local businesses, and public transparency. Projects like the ill-conceived Ridgeline Facility in Tucker County, which threaten our communities' health, environment, and economic diversity, would be prioritized over thoughtful, homegrown economic development opportunities that would actually bring jobs to West Virginians and revenue to their counties. Substantial amendments to these proposed rules are essential to safeguard the interests of West Virginians and their communities.

As written, these rules offer no protection to the people of West Virginia. The “fast track” elides crucial considerations impacting the health, well-being, and economic future of local communities in our state. Revisions to these rules are needed to protect all West Virginians, as well as our diverse resources and thriving communities. The proposed rules should be amended to provide some straightforward and sensible guardrails that will prevent power plants and data centers from being developed in profoundly inappropriate locations.

One such proposal is the Ridgeline facility, a 500-acre gas and diesel power plant proposed for Tucker County. 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. This poorly chosen location will create a pollution plume that harms not only Tucker County residents, but also everyone who visits Blackwater Falls State Park, Canaan Valley, and areas downwind beyond the borders of Tucker County. Toxic pollutants like particulate matter 2.5, nitrous oxide, and formaldehyde will harm healthy people and exacerbate pre-existing conditions in vulnerable populations, increasing heart disease, respiratory issues, and other long-term health risks. People who live near power plant and data center complexes are already experiencing a rise in health issues and associated medical costs. These concerns are especially important to consider given Canaan Valley’s unique topography and the regular occurrence of thermal inversions, which trap pollution and prolong exposure.

While the people of this community believe in diversifying the local economy, Tucker County needs good businesses that guarantee well-paying, long-term jobs to local residents. Not only will data centers not create these jobs, but they also sacrifice the health of the community and threaten our tourism-based economy. Indeed, many of the 910+ tourism jobs only exist because of the natural beauty and vast recreation opportunities in Tucker County. As written, these rules offer no protection for West Virginians or the critical air, water, and natural resources we need to survive.

These proposed rules endanger the quality of life in Tucker County, and some of West Virginia's most beloved natural areas. Many West Virginians in communities across the state share the belief that HB 2014 and, by extension, these rules will irreparably harm their families, homes, and businesses. I urge you to take this opportunity to amend these rules in a sensible and measured way, as suggested below, to protect West Virginians and their values.

Proposed Amendments

Amend to Require Local Input, Site-Specific Evaluations, and Environmental Safeguards (§145-20-3 and §145-20-4)

The rule omits any mandate for site-specific assessments or local approval, creating a loophole in §145-20-3 where eligibility hinges on vague "good faith efforts" to negotiate power supply (e.g., 300 MW) rather than binding contracts. This allows certification without verifying feasibility, as seen in Ridgeline's "synthetic minor" status teetering near major emission thresholds (NOx at 99.35 tpy, PM2.5 at 71.54 tpy).

Combined with §145-20-2.4's "nearly contiguous property" definition (up to 1 mile separation), it enables sprawling developments that evade scrutiny and amplify risks in sensitive areas like Canaan Valley, where inversions trap pollutants and exacerbate health and ecological impacts.

A mandatory 3-mile setback for natural gas power plants from schools, residences, and sensitive areas is essential to protect public health and equity. This aligns with the EPA's 3-mile radius in its Power Plants and Neighboring Communities Mapping Tool, assessing vulnerability to emissions like NOx, SO2, PM2.5, VOCs, and methane that disperse within this range. The radius highlights disproportionate impacts on low-income, minority, and vulnerable groups (e.g., children, elderly), where pollution peaks 0.3-1.9 miles from sources. Proximity within 3 miles links to respiratory illnesses, cardiovascular disease, asthma, and premature mortality. This setback mitigates risks by allowing dilution, addresses water contamination and methane-driven climate impacts, and promotes environmental justice by avoiding marginalized areas. Grounded in EPA standards and science, it reduces burdens while enabling responsible development.

Amend §145-20-3 and §145-20-4 to:

- Require binding power supply contracts, comprehensive Environmental Impact Assessments (EIAs) evaluating air, water, noise, biodiversity, and cumulative effects, and compliance with federal laws (Clean Water Act, Endangered Species Act).
- Mandate public hearings, local government consent, and minimum setbacks of 3 miles from residences, schools, or protected lands like Canaan Valley National Wildlife Refuge, in line with EPA community impact radii to protect vulnerable populations from pollution dispersion.
- Prohibit certifications near tourism-dependent or ecologically sensitive areas to prevent economic losses—Tucker County's $85 million annual tourism revenue supports a large majority of local jobs, which pollution could erode.

Amend to Address Public Health Risks and Economic Burdens (§145-20-4)

No provisions mitigate health threats from emissions or massive fuel storage (Ridgeline's 30 million gallons of diesel), imposing costs on the state through healthcare, lost productivity, and clean-ups. Canaan Valley's high number of annual inversions amplify pollutants, hiking asthma attacks by 20–30%, cancer risks by 15–25%, and preterm births by 15–20%.

Fossil fuel bias in §145-20-4.1.10 (detailing power sources without renewable incentives) locks in high rates and stranded assets, costing billions nationally in health damages while hindering diversification.

Amend §145-20-4 to:

- Require health impact assessments modeling emissions and spills, developer-funded monitoring, and renewable sourcing to reduce costs and align with clean energy goals.
- Mandate hazardous materials plans compliant with EPA SPCC regulations, risk assessments for storage in karst terrain, and developer-funded cleanup bonds/decommissioning trusts to avoid taxpayer burdens.

Amend to Ensure Transparency and Accountability (§145-20-15)

§145-20-15's blanket confidentiality for Letters of Intent and petitions shields projects from scrutiny, conflicting with due process and inviting lawsuits. For Ridgeline, limited disclosures have spurred appeals over hidden risks.

Amend §145-20-15 to revoke confidentiality and require full public disclosure of applications, assessments, and rationales.

Amend to Protect Economic Diversity (§145-20-3 and §145-20-4)

The rule favors short-term fossil fuel gains over sustainable sectors, potentially costing the state in lost tourism revenue and higher utility rates without cost-benefit mandates.

Amend to require independent analyses showing no net rate increases or adverse impacts on residential bills and tourism economies.

HB 2014's rule, with its sunset on August 1, 2031 (§145-20-1.5), risks irreversible harm before expiration. These amendments are essential to safeguard Tucker County and West Virginia. I implore revisions before finalization—our future depends on it.

Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce.

The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**

Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity charges, associated with the increase in demand.

Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.

Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.

Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall".** Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.

Amend section 7 to **require disclosure of how much electricity is sold to the grid, and how much is acquired from the grid, the rate they paid, the capacity fees and the cost to the utility for that electricity.**

Section 8 and 13, Appeals. The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". **The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. Thus, the rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**

Amend section 14.1.4 to **require a more comprehensive review.** The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Thank you for your time and consideration,
Nikki

Nikki Forrester
Director of Communications, Tucker United
Davis, WV 26260

From: "Natalie Friend" <natalie.grantham.friend@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 23:25:44 -0500

Importance: Normal

I understand that we need business. Can we please learn from Loudoun County's mistakes instead of just spreading then across the state line? The TLUC report was put together to address the very concerns I have over water quantity and quality, as well as air quality, and the quantity of Electricity available and the conditions of our grid.

Date of Meeting: September 16, 2025
2a
BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM
SUBJECT: TRANSPORTATION AND LAND USE COMMITTEE
REPORT: CPAM-2025-0001 & ZOAM-2025-0001, Data
Center Standards and Locations, Phase 2
ELECTION DISTRICT(S): Countywide
STAFF CONTACT(S): Abdul Jaffari, Planning and Zoning
Daniel Galindo, Planning and Zoning
PURPOSE: The purpose of this item is to: 1) update the Board of Supervisors (Board) on the Transportation and Land Use Committee's (TLUC) discussion and recommendations regarding Phase 2 of the Data Center Standards and Locations Comprehensive Plan Amendment (CPAM)-2025-0001 and Zoning Ordinance Amendment (ZOAM)-2025-0001 (Phase 2), and 2) seek Board approval of the proposed scope outlined in the Project Plan (Attachment 1).
RECOMMENDATION(S):
Transportation and Land Use Committee: At the TLUC meeting on July 28, 2025, TLUC recommended (4-0-1: Randall absent) that the Board approve the draft Project Plan for Phase 2. In addition, TLUC recommended (3-0-1-1: Randall absent; Kershner abstained) that the Board direct staff to add a policy to the Loudoun County 2019 General Plan (2019 GP) clarifying that data center uses should not encroach into areas of the Transition Policy Area (TPA) outside of the Transition Light Industrial (TLI) and Transition Industrial/Mineral Extraction (TI/ME) Place Types. TLUC also recommended (4-0-1: Randall absent) that the Board direct staff to research, summarize, and present information related to the process for establishing land condominiums.
Staff: Staff concurs with TLUC's recommendations.
BACKGROUND: The Phase 2 CPAM and ZOAM are a result of Board and Planning Commission (Commission) discussions that began in the spring of 2022 and have continued through the Board's approval of the Phase 1 CPAM and ZOAM (CPAM-2024-0001 and ZOAM-2024-0001) at the March 18, 2025, Board Business Meeting. Table 1 outlines all the previous Board and Commission discussions.
Item 2a, TLUC Report: CPAM-2025-0001 & ZOAM-2025-0001, Data Center Standards and Locations, Phase 2
Board of Supervisors Business Meeting
September 16, 2025
Page 2
APTER 2-2
Table 1. Commission and Board Data Center Discussions
Year Board or Committee Meeting Dates
2022 Transportation and Land Use Committee
April 20, 2022
June 1, 2022
July 18, 2022
September 20, 2022

2023 Board Business Meeting February 21, 2023
November 9, 2023
2024
Board Business Meeting
February 6, 2024
April 16, 2024
July 2, 2024
Commission Public Hearing September 24, 2024
Commission Special Work Session October 22, 2024
Commission Work Session November 14, 2024
November 26, 2024
Commission Special Work Session December 5, 2024
Commission Work Session December 12, 2024
2025
Board Public Hearing February 12, 2025
Board Business Meeting
March 4, 2025
March 18, 2025
April 15, 2025
Commission Work Session June 12, 2025
Transportation and Land Use Committee July 28, 2025

Board of Supervisors: At the Board Business Meeting on February 6, 2024, the Board approved (7-2: Kershner and Umstattd opposed) the Project Plan for CPAM-2024-0001 and ZOAM-2024-0001, Data Center Standards and Locations. Though all of staff's recommended components of the CPAM and ZOAM were originally proposed to be processed together, the Board directed staff to prepare a separate schedule for an expedited process to consider adoption of amendments to the place type maps and place type use categories within the 2019 GP, and amendments to the Loudoun County Zoning Ordinance (Zoning Ordinance) to identify data centers as a Special Exception (SPEX) use in all zoning districts where they were permitted by-right, referred to as Phase 1 of the project.

At the Board Business Meeting on March 18, 2025, the Board adopted (7-2: Kershner and Umstattd opposed) Phase 1 and the Grandfathering Resolution (5-4: Briskman, Glass, TeKrony, and Turner opposed). The Board also considered a motion related to amendments to Zoning Ordinance Table 3.02.05-1, which the Board by consensus agreed to table to the April 15, 2025, Board Business Meeting to be discussed with Phase 2. The proposed motion is further discussed in the Issues section below. At the Board Business Meeting on March 18, 2025, the Board also tabled (9-0) Phase 2 to the April 15, 2025, Board Business Meeting for action.

At the Board Business Meeting on April 15, 2025, the Board forwarded (9-0) the Phase 2 Project Plan to TLUC for discussion and reevaluation and directed staff to return to a future Board

Business Meeting with a revised Project Plan incorporating TLUC's recommended revised scope, schedule, and cost.

Planning Commission: At the Commission Work Session on June 12, 2025, staff presented preliminary scoping considerations and sought the Commission's input on the anticipated scope for Phase 2. Overall, the Commission expressed support for the initial scope presented by staff. Several of the Commission's recommended areas of focus such as noise, utility substations, battery energy storage systems, and energy sources aligned with topics raised by individual Board members, as outlined in Attachment 2. In addition, the Commission emphasized the importance of maintaining flexibility in both the scope of the Resolution of Intent to Amend the Zoning Ordinance and in the development of policies and regulations.

Transportation and Land Use Committee: At the TLUC meeting on July 28, 2025, TLUC members discussed several topics pertaining to the Phase 2 project scope. The discussion primarily focused on previously identified issues, including those outlined in the draft Project Plan (Attachment 1) and those raised by individual Board members in briefings during the development of the Project Plan (provided as Attachment 2).

TLUC members generally expressed support for new policies and/or regulatory approaches to address concerns related to data centers and associated uses (e.g., substations and onsite power

generation), ranging from aesthetics and visual impacts to noise. TLUC members also cited the importance of implementing policies and regulations that do not hinder the positive redevelopment or modification of existing data centers, especially when such projects yield public benefits (e.g., noise mitigation, aesthetic enhancements, or environmental benefits). Staff noted that the Project Plan will explore strategies to limit the creation of nonconformities among existing data centers. TLUC also discussed land condominiums and options for further limiting the development of data centers in areas of the TPA where they are not an anticipated use.

Land Condominiums: TLUC inquired regarding land condominiums and whether condominium ownership could affect grandfathered land uses. In response, TLUC recommended (4-0-1: Randall absent) that the Board direct staff to research, summarize, and present information related to the process for establishing a land condominium, the purpose for creating a condominium, how condominium ownership interacts with County ordinances, and how condominium ownership impacts the land development process. The County Attorney's Office has prepared a memo summarizing the topic of condominiums in response to TLUC's questions, which is provided as Attachment 3.

Although this topic arose during TLUC's discussion of Phase 2, the questions surrounding condominiums require broader considerations and collaboration between multiple County departments. This item includes a draft motion that would direct the relevant staff to prepare a more detailed discussion item on land condominiums in the event that the Board wishes to discuss this topic in greater detail separate from Phase 2.

APTER 2-4

Data Center Restriction in the TPA: TLUC raised concerns regarding data center encroachments in TPA Place Types where they are not anticipated. TLUC recommended (3-0-1-1: Randall absent; Kershner abstained) that the Board direct staff to add the following policy to Chapter 2 of the 2019 GP. A second motion to develop new policy language for inclusion in the 2019 GP precluding the development of data centers in the area of the TPA identified as Dulles Cloud South in the Department of Economic Development's (DED) 2022 Loudoun County Data Center Land Study failed (2-2-1: Kershner and Turner opposed; Randall absent).

Informational Updates: At the July 28, 2025, TLUC meeting, TLUC members also requested several informational updates. These are summarized below followed by staff's response to each request.

1. Existing and Planned Data Centers in the TPA: TLUC requested that staff provide information on how many data centers are currently in the TPA and how many data centers in the application review process are located in the TPA.

Staff Response: As of April 1, 2025, the TPA contained approximately 2.97 million square feet (SF) of existing data centers, and there was an additional 8.67 million SF of data center uses planned or proposed, inclusive of previously approved administrative and legislative land use applications and applications still in process (see Table 2). Applications proposing up to 1.41 million SF of data centers in the TPA were previously approved by the Board but had not yet been developed. Applications for up to 7.26 million SF of additional data center uses were under review, of which 1.18 million SF were administrative site plan applications and 6.08 million SF were subject to Board approval through the legislative land use process. Approximately 8.17 million SF of existing or proposed data center uses were located within the TLI and TI/ME Place Types, where data centers are designated as a conditional use. Legislative land use applications were under review for up to 3.48 million SF of data centers within the Transition Large Lot Neighborhood (TLLN) Place Type, where data centers are not envisioned and none currently exist.

Table 2. Existing and Planned/Proposed Data Centers in the TPA

Place Type	Planned or Proposed1 (Million SF)	Existing (Million SF)	Total (Million SF)
Data Center			

Designation in
the Place Type
TLI Approved Legislative2 1.41
2.59 2.97 5.57
Conditional Use
Under review Administrative
(Site Plan)
1.18
TI/ME Under review Legislative 2.6 - 2.6 Conditional Use
TLLN Under review Legislative 3.48 - 3.48 Not Envisioned
Subtotal 8.67 11.65
1"Planned or Proposed" includes approved plans as well as legislative and administrative applications still under review.
2 As of April 1, 2025, no administrative site plans had been submitted pursuant to the "Approved Legislative" plans.

2. Equipment Height and Elevator Shafts: TLUC requested that staff investigate addressing equipment height and elevator shafts above the roofline on data centers in relationship to the building height regulations.
Staff response: This topic is incorporated within the scope of the Phase 2 ZOAM and is discussed in the Issues section of this report.
3. Access to Table 3.02.05-1: TLUC requested that staff include Zoning Ordinance Table 3.02.05-1 as a separate attachment to future Board items with a footnote or link for ease of access.
Staff Response: Table 3.02.05-1, as adopted by the Board in Phase 1, is accessible here. Staff will continue to provide a hyperlink to this table in future Board items to facilitate quick reference.
4. National Renewable Energy Laboratory (NREL) Forum: TLUC requested that staff investigate making an innovation forum between Loudoun County staff and NREL public for constituents to attend, specifically citing possible Board member interest in attending.
Staff Response: The Department of General Services (DGS) is coordinating with NREL regarding a possible public energy innovation forum during Fiscal Year 2026. DGS and Department of Planning and Zoning (DPZ) staff will collaborate on this effort and identify opportunities for collaboration, especially as related to Phase 2. Staff will keep the Board apprised of planning and coordination for this effort.
ISSUES: As noted above, Board direction to split the Data Center Standards and Locations CPAM and ZOAM project into two phases was intended to quickly provide the Board with greater oversight of data center development while the County undertakes a more comprehensive evaluation of its overall approach to regulating data center development. The adoption of Phase 1 ensures that the Board has the opportunity to review all new data center applications through the SPEX process. More nuanced policy and regulatory changes requiring further study, outreach, and coordination to support staff, the Commission, and the Board in evaluating data centers as a conditional use and SPEX use were deferred to Phase 2.
Based on feedback received at the March 18, 2025, and April 15, 2025, Board Business Meetings; the June 12, 2025, Commission meeting; and the July 28, 2025, TLUC meeting, staff recommends the following approach to the Phase 2 policy and regulatory amendments.
The Phase 2 CPAM and ZOAM will be processed concurrently to coordinate research efforts; data collection and analysis; policy and zoning text language development; and stakeholder outreach and engagement. The interrelationship between policy guidance in the 2019 GP and the regulations in the Zoning Ordinance for use-specific standards for data centers are key for the effectiveness of the project. This holistic approach provides greater efficiency and ensures that the CPAM provides adequate policy support to enable implementation of the ZOAM.

With data centers now requiring SPEX approval in all zoning districts, Phase 2 will consider the

potential impacts of data center development and determine whether mitigation is best achieved through zoning regulations, plan policy guidance, case-by-case via Board-imposed Conditions of Approval, or some combination thereof. Phase 2 will include a comprehensive review of the existing use-specific standards for data centers—which were developed when data centers were allowable by-right in several zoning districts—and assess the suitability of these use-specific standards to the SPEX review process. Staff may recommend revisions to existing zoning standards or identify whether certain aspects would be better addressed through policy guidance to support the Board's review of data center applications. This effort will help ensure that existing standards do not unintentionally create legal nonconformities for existing data centers or limit opportunities for positive redevelopment. If the Board is interested in facilitating the use of new and advanced energy management systems (e.g., microgrids, battery energy storage, onsite generation, and other emerging technologies) among existing data centers, it may be to the Board's interest to create regulations that allow existing data centers to remain a conforming use. 3 Enabling existing data centers to remain a conforming use is also important because supporting reinvestment in existing buildings and the equipment in the buildings helps mitigate fiscal risk to the County. Phase 2 will incorporate additional guidance in the 2019 GP to inform how the SPEX process can be used to address site-specific issues, particularly impacts near residential areas and major transportation corridors. This phase will prioritize aligning the Zoning Ordinance and policy guidance to support effective, context-sensitive decision-making without creating undue regulatory burdens for existing or approved data center development.

Likely Phase 2 CPAM Components: Phase 2 will propose targeted amendments and updates to the 2019 GP to:

1. Support evolving and emerging data center needs by exploring enabling land use policies, including infrastructure such as microgrid and onsite power generation.
2. Enhance guidance for evaluating data centers as conditional uses by considering impacts related to noise, light, energy consumption, water use, air quality, and compatibility with place type visions.
3. Explore policies to support the long-term vision of place types where data centers are designated as a conditional use, ensuring compatibility with a diverse range of core and complementary uses.
4. Restrict new data center development within the TPA.
5. Define and develop potential policies for utility/electric substations to mitigate adverse effects (e.g., noise and visual impacts) and ensure alignment of the definition with the Zoning Ordinance.

3According to Section 1.03.01. B of the Zoning Ordinance, the Board of Supervisors may deem a nonconforming use, structure, or lot to be in compliance with the requirements of the Zoning Ordinance through the approval of a Special Exception pursuant to Section 10.11.01.

6. Assess opportunities related to district energy systems.4
7. Align policy language with the Code of Virginia.
8. Remove the Urban Employment (UE) Place Type and references thereof from the 2019 GP.

Likely Phase 2 ZOAM Components: The Phase 2 ZOAM will align with the CPAM. The scope includes:

1. Reviewing and potentially revisiting use-specific standards for data centers and utility substations to minimize community impacts while ensuring operational functionality.
2. Reviewing building height regulations to ensure that building features and equipment above the roofline are appropriately considered and regulated.
3. Reviewing to determine the most appropriate function of the data center use standards to support future development.
4. Evaluating provisions related to onsite power generation and energy storage, noise, and parking standards.
5. Relocating the content of footnotes 3 and 4 from Table 3.02.05-1 into appropriate sections of the Zoning Ordinance text to enhance clarity, transparency, and consistency with standard formatting and reassessing the five percent floor area provision referenced in the footnote 3 to address the Board concerns, as discussed below.
6. Deleting the UE Zoning District Section 2.01.02 to align with the CPAM.

While certain project elements are currently anticipated to be addressed through policy and/or

regulatory amendments as summarized above, staff's recommended approaches are subject to change based on staff research, stakeholder input, recommendations from the Commission and other advisory bodies, and direction from the Board.

Phase 2 is not currently anticipated to include a mapping component beyond the mapping completed for Phase 1. However, if the Board directs staff to conduct a strategic comprehensive mapping exercise to manage data center development, it can be added to the Phase 2 Project Plan. This will likely impact the anticipated project timeline.

Collaboration: As outlined in the Project Plan, the Phase 2 CPAM and ZOAM will entail extensive collaboration with other County departments, such as DED, DGS, the Department of Building and Development, and the Office of Mapping and Geographic Information, as well as data center industry stakeholders and County advisory boards and commissions. This collaborative approach will facilitate the development of policy and regulatory updates that accommodate the current and future operational needs of the data center industry while managing and mitigating the anticipated impacts of data center development.

4According to the U.S. Department of Energy, district energy systems are characterized by one or more central plants producing hot water, steam, and/or chilled water, which then flows through a network of insulated pipes to provide hot water, space heating, and/or air conditioning for nearby buildings.

In addition to the revised scope outlined above, staff has identified the following key issues for the Board's consideration.

Commission Recommendations: The Commission made several specific recommendations to the Board regarding the project approach during its review of Phase 1. Those pertaining to Phase 2 are summarized below:

1. Minor Modifications to Previously Approved Data Center Site Plans: The Commission recommended the Board consider providing additional flexibility for lawfully existing data center uses to make minor modifications to their campuses without requiring SPEX approval. With the approval of the Phase 1 ZOAM, a footnote was added to Table 3.02.05-1 that permits minor revisions to data center site plans without requiring SPEX approval. This footnote affords administrative applications for data center uses the same flexibility granted to previously approved SPEX uses under Section 10.11.01.H of the Zoning Ordinance. This flexibility includes the ability to administratively add accessory structures, realign building and parking areas within an approved building envelope, and make minor additions to principal buildings provided they do not exceed five percent of the existing floor area or the maximum permitted floor area ratio for the zoning district.

At the Board Business Meeting on March 18, 2025, Board members discussed the provision of administratively allowing increases in existing floor area of up to five percent. Some Board members expressed concern that this allowance could enable substantial additional data center development that is not subject to Board approval, and the Board considered additional amendments to remove this provision altogether or reduce it to two percent. Staff noted that this provision could be revisited as part of Phase 2 and that the five percent allowable increase in floor area could be adjusted as part of this effort to address Board concerns. The Board subsequently tabled discussion of proposed amendments to Table 3.02.05-1 to the April 15, 2025, Board Business Meeting. As noted above, to enhance clarity, transparency, and consistency with standard formatting, the content of footnote 3 will be integrated into the relevant sections of the Zoning Ordinance. Additionally, staff will assess the five percent floor area provision referenced in the recently adopted footnotes to Table 3.02.05-1 during the Phase 2 ZOAM process unless directed otherwise by the Board.

2. Additional Guidance in the 2019 GP: The Commission recommended the Board consider adding guidance in the 2019 GP to aid in evaluating and mitigating the impacts of data centers as conditional uses in applicable place types. Specifically, the Commission recommended: "Proposed data centers should be located near similar uses and near electric transmission line corridors. Data centers should be adequately buffered and appropriately set back from residential uses, parks, schools, and major roadways. Data centers should be encouraged to adopt innovative carbon-net-zero power strategies, sustainable building design, and waterefficient and low-noise cooling systems." These recommended policy changes are covered under the project scope for Phase 2 and will be addressed as part of this effort unless directed otherwise by the Board.

The Commission further recommended the Board add long-term aspirational language in the UE Place Type, stating that, "While data centers are an existing use in Urban Employment, long-term redevelopment should be encouraged to enable transit-oriented office, educational, and institutional uses in the area proximate to the Metro stations." The approval of Phase 1, which replaced the UE Place Type with the Urban Transit Center Place Type, removed the need for this amendment. Staff can assess strategies to support future transit-oriented development around the Loudoun Gateway Metrorail Station, while accommodating the ongoing operation and potential expansion of existing data centers. This effort can be incorporated into the scope of Phase 2 if directed by the Board.

3. Criteria Exempting SPEX Approval: The Commission recommended the Board adopt specific criteria under which SPEX approval would not be required for a data center in the Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resources – Heavy Industry (MR-HI) Zoning Districts. This recommendation conflicts with the scope previously approved by the Board for Phase 1 and Phase 2 as well as the approved Phase 1 Resolution of Intent to Amend and would require substantial effort duplicative of that completed during Phase 1. Therefore, as noted at the Board Public Hearing on February 12, 2025, staff does not support this recommendation and will not address this recommendation as part of Phase 2 unless directed otherwise by the Board. Staff notes that expanding the scope to include work on this recommendation would increase the amount of time necessary to complete Phase 2.

Onsite Power Generation: At the Board Business Meeting on March 18, 2025, the Board approved a Board Member Initiative (7-0-2: Kershner and Saines absent) directing staff to research the best planning practices for onsite power generation uses related to data centers and incorporate appropriate land use policies and regulations into the Phase 2 process. This effort is accommodated as part of Phase 2 within the currently anticipated timeline and the Phase 2 Project Plan.

2025 Virginia General Assembly Legislative Session: Staff reviewed 23 bills introduced during the 2025 Virginia General Assembly session related to data centers. Of these, two were vetoed by the Governor, one was incorporated into other legislation, and the remaining bills failed to advance. Following this review, staff has determined that none of the proposed or enacted legislation will impact the scope of Phase 2.

Board Member Ideas and Preliminary Requests for Phase 2: Several Board members shared initial ideas and expressed interest in staff's recommendations regarding potential requirements for existing and future data centers. Attachment 2 summarizes these ideas and preliminary requests, along with staff's corresponding recommendations for how to address each in Phase 2.

FISCAL IMPACT: Existing DPZ staff will lead Phase 2, and DPZ will continue to use funds from its operating budget to support this project. The Phase 2 project will also likely require the use of specialty consulting services to perform research on energy technologies, air quality emissions, noise propagation/attenuation, and/or other pertinent topics outlined in the scope, subject to further Board direction and refinement. To date, staff has not completed the scope of services or obtained a proposal from a task order consultant. As such, staff is unable to estimate

the cost of these professional services. Once the scope is completed and a proposal received, staff will report the fiscal impact at a subsequent presentation.

ALTERNATIVES:

1. The Board may approve the draft Phase 2 Project Plan and further direct staff to 1) draft policies restricting data center development in nonindustrial TPA Place Types and 2) prepare a future Board Information Item regarding land condominiums, as recommended by TLUC.
2. The Board may approve the draft Phase 2 Project Plan with modifications and provide further direction to staff regarding specific issues to be addressed during Phase 2.
3. The Board may not approve the draft Phase 2 Project Plan and direct staff on how to proceed.

DRAFT MOTIONS:

Project Plan Adoption

1. I move that the Board of Supervisors approve the draft Project Plan for CPAM-2025-0001 and

ZOAM-2025-0001, Data Center Standards and Locations, Phase 2, provided as Attachment 1 to the September 16, 2025, Board of Supervisors Business Meeting Action Item.
I further move that the Board direct staff to add a policy to the Loudoun County 2019 General Plan clarifying that data center uses should not encroach into areas of the Transition Policy Area outside of the Transition Light Industrial and Transition Industrial/Mineral Extraction Place Types.
OR
2. I move that the Board of Supervisors approve the draft Project Plan for CPAM-2025-0001 and ZOAM-2025-0001, Data Center Standards and Locations, Phase 2, provided as Attachment 1 to the September 16, 2025, Board of Supervisors Business Meeting Action Item with the following revisions: _____.
OR
3. I move an alternate motion.
Land Condominiums
1. I move that the Board of Supervisors direct staff to research, summarize, and present information on the process for establishing land condominiums, the purpose of creating them, how condominium ownership interacts with County ordinances, and how it impacts the land development process. This item shall be prepared and returned to the Board as a stand-alone item for discussion at a future Board Business Meeting.

APTER 2-11
OR
2. I move an alternate motion.
ATTACHMENT(S):
1. Data Center Standards and Locations, Phase 2 Project Plan
2. Board Member Ideas and Preliminary Requests for Phase 2
3. Land Condominium Memo
Attachment 1
Project Plan
Project Title: Data Center Standards and Locations, Phase 2 Project Plan
Application Number(s): CPAM-2025-0001 & ZOAM-2025-0001
September 16, 2025
Purpose
The purpose of this project is to continue to implement Board of Supervisors (Board) guidance regarding policies and regulations governing the development of data center uses through concurrent amendments to the Loudoun County 2019 General Plan (2019 GP) and the Loudoun County Zoning Ordinance (Zoning Ordinance). Data Center Standards and Locations, Phase 2 builds upon Comprehensive Plan Amendment (CPAM)-2024-0001 and Zoning Ordinance Amendment (ZOAM)-2024-0001, Data Center Standards and Locations, Phase 1, which implements new locational standards and discretionary Board oversight of data center development. Phase 2 comprises 1) a CPAM to consider amendments and updates to the 2019 GP in order to address evolving data center needs, including infrastructure consideration, utility substations, and refine guidance for evaluating conditional use; and 2) a ZOAM to consider the adopted use-specific standards and determine if revised or additional standards are necessary.
Background
The Data Center Standards and Locations, Phase 2 CPAM and ZOAM, builds upon Phase 1 (CPAM-2024-0001 and ZOAM-2024-0001) and previous Board discussions and decisions that began in the spring of 2022. Phase 2 follows upon the approval of Phase 1 on March 18, 2025. Table 1 outlines all previous Board and Commission discussion related to this item.
Year Board or Committee Meeting Dates
2022
Transportation and Land Use Committee
(TLUC)
April 20, 2022
June 1, 2022
July 18, 2022
September 20, 2022
2023 Board Business Meeting February 21, 2023

November 9, 2023
2024
Board Business Meeting February 6, 2024
April 16, 2024
July 2, 2024
Commission Public Hearing September 24, 2024
Commission Special Work Session October 22, 2024
Commission Work Session November 14, 2024
Data Center Standards and Locations, Phase 2 Project Plan
CPAM-2025-0001 & ZOAM-2025-0001
September 16, 2025
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November 26, 2024
Commission Special Work Session December 5, 2024
Commission Work Session December 12, 2024
2025
Board Public Hearing February 12, 2025
Board Business Meeting
March 4, 2025
March 18, 2025
April 15, 2025
Commission Work Session June 12, 2025
TLUC July 28, 2025

At the Board Business Meeting on February 6, 2024, the Board approved (7-2: Kershner and Umstattd opposed) the Project Plan for CPAM-2024-0001 and ZOAM-2024-0001 Data Center Standards and Locations in conjunction with direction to effectively split the CPAM/ZOAM Project into two phases. Phase 1 was to include three primary components:

1. A CPAM map amendment to revise the Place Type boundaries where appropriate to designate areas where data center uses are appropriate and replace the Urban Employment Place Type with the Urban Transit Center Place Type.
2. A CPAM text amendment to identify data centers as a Conditional Use in all Place Types where data centers are currently identified as a Core Use or a Complementary Use.
3. A ZOAM text amendment to designate data centers as SPEX uses in all zoning districts where they are currently permitted by-right.

Consideration of other potential policy and regulatory amendments was reserved for a later effort now referred to as Phase 2.

At the Board Business Meeting on March 18, 2025, the Board adopted (7-2: Kershner and Umstattd opposed) CPAM-2024-0001 and ZOAM-2024-0001, Data Center Standards and Locations Phase 1, and the Grandfathering Resolution (5-4: Briskman, Glass, TeKrony, and Saines opposed). At the Board Business Meeting on March 18, 2025, the Board also tabled (9-0) CPAM-2025-0001 and ZOAM-2025-0001, Data Center Standards and Locations, Phase 2 to the April 15, 2025, Board Business Meeting for action. At the Board Business Meeting on April 15, 2025, the Board forwarded (9-0) to the June 18, 2025, TLUC Meeting for discussion and re-evaluation, and directed staff to return to a future Board Business Meeting with a revised Project Plan incorporating the Committee's recommended revised scope, schedule, and cost. Several Board members indicated a preference for a reduced project scope.

At the Planning Commission Work Session on June 12, 2025, the Commission expressed support for the scope presented by staff. The Commission emphasized the importance of maintaining flexibility in both the scope of the Resolution of Intent to Amend the Zoning Ordinance and in the development of policies and regulations.

At the TLUC meeting on July 28, 2025, TLUC members discussed several topics pertaining to the Phase 2 project scope. The discussion primarily focused on previously identified issues, including those outlined in the draft Project Plan and those raised by individual Board members in briefings

during the development of the Project Plan. TLUC members expressed support for new policies and/or regulatory approaches and recommended (4-0-1: Randall absent) that the Board approve the draft Project Plan for CPAM-2025-0001 and ZOAM-2025-0001, Data Center Standards and Location Phase 2.

Strategy and Scope

Project Strategy

The Data Center Standards and Locations, Phase 2 CPAM and ZOAM will be processed concurrently to coordinate research efforts, data collection and analysis, policy and zoning text language development, and stakeholder outreach and engagement. The interrelationship between policy guidance in the 2019 GP and the regulations in the Zoning Ordinance for use-specific standards for data centers are key for the effectiveness of the project. This holistic approach provides greater efficiency and ensures that the CPAM provides adequate policy support to enable implementation of the ZOAM.

To achieve specific Board objectives in a timely manner, the Project was previously divided into two Phases. Phase 1 was limited in scope and considered narrow text and map amendments to the 2019 GP and text amendments to the Zoning Ordinance to identify data center as a Special Exception use. This approach will enable the Board to use full discretion to assess individual applications on a case-by-case basis while more comprehensive policy and regulation updates to the 2019 GP and Zoning Ordinance are being developed as part of Phase 2.

Phase 2 will propose targeted amendments and updates to the 2019 GP and Zoning Ordinance. Research and development of policy and regulatory amendments will consider regional and national best practices, evolving building technology, as well as regulatory requirements and state enabling legislation related to data center uses. In consultation with industry stakeholders, policy updates will aim to accommodate the current and future operational needs of this dynamic industry and manage anticipated impacts. With data centers now requiring SPEX approval in all zoning districts, Phase 2 will consider the potential effects of data center development and determine whether mitigation is best achieved through zoning regulations, plan policy guidance, case-by-case via Board-imposed Conditions of Approval, or some combination thereof. Phase 2 will include a comprehensive review of the existing use-specific standards for data centers—which were developed when data centers were allowable by-right in several zoning districts—and assess the suitability of these use-specific standards to the SPEX review process. Staff may recommend revisions to existing zoning standards or identify whether certain aspects would be better addressed through policy guidance to support the Board's review of data center applications. This effort will help ensure that existing standards do not unintentionally create legal non-conformities for existing data centers or limit opportunities for positive redevelopment. Additionally, Phase 2 will incorporate additional guidance in the 2019 General Plan to inform how the SPEX process can be used to address site-specific issues, particularly impacts near residential areas and major transportation corridors.

The project is anticipated to include the following key components:

1. Support evolving and emerging data center needs: In collaboration with the data center industry, staff will explore enabling land use policies that address emerging and evolving infrastructure requirements, such as microgrids and onsite power generation, to ensure the General Plan remains responsive to technological advancements and operational demands.1
2. Enhance guidance for evaluating data center as a Conditional Use: In the 2019 GP, data centers are designated as conditional use in five Place Types that are intended to support a diverse mix of Core and Complementary uses including light and general industrial activities, manufacturing and assembly, contractor establishment, flex space, warehousing, startups, research and development, and other business operations. These areas are designated to foster a dynamic, synergistic environment for economic growth. To support informed decision making, this amendment will clarify the 2019 GP's place type use categories--Core, Complementary, and Conditional--and provide guidance for evaluating proposed data centers. Evaluation criteria will include potential impacts on noise, lighting, energy and water use, air quality, and alignment with the long-term vision of each Place Type.
3. Utility/Electric Substations: As of January 2025, Loudoun County has 61 existing and 17 proposed utility/electric substations of varying sizes, with additional proposals anticipated as power demand continues to grow.2 While the 2019 GP references the need to consider the appearance and screening of substations to mitigate visual impacts, it does not define electric substations or provide comprehensive policy direction.3 As part of Phase 2, this effort will establish a clear definition for utility/electric substations consistent with the Zoning Ordinance and will strengthen and expand existing policies to better guide the siting, design, and integration of these facilities within the community.
4. District Energy: Loudoun County is home to the highest concentration of data centers in the world. In collaboration with key stakeholders, and in response to interest expressed by some Board, staff will explore opportunities on how the 2019 GP can play a role in enabling energy systems that utilize waste heat from data centers. This effort may include but is not limited to aligning land use, infrastructure, and energy policy, and creating supportive regulatory environment.,.
5. Alignment with Code of Virginia: The amendment will assess opportunities to align policy language and regulations with the Code of Virginia.
6. Removal of Urban Employment Place Type: The Phase 1 CPAM remapped the only area of

the County designated as the Urban Employment Place Type to Urban Transit Center Place Type. However, due to limited scope of Phase 1, the CPAM text amendment did not include the removal of Urban Employment text from Chapter 2. This amendment will delete Urban

1 At the Board Business Meeting on March 18, 2025, the Board approved (7-0-2: Kershner and Saines absent) a Board Member Initiative directing staff to research the best planning practices for onsite power generation uses related to data centers and incorporate appropriate land use policies and regulations into the Phase 2 CPAM and ZOAM process.

2 The 2019 GP refers to the substation as "electric substation"

3 2019 GP, Chapter 6, Electrical, Action 6.1.C

Employment Place Type from Chapter 2 (page 2-38 to 39) and any other references thereof to align with Phase 1. It will also delete the Urban Employment – UE Zoning District (Section 2.01.02 of the Zoning Ordinance) to align with the CPAM.

7. Review and potentially revisit use-specific standards for data centers and utility substations: to minimize community impacts while ensuring operational functionality. The current standards regulate building façade and site design. Additional measures may be considered and drafted where necessary to further these efforts and to address concerns that may not have been previously considered.
8. Evaluate provisions related to onsite power generation and energy storage, noise, and parking standards. Onsite power generation and energy storage are increasingly prominent features for data center uses and should be addressed. With the addition of onsite power generation in combination with existing mechanical equipment, the current noise standards will be reevaluated and modified to address any potential noise increase.
9. Relocate the content of footnote 3 and 4 from Table 3.02.05-1 into appropriate sections of the Zoning Ordinance. The Phase 1 ZOAM was limited to amendments to Table 3.02.05-1. The regulatory amendments included in these footnotes may be more appropriately located in the Zoning Ordinance text and revised to enhance clarity, transparency, and consistency with standard formatting.

While certain project elements are currently anticipated to be addressed through policy and/or regulatory amendments as summarized above, staff's recommended approaches are subject to change based on staff research, stakeholder input, recommendations from the Commission and other advisory bodies, and direction from the Board.

The Phase 2 CPAM and ZOAM is not currently anticipated to include a mapping component beyond the mapping completed for Phase 1. However, if the Board decides to direct staff to conduct a strategic comprehensive mapping exercise to manage data center development, it can be added to the Phase 2 Project Plan. This may impact the anticipated project timeline.

Project Duration

Total project duration is estimated to require approximately 14 months from the date of Board approval of the Project Plan. The process is scheduled to begin in July 2025 following the approval of the revised Project Plan. Phase 2 is anticipated to conclude with Board adoption of the CPAM and ZOAM by fall 2026.

Key Phases

1. Commission Work Session: Seek input on the proposed scope
2. TLUC: Seek input on the proposed scope
3. Initiation: Board adoption of the Project Plan and Resolution of Intent to Amend (ROIA) the Zoning Ordinance
4. Research & Draft Text Amendment: research, data collection, best practice review, draft policy and regulation text recommendation and evaluation
5. Communication and Engagement: Solicit feedback and involve affected parties

a. Agency and Advisory Board Review: Revision to Draft CPAM and ZOAM Text Amendments
6. Board Meeting: Present proposed amendments
7. Commission Public Hearing and Work Session(s): Present proposed amendments
8. Board Public Hearing and Business Meeting(s): Present proposed amendments
9. Approval: Board adoption

Deliverables
Work products will include:
 Revised text and policies within the 2019 GP;
 Revised text within the Zoning Ordinance;
 Staff reports to include analysis and recommendations for revisions to any maps and text in the 2019 GP and relevant sections in the Zoning Ordinance, as deemed necessary.
Project Assumptions
1. Technical Resources. DPZ staff, with assistance from a third-party consultant, has the baseline analytical skills and technological tools (e.g., GIS software) to develop any mapping, policy, and regulatory recommendations, in accordance with the Board's direction.
2. Board Direction. The Project Plan assumes the Board will provide direction on the scope of the proposed amendments outlined in the Project Plan. The Board will also provide input on any draft mapping revisions and draft policy and zoning text amendments to affirm or adjust staff's recommendations and provide additional guidance for the continuance of the project.
3. Staff Resources. DPZ staffing levels will be maintained throughout the project and staffing resources will not be diverted to other initiatives.
Constraints
As a staff-driven effort, competing County planning initiatives and priorities pose the greatest constraints to the projected schedule. Staff, with the assistance of a third-party consultant, will undertake any project mapping, evaluation, public outreach, noticing efforts, and other services as necessary to implement the proposed project.
Project Team
The project will be managed by Senior Planners from the Special Projects and Zoning Administration divisions of DPZ ("Project Managers"). The Project Managers will coordinate efforts between the Department of Economic Development, the Department of Building and Development, the Office of Public Affairs and Communications, the County Attorney's Office, other divisions within DPZ, and any requisite consultant work. The Project Managers and consultant will also facilitate public outreach and all legal notice requirements.
Project Supervisors: Randall Farren, Program Manager, Special Projects Division

Ryan Reed, Deputy Zoning Administrator, Zoning Administration
Project Managers: Abdul Jaffari, Senior Planner, Special Projects Division
Mark Holland, Senior Planner, Zoning Administration
County Staff: Various agency/department liaisons to be determined
Consultant(s): To be determined
Stakeholders
1. Board of Supervisors
2. County and Regional Agencies:
a. County Administration
b. County Attorney's Office
c. Public Affairs and Communications (PAC)
d. Department of Economic Development
e. Office of Management and Budget
f. Office of Mapping and Geographic Information
g. Department of General Services
3. County Advisory Boards
a. Planning Commission
b. Environmental Commission
c. Economic Development Authority
d. Economic Development Advisory Commission
e. Loudoun Water
f. Heritage Commission
g. Route 28 Landowners' Advisory Board
h. Zoning Ordinance Committee (ZOC)
4. Residents, local organizations (e.g., Data Center Coalition, NAIOP), business/property owners, developers, and industry/citizen groups
Community Outreach Plan
The public engagement and noticing objectives for this project will focus on informing the community, stakeholders, and/or special interest groups of the proposed changes and soliciting feedback. Presentations will be provided to County Advisory Boards and other organizations as part of the public outreach and engagement phase, which is anticipated to include but will not be limited to a town hall meeting and virtual outreach events. Comments provided during public outreach will be compiled to identify trends and themes to inform future discussions with the Commission and the Board.

Staff intends to inform the community and/or special interest groups of project milestones through regular updates on the County website and through a variety of print and electronic media.

Project Milestones and Schedule

Total project duration for Phase 2 is estimated to require approximately 14 months. Phase 2 is

expected to commence in fall 2025 following the approval of the revised Project Plan. Phase 2 is expected to be completed by winter 2026.

The anticipated project schedule is provided below. As depicted, the schedule incorporates a Commission Public Hearing and a Work Session and a Board Public Hearing and Business Meeting. Neither the Board or Commission are bound by this timeline and additional Work Sessions, Business Meetings, and Committee meetings may be added to the schedule as necessary. Staff will make every effort to adhere to the overall timeline and will advise the Board of any necessary Project Plan revisions during the course of this project.

Project Schedule

Project Resources and Budget

Phase 2 will be led by staff, with potential assistance from consultants for specialized expertise, such as noise analysis. As a staff-driven project with assistance from a third-party consultant, the required resources are most intensive in terms of staff time that is utilized for this project rather than significant increases in any budget line item. With that in mind, this project would become a significant piece of the planned workload for DPZ, and any additional projects or priorities that materialize during the project timeline could potentially impact the schedule. Staff anticipates the need for consultant services to conduct background research, provide mapping analysis, provide support for the development of policy and zoning text amendments with staff direction, creation of maps and graphics for public presentations, and attendance at meetings with the public, the data center industry, Commission and/or Board. To date, the staff has not completed the scope of services or obtained a proposal from a task order consultant. Once the scope is completed and a proposal received, staff will report the fiscal impact at a subsequent presentation.

Attachment 2

ID	Board-Identified Priorities for Phase 2	Staff Comments and Recommendations
1	Backup generator use - Tier IV or Tier II with Selective Catalytic Reduction using an ammonia catalyst.	Staff can research the use of these engines and filters, however, the establishment of any policies or standards must remain responsive and adaptable to the changing technologies and consider the impact on all stakeholders.
2	Noise analysis to study data center noise issues not currently addressed by existing noise standards (e.g., decibel level restrictions, specifics for sound walls, tonal measurement, daytime generator testing). Implement more stringent standards for perceived noise at sending property line. Low frequency noise mitigation (consult noise expert).	Staff will research options and provide recommendations for enhancing existing standards to better address noise. The Board may prefer to address noise comprehensively across all uses throughout the County, in which case it may be

appropriate to remove noise from the Phase 2 scope and undertake a separate effort focused on noise issues countywide.

3

Strict visual screening and architectural features on all principal facades. Consider external lighting and projection of artistic images on exterior walls.

The current standards address principal facades and screening. Staff will evaluate these standards and, if necessary, provide recommendations for additional standards or amendments to the Board, taking into account potential impacts to existing data centers and other stakeholders

4

Achieve LEED Silver or Gold building certification with the incorporation of green building features.

1. Use of green walls/green roofs.

LEED certification is supported by staff. The current data center standards address the use of green walls for building facades. Green roofs, though defined, are not included in the use specific standards. LEED certification is supported by staff. Since, LEED certification is only issued after building construction is complete, staff will assess whether incorporating LEED requirement into the standards is practical and feasible.

5

Increase the required setback between data centers and residential uses.

The current standards require a minimum setback of 200 feet for any data center structure from the common property line with an existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, including when the Data Center property and adjacent residential property are separated by a principal arterial or lesser designated roadway, per the Countywide Transportation Plan. An increased setback would provide an increased buffer to mitigate negative impacts but could create non-conformities among existing/previously approved

data centers. Staff will evaluate this standard and, if necessary, recommend policy and/or regulatory amendments for the Board's consideration with attention to the implications for existing/approved data centers

6 Classify any onsite power source intended for use as baseload power rather than emergency backup power as a utility. Examples include:
1. Natural gas turbines (require SCR with ammonia-only catalyst).
2. Battery Energy Storage Systems, both lithium and graphene.
3. Green hydrogen fuel cell.
4. Blue hydrogen fuel cells.
5. Geo-thermal.
6. Small Modular Reactors or Advanced Nuclear Reactors (this could be a simple Not Allowed).
7. Consider the allocation of space for future energy storage infrastructure in site planning
Staff will research the use and placement of these power source types and will draft standards where necessary to address their use and location within the development.

7 Define microgrid components, procedures, and restrictions. Incorporate microgrid planning into campus design for future use.
Staff recognizes the emergence of microgrids and will research and draft recommended standards and definitions for the Board's consideration.

8 District Energy Systems: Encourage capture and export of heat energy. Are there opportunities to implement district energy systems that capture and reuse waste heat in retrofit projects?
Staff will explore opportunities to support district energy systems that reuse waste heat from data centers, including identifying land use policies and regulatory mechanisms that could facilitate such systems. Staff will evaluate the feasibility of incorporating relevant standards into the land use framework and determine the feasibility of such regulations.

9 Alternative/innovative cooling systems to eliminate water usage.
1. Closed loop liquid cooling systems.
2. Air cooled or adiabatic chiller plant that utilizes a closed-loop ambient air-cooling system.
3. Submerged data racks.

Staff will research the use and placement of such cooling systems and will draft recommended standards to address their use and location within the development where necessary.

10

Enhanced lighting standards, especially for security lighting near residential development.

If directed by the Board, staff will reassess the current lighting standards and, if appropriate, recommend new standards for data center uses near residential uses.

11

Use of solar for accessory office and parking canopies.

Section 4.07.06 of the Zoning Ordinance currently permits site-specific solar facilities as an accessory use.

12

Define building height for all data centers—12 feet per story.

A separate in-process comprehensive plan amendment, CPAM-2024-0003, is intended to address housekeeping and clean-up text amendments to the Loudoun County 2019 General Plan. Among the items being addressed is the clarification of the application of building "story" as described in each place type, including building height ranges per story.

13

Include the locations of potential future transmission lines and substations in land use applications.

Staff will evaluate appropriate approaches to include transmission lines and substations in land use applications, to the extent allowable under state code.

14

Examine current zoning determination that base load power is an accessory use to data centers.

Staff can research this determination and develop recommendations to address related Board concerns, pending additional Board input and direction.

15

Add indoor utility substation design standards to mitigate external impacts, especially near

residential development.
Staff will research utility
substation design standards and
provide recommendations to
minimize the impact on adjacent
residential districts and uses
while also assessing impacts on
existing substations.
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1 Harrison Street SE, P.O. Box 7000, Leesburg, VA 20177-7000
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Attachment 3
FROM: Jason Hobbie, County Attorney's Office
Leo P. Rogers, County Attorney
TO: Board of Supervisors
DISTRICT: Countywide
DATE: September 2, 2025
This memorandum is being provided in response to a motion approved (4-0-1, Randall absent) at the July 28, 2025, Transportation and Land Use Committee (TLUC) meeting that requested information from staff regarding condominiums. The topic of condominiums came up during TLUC's discussion of CPAM-2025-0001 and ZOAM-2025-0001, Data Center Standards and Locations Phase II. The questions asked in TLUC's motion, and staff's corresponding responses, are provided below.

• What is the purpose of creating a condominium?

Condominiums are a form of ownership of property that may be beneficial for development and taxation purposes, amongst others. Condominiums allow for an underlying parcel to be separated into physically (i.e., horizontally and vertically) definable and delineated areas of land and airspace without actually subdividing the underlying parcel, and each such area may be individually (i.e., a unit) or jointly (i.e., a common element) owned. Such vertical separation of ownership and designation of different areas within a parcel as individually or jointly owned are not possible under traditional subdivision law or traditional forms of joint ownership. While subdivision law allows for the horizontal separation of ownership of a parcel, subdivision law achieves such separation by the creation of new parcels and does not deal with separating a single parcel into areas of different ownership. Traditional forms of joint ownership, such as Tenancy in Common or Joint Tenancy, only address how multiple owners may collectively share title to an entire parcel, and do not contemplate the individual and/or joint ownership of separate areas within a single parcel.

• What is the process for establishing a condominium?

Condominiums are governed by the Virginia Condominium Act (Act), codified as Section 55.1-1900 et seq. of the Code of Virginia (VA Code). The minimum requirement for creating a condominium under the Act is the recordation of condominium instruments, which must include a declaration, bylaws, and a plat or plan, among the land records of Loudoun County, Virginia. Additional requirements may apply depending on whether the condominium is residential or commercial in nature, and whether common elements are provided.
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Under the Act, the County cannot require further review or approval to record condominium instruments when a development previously complied with the County's subdivision, site plan, zoning, or other applicable land use regulations. The plat or plan required as part of the condominium instruments has to meet VA Code §§ 55.1-1920.A and B, but requirements therein only refer to items such as location and dimensions of the condominium units with no reference to compliance with land use regulations. The Act does not require nor authorize the condominium instruments to be reviewed by the County or by Clerk of the Circuit Court prior to recordation. At the State level, the Act only provides for minimal oversight by the Common Interest Community Board for condominium developments with more than 3 residential units.

• How does condominium ownership interact with County ordinances?

In the taxation context, condominiums allow for different areas of a single undivided parcel (i.e. the units) to be separately taxed and owned. VA Code § 55.1-1903 provides that each condominium unit constitutes a separate parcel of real estate, which shall be separately assessed and taxed.

In the land use context, because a development being made subject to a condominium must have complied previously with the County's subdivision, site plan, zoning, or other applicable land use regulations1, theoretically condominium ownership of a development should not cause issues with the County's development ordinances. The County's subdivision plat and site plan review processes ensure that a parcel's development is in compliance with the Zoning Ordinance and other applicable development ordinances. And, as long as such compliance is achieved, how a condominium may be used to subsequently separate the development into different areas of ownership generally should not matter.

• How does condominium ownership impact the land development process?

Despite what is stated above, certain impacts on the land development process caused by condominiums have begun to emerge. Such impacts primarily result from the Act's failure to provide oversight authority to the County or Clerk of the Circuit Court over the recordation of condominium instruments and their subsequent amendments, and differing interpretations between the County and private attorneys, and even amongst private attorneys themselves, as to what is permissible for condominiums under the Act. The lack

of oversight puts the County in a position of having to react to recorded condominiums that are in violation of development ordinances, where non-compliant portions of the condominium already may have been sold to new owners. Impacts detected by County staff include, without limitation, the following:

• Difficulty tracking and identifying condominium units and underlying parcels in County records (i.e., Parcel Identification Number (PIN) assignment, mapping in WebLOGIS), primarily

1 VA Code § 55.1-1905 states in relevant part as follows:

". . . no local government may require further review or approval to record condominium instruments when a property has previously complied with subdivision, site plan, zoning or other applicable land use regulations."

3

resulting from constantly evolving and inconsistent condominium identification practices amongst private attorneys, surveyors, and engineers.

• Certain development ordinance regulations (e.g., Floor Area Ratio, Lot Coverage, Density) are calculated based on the underlying parcel's total area. Such regulations become difficult to monitor and enforce when the condominium units in a condominium, and its underlying parcel(s), cannot be identified easily by County records or mapping. Or, when developers argue that plats and site plans are submitted to the County for review should be based solely on the area of an individual condominium unit and should not have to account for previously approved development on other units within the same condominium (i.e., located on the same underlying parcel).

• The use of condominiums (both unintentionally and intentionally) to create areas of land under individual ownership that have not been fully submitted to the condominium and otherwise could not have been created under the County's development ordinances. Such areas of land are of unknown status - i.e., such areas cannot be parcels because they do not comply with the County's development ordinances and cannot be condominium units because they never were fully subjected to the condominium instruments.

• Condominium instruments have been recorded for development that does not comply with the County's development ordinances and is not permitted regardless of form of ownership. Recently, a condominium was used to attempt to separate a parcel that could not be subdivided further into different areas of ownership (i.e., units) so that an accessory dwelling (and some surrounding land area) could be conveyed to someone other than the owner of the principal dwelling. At a minimum, such a condominium is in violation of development ordinance regulations regarding subdivision approval, minimum lot size, maximum density, and accessory uses having to be under the same ownership as the principal use.

To address these and other issues related to condominiums in the County, a taskforce has been created with staff from the County Attorney's Office, Department of Planning and Zoning, Department of Building and Development, Commissioner of the Revenue, and Office of Mapping and Geographic Information.

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where

the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Natalie Friend
natalie.grantham.friend@gmail.com

From: "Hilary Glazer" <tylenolfairy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 23:48:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Hilary Glazer
1495 Silas Kanawha 2 Mile Rd Charleston, WV 25312-7479
tylenolfairy@yahoo.com

From: "Deb Bishop" <bishop@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 12:39:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Deb Bishop
533 OURS FARM Rd Moorefield, WV 26836
bishop@hardynet.com

From: "nark tabbert" <mtabbert15@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:33:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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Thank you for the opportunity to provide this comment.

Sincerely,
mr nark tabbert
840 Lower Chester Rd Charleston, WV 25302-2806
mtabbert15@gmail.com

From: "Rachael Meads" <RachaelMeads@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:01:13 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Rachael Meads
RachaelMeads@gmail.com

From: "Matthew snyder" <mattsnyder65@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:10:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Matthew snyder
307 Clark St New Martinsville, WV 26155-1229
mattsnyder65@gmail.com

From: "Michael Doble" <michaelfdoble@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:15:05 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Michael Doble
12203 Knightsbridge Dr Woodbridge, VA 22192-5150
michaelfdoble@gmail.com

From: "Pamela Cubberly" <pscubberly@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:20:22 -0500

Importance: Normal

Dear Garner Marks,

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Pamela Cubberly
245 Allison St Morgantown, WV 26501-7516
pscubberly@icloud.com

From: "Frances Allen" <fpallen@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 13:51:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Frances Allen
246 Sunset Blvd Parkersburg, WV 26101-7656
fpallen@juno.com

From: "Emma Durham" <efdurham1@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:31:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Emma Durham
20 Chasewood Ln Morgantown, WV 26508-3506
efdurham1@gmail.com

From: "Julia Ivey" <rattler-cornets.9u@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:25:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
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Thank you for the opportunity to provide this comment.

Sincerely,
Julia Ivey
990 Irwin St Morgantown, WV 26505-2866
rattler-cornets.9u@icloud.com

From: "Michael Chalmers" <michaelchalmers1@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Cc: bill.ridenour@wvhouse.gov, patricia.rucker@wvsenate.gov, jason.barrett@wvsenate.gov, chris.anders@wvhouse.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov
Subject: Public Comment on HB2014 (Data Center / Microgrid Bill)
Date: Mon, 08 Dec 2025 17:12:14 -0500
Importance: Normal

Dear Mr. Marks,

I am writing to comment on HB2014, the proposed Data Center or Microgrid Bill, and to urge careful consideration of its long-term impact on Jefferson County and the state of West Virginia as a whole.

This bill would allow large-scale data centers to consume vast amounts of groundwater without any meaningful protection for existing wells, springs, or aquifers. In a region defined by karst geology, where water flows unpredictably underground between communities, this lack of safeguards risks drying up residential wells and those relied upon for agricultural use. Water is the foundation of life, public health, and economic stability — yet it appears to be missing from the center of this conversation.

The bill also proposes to move forward under "emergency rules," though no emergency currently exists to justify bypassing public oversight. It would eliminate public comment and reduce notification requirements, meaning communities might not even learn of a proposed project until construction is already underway. For Jefferson County — a place with both historic significance and fragile environmental systems — such a process undermines public trust and local autonomy.

In addition, the provision allowing for "microgrid districts" that are merely "nearly contiguous" opens the door for developments to stretch from one end of the county to the other without cohesive planning. This could fragment communities, strain infrastructure, and erode the unique rural character that defines this area. The absence of protections for historic landmarks only compounds the risk.

At its heart, this bill raises deeper questions:
• When do we begin asking the right questions about the future of Jefferson County and the Mountain State?
• Why are the lowest-hanging, and often most destructive, economic ideas the ones most quickly adopted — while more sustainable, forward-thinking alternatives rarely see the same momentum?
• Why is everything painted with the same brush, with little recognition of regional differences, water systems, or ecological vulnerabilities?

West Virginia deserves economic development that fits its geography, honors its history, and sustains its future — not policies that trade irreplaceable natural resources for short-term gain. The most valuable resource we have is water. Without it, data centers — and the communities meant to benefit from them — cannot function.

I urge the Department of Commerce and state leadership to reconsider the bill's emergency status, restore opportunities for public input, and ensure that water protections and historic preservation are at the forefront of any data center legislation moving forward.

Ultimately, what's the point of calling anything 'progress,' if it's done without true consideration for nuance and the long-term health of a place, and the people in it?

I imagine that's not actually called progress, but rather, profit. And there's seldom been any worthwhile examples of where profit over people & place actually led to sustained success for anyone.

It simply isn't an equation built for success.

Respectfully,

Michael Chalmers

Shepherdstown, WV

From: "Taylor Hodges" <Tayhodges@msn.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:13:34 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Taylor Hodges

--
Taylor Hodges
Tayhodges@msn.com

From: "Ann Martin" <amartin135@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 08:25:16 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Ann Martin
amartin135@gmail.com

From: "Tamatha Cheke" <cheke.tammy@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:31:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Tamatha Cheke
1724 Left Fork Cooper Ridge Rd Milton, WV 25541-6973
cheke.tammy@gmail.com

From: "E Temple" <Lizettelobner@Hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Mon, 01 Dec 2025 07:47:03 -0500

Importance: Normal

Please find below my comments on the Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources. Please add the following language.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with installation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision).

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course

(creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.
PLEASE do not make Jefferson County another Loudon County!
Sincerely,

--
E Temple
Lizettelobner@Hotmail.com

From: "Keith Wade" <caddisflyjkw@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 14:33:07 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Keith Wade
214 White Island Rd Fairmont, WV 26554-7924
caddisflyjkw@aol.com

From: "Kae Long" <katewv7777@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 12:05:38 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

The rule, as proposed, mocks our state motto, "Mountaineers are always free." We cannot be free if major industrial plants can move into our neighborhoods without disclosing:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

The data centers are determined to hide the answers to those questions. Why?Applicants should provide data on the economic viability of the energy source of the microgrid and explain why the stock feed is most cost-effective for the company and public. We, the rate-payers, will pay for it, so we should know about and be able to object to the impact to local and state utility costs. Otherwise, we are close to taxation without representation.

The rule currently contains no checks or balances, no public comment or plan to incorporate public input meaningfully. It also does not allow independent review by qualified engineers, economists, or environmental impact assessments.

Please add a section to require public notice and comment, and opportunities for appeal.
And please host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kae Long
18 Arlington Ct Charleston, WV 25301-1802
katewv7777@gmail.com

From: "Rhonda Jackson" <bessingwayfarm64@gmai.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 05:49:20 -0500

Importance: Normal

As a farm owner in Jefferson County that relies on the natural resources of our county I am asking you to please consider the following comments...
Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

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3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Rhonda Jackson
bessingwayfarm64@gmai.com

From: "Kellie Hoffman" <klynnhof17@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 17:04:53 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Kellie Hoffman
4 Meadowlark Ln Ona, WV 25545-9693
klynnhof17@gmail.com

From: "Kennedy Blovat" <kennedyblovat505@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:11:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kennedy Blovat
2756 Russell Rd Green Cove Springs, FL 32043-9494
kennedyblovat505@gmail.com

From: "M Soulat" <mclem18@icloud.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 21:15:05 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
M Soulat
mclem18@icloud.com

From: "brat24@verizon.net" <brat24@verizon.net>
To: "Garner.Marks@WV.gov" <Garner.Marks@WV.gov>
Subject: Data centers permits
Date: Mon, 08 Dec 2025 21:20:26 -0500
Importance: Normal

Dear General Consul

The permit process for the building of data centers and the connected microgrids must be open and transparent.

The applicants must provide detailed information regarding environmental and community impacts from these centers. In the past important information has been redacted from previous permit applications. Trade secrets should not be allowed to be used as an excuse to hide important information.

The local community should be involved in the permit processing. They should be able to benefit from the building of these data centers.

Thank You
Bill Bisset
Maxwelton, WV

From: "George Bourlotos" <gb191919gb@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 03:34:58 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. George Bourlotos
49 Flanders Bartley Rd Flanders, NJ 07836-4735
gb191919gb@gmail.com

From: "Dorothy Crawford" <dorothymariec76@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 10:56:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Dorothy Crawford
dorothymariec76@gmail.com

From: "Kyra Wilson" <kyrawilso03@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:54:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I am a student who was lived in West Virginia my entire life and would hate to see our administration overlook regulations that require companies to be honest with us.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Kyra Wilson
8 Whispering Pines Ln Huntington, WV 25704-9004
kyrawilso03@gmail.com

From: "Kaitlyn Williston" <kaitlyn.n.noe@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:40:45 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Kaitlyn Williston
1916 Constitution Dr Fairmont, WV 26554-8527
kaitlyn.n.noe@gmail.com

From: "Emily Carlson" <emilynicholle@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 10:27:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Emily Carlson
342 2nd St Davis, WV 26260
emilynicholle@proton.me

From: "Cody Woodring" <codywoodring@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 07:39:14 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
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I, also, request that the department host a public hearing on this rules package.

Only a coward would fail to defend the land of West Virginia.

Thank you for the opportunity to provide this comment.

Sincerely,
Cody Woodring
443 Van Gilder St Morgantown, WV 26505-3728
codywoodring@gmail.com

From: "Jordan Liskey" <Jnliskey@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:54:39 -0500

Importance: Normal

Please protect ground water for farming!

Thank you!

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Jordan Liskey
Jnliskey@gmail.com

From: "Karen Anderson" <Suntekgirl@excite.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 16:40:47 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,
Karen Anderson

--
Karen Anderson
Suntekgirl@excite.com

From: "Heather Cheshire" <hmcheshire@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 20:15:37 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Heather Cheshire
hmcheshire@gmail.com

From: "Lois Ludwig" <wvhiker@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:35:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lois Ludwig
5373 Koontz Dr Cross Lanes, WV 25313-1044
wvhiker@suddenlink.net

From: "Paul Liskey" <Pliskey47@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 22:59:42 -0500

Importance: Normal

I enjoy hunting and walking in nature. Please protect ground water for WV wildlife. And, stop the construction that is destroying their habitat.

Thank you!

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

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Paul Liskey
Pliskey47@gmail.com

From: "Billie Dunn-Fenwick" <camwefly@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:27:49 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Billie Dunn-Fenwick
camwefly@gmail.com

From: "Lauren Luci" <lnluci11@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 23:01:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

No dirty data centers in West Virginia! From a concerned citizen of Monongalia County. I do not trust anything that comes from the big tech industry. More transparency, please! Redact the redactions!

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Lauren Luci
103 Friend Dr Morgantown, WV 26508-6245
lnluci11@gmail.com

From: "Charlene Herring" <rosebudswv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 19:39:54 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
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Thank you for the opportunity to provide this comment.

Sincerely,
Charlene Herring
1366 Cemetery Hill Dr Elkview, WV 25071-7962
rosebudswv@yahoo.com

From: "Miranda Brunett" <mirandajo@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 16:20:04 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Miranda Brunett
mirandajo@gmail.com

From: "Tiffany Bailey" <luffans@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:59:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Tiffany Bailey
1711 Woodbine Ave Charleston, WV 25302-4056
luffans@hotmail.com

From: "Seth Richardson" <sethrich@gmail.com>
To: garner.marks@wv.gov, randy.smith@wvsenate.gov
Subject: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER.
Date: Tue, 09 Dec 2025 11:42:48 -0500
Importance: Normal

Gentlemen,

Please accept the following concerning the rules that are subject to public comment.

I am a resident of West Virgina and have deep concerns about the harm that could occur to local communities, our natural environment and outdoor recreation. All are tremendous industries in our state. My comments are as follows:

1. Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules that requires public notice and comment, and opportunities for appeal.**
2. Amend the Confidentiality provisions (Section 15) **to require a public filing in addition to the Confidential Business Information filing**. The proposed rule goes well beyond the language of HB 2014. HB 2014 allows information that the applicant identifies as CBI to be kept confidential but does not require ALL information to be kept confidential.
3. Because HB 2014 pre-empts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to require the petitioner to disclose**:

- Assurances that that the local governments, citizens and ratepayers are protected against stranded costs from infrastructure upgrades (e.g., grid, roads, water, sewer, etc.) should the project not be completed as planned, and assurances that the ratepayers and taxpayers are not subject to increased rates and taxes that subsidize these projects,
- The amount of air pollution, including criteria pollutants, hazardous air pollutants, and greenhouse gases, that are anticipated,
- Whether renewables, and battery storage are feasible for some or all of the anticipated power needs,
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams,
- Anticipated noise levels at the fence line
- Anticipated traffic volumes and use of local roads
- Anticipated workforce, job types, and operating schedule
- Safety policies, and the petitioner's safety record, including any OSHA recordable events.
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations,
- Anticipated impacts on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

From: "pam rowley" <pamelakrowley@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:54:39 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
pam rowley
pamelakrowley@gmail.com

From: "Kimberly Smith" <Smithk1025@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 17:09:06 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

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3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Kimberly Smith
Smithk1025@gmail.com

From: "John Tavenner" <jtavenner@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Tue, 09 Dec 2025 12:49:02 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

- The rules need transparency with a structured, open, public process. Before final approval, residents deserve notice, and the ability to appeal decisions that affect their communities.
- Applications should be made public so residents can see the basic facts about what's being proposed.
- These processes need clear standards and independent evaluations, so decisions are made based on transparent and consistent criteria.
- Before approval of any application, the rules should require an independent review for environmental impact by specialists, including qualified engineers and economists.
- Applicants should be required to disclose all basic environmental and community impacts. The state is the only reviewer, as local governments are blocked from regulating these facilities. That makes it even more important for full disclosure about essential features — expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts.
- Applicants should be required to assess and disclose whether renewables and battery storage are feasible for some or all anticipated power needs.
- Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.

- To protect everyday West Virginians from higher electric bills, data centers should cover the full cost of their electricity use and any grid updates they require.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,

John Tavenner, Berkeley County, Martinsburg

From: "Anna Rusk" <annadrusk@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Data centers in West Virginia
Date: Tue, 02 Dec 2025 21:30:18 -0500
Importance: Normal

Dear A. Garner Marks & The Department of Commerce, State of West Virginia:

I am writing to formally oppose the proposed legislative rule "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20) and to strongly object the advancement of any high-impact data center or microgrid district operations in West Virginia.

I am writing this comment with the Fundamental Data Ridgeline Project in Tucker County in mind, as the development of this project would result in deadly impacts for the residents of Thomas, WV, Davis, WV and wider Tucker County. The advancements of this project and those similar to it are objectively inhumane and unacceptable.

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require. High-impact data centers present major risks that are not yet studied or addressed by any governing entity, and therefore should not be moved forward.

There is no requirement for environmental impact studies, ecological assessments, or ongoing monitoring. Data centers and microgrid districts of this scale pose significant threats to the forests, rivers, wildlife habitats, and rural landscapes they surround. These natural areas are among the state's most valuable assets - economically, culturally, and ecologically - and allowing developments like these is a direct attack on the people of West Virginia. The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential." This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust in and respect of all institutions involved.

I respectfully request 1) the rejection of the proposed rule in its current form; and 2) a moratorium or permanent end to high-impact data center and microgrid district certifications without holding truth to comprehensive environmental, community, and transparency protections that are developed with full community input.

Sincerely,
Anna Rusk

From: "Daniel Moore" <dm5700787@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 21:35:12 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Daniel Moore
686 Posy Hill Rd Lost City, WV 26810-8536
dm5700787@gmail.com

From: "nancy guile" <erhtr@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 10:54:21 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
nancy guile
309 Greenville School Rd Greenville, WV 24945-1109
erhtr@yahoo.com

From: "Mary Lickert" <mar3356@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 10:16:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Citizens are under assault from imposed data center installations. We need answers! Why are so many needed now? Why aren't they sized down and divided? Why are we forced to subsidize them with higher utility rates? Are we already paying for those in Virginia? You can't claim any fair governance and stick us with monster operators. They don't add many jobs, so what's the payoff? As it is right now, we have cyber fascism.

Applications better be required to disclose more about their anticipated environmental impacts, including:

- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs must prioritize rate-payers.

The rules must implement more opportunities for public input, disclosure, and accountability. The rule currently contains NO checks or balances, NO public comment or plan to incorporate this public input meaningfully, NO provision for independent review by qualified engineers, economists, or environmental impact assessments. You must add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host public hearings on this rules package. This is a MUST! Again, the centers should be divided and sized down. Why are they necessary and such a colossal burden to communities? Why are we forced to subsidize them?

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Mary Lickert
1002 Lee St E Charleston, WV 25323-5001
mar3356@citynet.net

From: "Georgia Cullum" <georgialevathes@frontiernet.net>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:25:23 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Georgia Cullum
georgialevathes@frontiernet.net

From: "Megan Ross" <meg.e.ross@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 21:56:01 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Megan Ross
589 Stricker Ln Clendenin, WV 25045-5227
meg.e.ross@gmail.com

From: "Betsy Orndoff-Sayers" <betsy.orndoff.sayers@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:46:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.
The DEP should not be allowed to permit a use that has not gone through the local permitting process. Counties & municipalities that having zoning & comprehensive plans in place should not be OVERRIDDEN by the Legislature or the Governor. We need to fix the lack of infrastructure across the state. Clean water & functioning utilities are a MUST.

Thank you for the opportunity to provide this comment.

Sincerely,
Betsy Orndoff-Sayers
105 W Main St Wardensville, WV 26851-4009
betsy.orndoff.sayers@gmail.com

From: "Kelley Sills" <k.sandell.sills@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 19:16:42 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I believe that applicants should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms Kelley Sills
378 Earthwind Rd Greenville, WV 24945
k.sandell.sills@gmail.com

From: "Deborah Rochefort" <ballata@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 15:53:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers. I

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. we need a section to require public notice and comment, and opportunities for appeal. It is un-American and deeply unfair that we, the local people do not have a say in these matters.

I also request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Dr. Deborah Rochefort
310 Karen Ln Shenandoah Junction, WV 25442-4659
ballata@comcast.net

From: "Jon Carnill" <jcarnill007@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 15:16:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Jon Carnill
3304 Briar Creek Ln Ammon, ID 83406-5206
jcarnill007@gmail.com

From: "Shiela Ramsey" <ramsey.shiela@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 20:19:41 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Shiela Ramsey
11481 W 45th Pl Wheat Ridge, CO 80033-2566
ramsey.shiela@gmail.com

From: "Marti Jefferson" <martijojefferson@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 06:51:03 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Marti Jefferson
7830 Appalachian Hwy Davis, WV 26260-8065
martijojefferson@gmail.com

From: "Theresa Taylor" <theresat1958@yahoo.com>
To: "GARNER.MARKS@WV.gov" <GARNER.MARKS@WV.gov>
Subject: House Bill 2014
Date: Tue, 09 Dec 2025 12:38:53 -0500
Importance: Normal

POWER GENERATION AND CONSUMPTION ACT OF 2025

I, Theresa F. Taylor do hereby require the State of West Virginia elected officials to review passage of the Power Generation & Consumption Act also known as House Bill 2014. This Bill is in reference to Microgrids and Data Centers Construction in West Virginia.

Governor Morrissey's action of introducing the bill past the halfway point (March 18) of the 2025 legislative session sees many residents and voters of West Virginia holding his actions in question. There was a very short window to translate no less submit changes to Governor Morrissey's bill in the House. The House changes were submitted and with pressure from Governor Morrissey's Office, passed. The West Virginia Senate had little time to allow for changes (which they submitted) and again with pressure from Governor Morrissey himself (according to staff members and their assistants) was passed.

We demand an independent impact study conducted. The results with plain language (readable & understandable) used in a detailed report listing among the concerning issues:

Local government and the surrounding community must have a say in their future. Up to 3 & ½ square miles facility incorporating into a community is very disruptive. Local control of zoning ordinances and other regulatory processes is a necessity. These Centers have a responsibility to participate in highway maintenance, emergency management and public safety as well as services.

The Bill requires Coal-Fired Power Plants to operate at a 69% capacity factor. At present no WV plant achieves this level-thus the raising electric rates **(costs)** for residents of the area where any construction and/or development is allowed.

Environmental- Air Quality, Noise Pollution, Water Usage

An example: A Virginia Data Center already in place reports daily use in excess of 1,000,000 (1 million!) gallons of water. Also reporting constant noise and concerning levels of air pollution.

West Virginians deserve our elected officials to clean up House Bill 2014 prior to any "deal" being considered for finalizing. The Public Comment period ending Wednesday December 10 was not only too short, it was little known.

Name: Theresa F. Taylor
Address 155 Tom Cobert Lane, Berkeley Springs WV 25411

From: "Joanne Bario" <joannebario@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:12:57 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Joanne Bario
joannebario@gmail.com

From: "Ronald Keaton" <keaton0202@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:33:13 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Ronald Keaton
keaton0202@gmail.com

From: "Miranda Cain" <miranda.cain24@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Fundamental Data Ridgeline Project in Tucker County
Date: Mon, 01 Dec 2025 15:19:54 -0500
Importance: Normal

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1 December, 2025

Dear A. Garner Marks & The Department of Commerce, State of West Virginia:

I am writing to formally oppose the proposed legislative rule “RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER” (Title 145, Series 20) and to strongly object the advancement of any high-impact data center or microgrid district operations in West Virginia.

I am writing this comment with the Fundamental Data Ridgeline Project in Tucker County in mind, as the development of this project would result in deadly impacts for the residents of Thomas, WV, Davis, WV and wider Tucker County. The advancements of this project and those similar to it are objectively inhumane and unacceptable.

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require. High-impact data centers present major risks that are not yet studied or addressed by any governing entity, and therefore should not be moved forward.

There is no requirement for environmental impact studies, ecological assessments, or ongoing monitoring. Data centers and microgrid districts of this scale pose significant threats to the forests, rivers, wildlife habitats, and rural landscapes they surround. These natural areas are among the state’s most valuable assets- economically, culturally, and ecologically, and allowing developments like these is a direct attack on the people of West Virginia. The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

Section 15 states that all Letters of Intent and Petitions “shall be deemed confidential.” This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust in and respect of all institutions involved.

I respectfully request 1) the rejection of the proposed rule in its current form; and 2) a moratorium or permanent end to high-impact data center and microgrid district certifications without holding truth to comprehensive environmental, community, and transparency protections that are developed with full community input.

Sincerely,

Miranda Cain

From: "Chris Lucarelli" <evolsno1@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 04:42:16 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

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I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Chris Lucarelli
evolsno1@gmail.com

From: "Janet Keating" <keatingjanet49@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:26:25 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Help restore democracy and local control. No one understands a communities' concerns like the people who lead our towns, cities, and counties. It's undemocratic to take away the ability for any local and county governments to decide the impacts of an industry on their communities, whether its water usage (quantity and quality), pollution (of water and air), noise, traffic, lights, etc.

And, to add insult to injury, the communities where DEP is permitting and siting these data centers, only receive a small percentage of the financial benefit. That's just not fair, expecting communities to bare all the hardships and receive few (if any) of the benefits.

Have all necessary reviews been conducted regarding potential impacts on threatened and endangered species? Are these part of the public record?

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Janet Keating
PO Box 344 Lesage, WV 25537-0344
keatingjanet49@gmail.com

From: "Christopher Diserio" <diseriochristopher8@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 14:11:50 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

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The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Christopher Diserio
1007 Hite Cir Fairmont, WV 26554-9398
diseriochristopher8@gmail.com

From: "John Henry Dale" <johnhenrydale@gmail.com>
To: "Garner.Marks@wv.gov" <Garner.Marks@wv.gov>
Subject: Proposed additions to HB2014 / Certified Microgrid Development Program
Date: Wed, 10 Dec 2025 07:22:54 -0500
Importance: Normal

Hello Mr Marks,
My name is John Henry Dale. I'm a current and lifelong Jefferson County WV resident and serve on the Jefferson County Historic Landmarks Commission. I have the following proposed amendments to HB2014 that I would like to be considered in the upcoming legislative session.

Thank you for your time and consideration of my proposed changes to this bill.

Best Regards,
John Henry Dale

DRAFT BILL / AMENDMENT FOR HB 2014: "Local Protection and Community Oversight Amendment Act of 2025"
Purpose: To restore limited but essential local authority related to environmental protection, water usage, noise and nuisance mitigation, emergency-services coordination, and transparency requirements for certified microgrid districts and high-impact data centers, while maintaining the economic-development goals of HB 2014.
———
SECTION-BY-SECTION DRAFT
———
SECTION 1 — Legislative Findings
The Legislature finds that:
1. HB 2014 provides statewide economic development mechanisms for microgrid and data-center projects but unintentionally removes essential local protections for public health, safety, environmental stewardship, and community planning.
2. Counties and municipalities bear the infrastructure and emergency-service burdens created by large-scale data-center operations yet lack sufficient authority to mitigate or manage those burdens.
3. It is the policy of the State of West Virginia to balance economic opportunity with the protection of local communities, water sources, public services, and the natural environment.
4. Limited restoration of local authority is necessary to ensure responsible development and prevent adverse impacts on residents, businesses, and county resources.
———
SECTION 2 — Definitions
Amend §15B-XX-XX by adding the following:
1. "Local Impact Safeguard" means a county or municipal regulation limited to environmental protection, noise mitigation, emergency-services coordination, traffic management, water-usage limits, public-health standards, and transparency in project operations.
2. "Community Mitigation Agreement (CMA)" means a binding agreement between a certified microgrid district or high-impact data-center operator and the affected county/municipality for the purpose of addressing local impacts and service demands.
———
SECTION 3 — Restoration of Limited Local Authority
Add a new subsection to §15B-XX-XX:
(a) Notwithstanding any language in HB 2014 to the contrary, counties and municipalities shall retain authority to adopt and enforce Local Impact Safeguards, provided such safeguards:
1. Do not regulate land use, zoning classification, siting location, or construction authorization already granted

by certification;
2. Are narrowly tailored to protect public health, safety, and local environmental resources;
3. Apply equally to comparable industrial or energy-intensive facilities; and
4. Do not impose operational restrictions that would prevent the basic function of a certified microgrid or high-impact data center.
(b) Local Impact Safeguards may include, but are not limited to:
1. Noise limits, including nighttime decibel caps and requirements for sound-dampening structures;
2. Water-usage regulations, requiring disclosure of daily/annual water draw and limiting usage in periods of drought or supply stress;
3. Environmental monitoring, including groundwater testing, stormwater controls, and air-quality oversight;
4. Light-pollution mitigation, requiring shielding and directionality of nighttime illumination;
5. Traffic and road-use management, including truck-route limitations and repair-cost agreements;
6. Emergency-services agreements, including cost-sharing for fire, EMS, and hazardous-response capabilities.

SECTION 4 — Community Mitigation Agreements (Mandatory)
Add a new section:
(a) Before final certification becomes effective, each data-center or microgrid developer shall enter into a Community Mitigation Agreement (CMA) with each affected county and municipality.
The CMA shall include:
1. A local emergency-services support plan (staffing, training, cost-sharing);
2. A road-maintenance and traffic-impact plan;
3. A water-usage disclosure and conservation plan;
4. An environmental-monitoring plan (annual independent audits paid by the developer);
5. A local-hire preference policy (non-binding but encouraged);
6. A community-benefit payment or infrastructure contribution negotiated with the county.
(b) The Department of Commerce shall not issue final certification unless the CMA is filed with the county commission and municipal governing body.

SECTION 5 — Transparency and Public Notice
Amend HB 2014 to include:
1. Developers must hold at least two public hearings in the affected county before certification approval.
2. Developers must disclose:
• Expected energy consumption,
• Anticipated generation capacity of associated microgrid,
• Water sourcing plans,
• Noise-level studies,
• Environmental impact summaries.
3. All materials must be posted publicly online by the Department of Commerce.

SECTION 6 — Environmental & Public-Health Protections Not Preempted
Explicitly state:
Nothing in HB 2014 shall be construed to preempt or supersede:
• State or federal environmental law,
• Water-quality or water-rights regulations,
• Public-health statutes,
• Emergency-services requirements,
• Fire-code compliance.

SECTION 7 — Revenue-Sharing Review Clause
Require:
1. A biennial legislative review of the revenue-sharing formula between the state and counties.
2. A report on whether local tax distributions adequately cover county burden for:
• Roads,

• Water infrastructure,
• EMS/fire,
• Environmental oversight.
3. Authority for the Legislature to adjust the revenue-sharing formula accordingly.

——

SECTION 8 — Sunset Clause on Preemption
Add: Unless reauthorized by the Legislature, all preemption provisions in HB 2014 shall sunset five (5) years after the effective date, allowing the Legislature to reevaluate impacts and reconsider local authority.

John-Henry Dale
Mobile: 503-830-8917
http://linkedin.com/in/johnhenrydale

From: "Christian Lotze" <Chrislotze@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 15:47:22 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely, Chris and Evie Lotze, Roxley Farms LLC

--
Christian Lotze
Chrislotze@gmail.com

From: "Teri Stone" <auntttstone@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sun, 07 Dec 2025 04:45:02 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Teri Stone
305 Ruffner Ave Charleston, WV 25311-2503
auntttstone@gmail.com

From: "Chris Tandy" <chris@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 08:04:14 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Oversight and regulation of data centers is needed. Over in VA it's become a total mess. Don't make the same mistakes.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Chris Tandy
43607 Mcdowell Sq Leesburg, VA 20176-6529
chris@christandy.net

From: "Roberr Burlett" <Abcburlett@frontier.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Thu, 11 Dec 2025 15:32:11 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

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4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Roberr Burlett
Abcburlett@frontier.com

From: "Laura Deveny" <laura.deveny@yahoo.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: Public Comment on Proposed Rule 145CSR20 (Certified Microgrid Development Program)
Date: Tue, 09 Dec 2025 17:01:39 -0500
Importance: Normal

Dear Mr. Marks,

I am a West Virginia resident concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, taking away authority from communities that will have to live with the consequences.

As written, these rules will remove the public from the process, deny them access to what is being proposed, their ability to make their voices heard, or protect their communities from negative consequences.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.

Sincerely,

Laura Deveny

Cabell County

Huntington

From: "Annabeth Tucker" <annabethtucker6@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 15:05:55 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Annabeth Tucker
324 Mcshanes Landing Ln Shepherdstown, WV 25443-5049
annabethtucker6@gmail.com

From: "Emily Pelland" <emilypelland@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:47:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Emily Pelland
8650 Willow Run Rd Windsor Mill, MD 21244-1053
emilypelland@gmail.com

From: "Quenton King" <quentonking@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 16:07:44 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
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Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Quenton King
1593 Jackson St Charleston, WV 25311-2034
quentonking@gmail.com

From: "Audrey Higbee" <greendolphin@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 20:54:16 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Audrey Higbee
59 -634 Akanoho Pl Haleiwa, HI 96712-9503
greendolphin@gogtt.net

From: "Debora Mattingly" <deboramattingly@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 10:17:40 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Debora Mattingly
898 Sherwood Rd Charleston, WV 25314-1852
deboramattingly@yahoo.com

From: "Rachel Tripp" <rtripp10@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Regarding Microgrids & Data Centers
Date: Tue, 02 Dec 2025 12:48:19 -0500
Importance: Normal

Dear Mr. A. Garner Marks and Department of Commerce, State of West Virginia:

I am writing to formally oppose the proposed legislative rule "RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER" (Title 145, Series 20). As written, it does not provide financial or operational guardrails, it opens the state of West Virginia to unqualified participants and ultimately does not help to provide "transformative positive economic impact".

While the stated purpose of the rule is to effectuate House Bill 2014 and to streamline certification processes, the rule as written fails to provide the scrutiny, public protections, and oversight that such massive, resource-intensive developments require.

The rule does not require any meaningful public engagement, local government input, health and safety protections, or community impact assessments. The residents who would live next to these projects have no guaranteed voice in the process, yet their safety and livelihood will be gravely impacted.

My specific concerns are following:

- The table in Section D (p. 3 of 9) MUST include a revenue estimate. It is not only a fiscal detail required in the table, but more importantly, a well-publicized objective of HB 2014. The explanation in Section E (p. 3 of 9) provided in lieu of an estimate is UNACCEPTABLE. In essence, you are asking to approve something for which the state did not even create a basic financial model.

- Financial capacity of a petitioner is not enough: Section 4.1.6.3 needs to be amended by adding "evidence of Petitioner's organizational competency to complete the project of this size and complexity".

- Section 15 states that all Letters of Intent and Petitions "shall be deemed confidential." This means that even basic information about proposed developments like location, size, energy demand, and potential impacts (or whether these analyses even take place) would be hidden from the public. For projects that will directly impact the public, especially those of this magnitude, secrecy is inappropriate and erodes public trust and respect for all institutions involved.

I respectfully request the rejection of the proposed rule in its current form.

From: "Joshua Webber" <jwebber103191@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 15:06:12 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Joshua Webber
jwebber103191@gmail.com

From: "Laurie Ardison" <ikeandash@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:22:47 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Laurie Ardison
3031 Greenville, WV 24945
ikeandash@yahoo.com

From: "Tom France" <twf959@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 12:22:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr Tom France
1799 Fort Spring Pike Ronceverte, WV 24970-9796
twf959@earthlink.net

From: "Marcia Brody" <inquire@carriagesofthecapital.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 07:54:55 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. Elected representatives and the public must be permitted to participate in the rulemaking process, including extensive public input. Please remove the emergency designation.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not

within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

Marcia Brody
Kearneysville, WV

--
Marcia Brody
inquire@carriagesofthecapital.com

From: "Debra Hamilton" <dlhwva@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 13:06:43 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

I cannot keep up with the number of proposed data center sites, and I need to learn more about them but assume they create very few jobs and know they require an astronomical amount of power and water. Data centers will NOT keep West Virginia wild and wonderful.

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules need to allow more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate meaningful public input, no provision for independent review by qualified engineers, economists, or environmental impact assessments. There needs to be a section requiring public notice and comment, and opportunities for appeal.

The department also needs to host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Debra Hamilton
604 Virginia St E Charleston, WV 25301-2115
dlhwva@aol.com

From: "Dogan ozkan" <barisicindogan@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:01:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Dogan ozkan
318 NOBLE St Fairbanks, AK 99701
barisicindogan@gmail.com

From: "Ekaterina Gibiansky" <gibiansky@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Comments on Proposed Rule 145-CSR-20 (Data Center Rules)
Date: Tue, 09 Dec 2025 21:32:31 -0500
Importance: Normal

Dear Secretary,

Thank you for the opportunity to comment on proposed rule 145-CSR-20. My primary concern is that the rule, as written, provides no meaningful opportunity for West Virginians to understand, comment on, or appeal decisions that will directly impact their communities. Because HB 2014 pre-empts local authority, the Department of Commerce is now the only entity that can ensure transparency, accountability, and public protection. For that reason, the rule must be strengthened before adoption.

1. Require public notice, public comment, and limits on the Secretary's discretion.
Section 5.4 allows decisions to be made without public input, technical review, or independent evaluation. Please amend the rule to include public notice and comment, defined review standards, and opportunities for appeal.

2. Fix the overbroad confidentiality provisions.
Section 15 goes far beyond HB 2014 by making all information confidential. The rule should require two filings: a public version and a Confidential Business Information version limited to what the applicant identifies as CBI.

3. Require meaningful disclosures so communities understand potential impacts.
Amend Section 4.1.6 to require applicants to disclose air emissions, energy plans (including renewable feasibility), water use and discharges, noise, traffic, workforce needs, safety record, emergency service impacts, land-use conflicts, housing impacts, and proposed community benefits. These are basic disclosures for large industrial developments.

Additional necessary revisions include:
– Protecting existing ratepayers by requiring data centers to pay full electricity costs.
– Replacing vague terms like "sufficient information" with objective criteria.
– Requiring independent financial review rather than relying solely on applicant assurances.
– Requiring review by other agencies (change "may" to "shall").
– Requiring disclosure of electricity purchases, sales, and rates.
– Allowing affected residents and local governments to receive notice and appeal decisions.
– Removing the five-page limit, which is inadequate for technical documentation.

In its current form, the rule does not safeguard the public interest. I respectfully urge the Department to revise 145-CSR-20 to ensure transparency, independent review, and meaningful public participation.

Thank you for considering these comments.

Sincerely,

Ekaterina Gibiansky,

221 Cessna Ln,

Davis, WV, 26260

egibiansky@gmail.com

Part-time resident

From: "ADAM POLING" <adampoling13@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:59:08 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. ADAM POLING
122 S Crim Ave Belington, WV 26250-6555
adampoling13@gmail.com

From: "Olivia Durst" <oliviagrraace@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 20:55:10 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Olivia Durst
332 Oakland St Morgantown, WV 26505-4663
oliviagrraace@outlook.com

From: "Barbara Steinke" <steinagel@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 12:44:57 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Barbara Steinke
PO Box 321 Charleston, WV 25322-0321
steinagel@aol.com

From: "Maverik Thaxton" <maverikthaxtonimg@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 09:10:26 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Maverik Thaxton
120 Cornwall Ln Charleston, WV 25314-2493
maverikthaxtonimg@gmail.com

From: "Michael Klausing" <mike_klausing@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Fri, 05 Dec 2025 13:06:13 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Michael Klausing
624 Cross Lanes Dr Apt 11 Nitro, WV 25143-1156
mike_klausing@hotmail.com

From: "Stephanie Fagan" <sgraves0614@gmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Tue, 09 Dec 2025 14:13:18 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that groundwater will not be utilized for any purpose within the microgrid district if a majority the microgrid district is in karst terrain.

4.1.x. An attestation that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

4.1.x. An attestation that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)

4.1.x. An attestation that for the purposes of air emissions permitting through the WV Department of Environmental Protection or the US Environmental Protection Agency 1) all air emissions associated with the microgrid district, including any emissions from the associated high impact data center serviced by the microgrid (such as those from back-up generators), will be considered and applied for as one source; and 2) no claim of confidential business information will be made by the applicant regarding any air emission sources or air emissions.

9.1.x. Petitioner shall demonstrate that water for all uses within the High Impact Data Center will be serviced by a surface water utility where the High Impact Data Center is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the High Impact Data Center from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

9.1.x. Petitioner shall demonstrate that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

10.1.x. An attestation that groundwater will not be utilized for any purpose within the High Impact Data Center if a majority the subject property is in karst terrain.

10.1.x. An attestation that the High Impact Data Center property does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

I respectfully ask that you add these suggestions to the draft. Thank you.

Sincerely,

--
Stephanie Fagan
sgraves0614@gmail.com

From: "Vivian Stockman" <viv@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 13:57:33 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Vivian Stockman
249 Millstone Run Spencer, WV 25276-7561
viv@spectrumz.com

From: "Debra Cale" <debbiecale101@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Sat, 06 Dec 2025 11:25:11 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Ms. Debra Cale
1711 16th Ave Parkersburg, WV 26101-8500
debbiecale101@gmail.com

From: "Diane Tusing" <dtusing@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Mon, 08 Dec 2025 20:59:31 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Diane Tusing
6402 Needmore Rd Baker, WV 26801-8024
dtusing@hardynet.com

From: "Karen Trueblood" <karengtrueblood@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 12:48:27 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Karen Trueblood
108 Crab Apple Ct Capon Bridge, WV 26711
karengtrueblood@gmail.com

From: "Evelyn Sue Vail" <sealsevelyn@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:45:39 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mrs. Evelyn Sue Vail
237 Cher Bet Dr Augusta, WV 26704-1206
sealsevelyn@yahoo.com

From: "Sue Lewis" <blindwillie54@yahoo.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Subject: HB2014
Date: Wed, 10 Dec 2025 12:56:20 -0500
Importance: Normal

I'm writing as a West Virginian who is very concerned about how HB 2014 hands over almost all decision-making about data centers and microgrids to the state, while shutting out the local communities that will have to live with the consequences. If these rules move forward as written, the public will have almost no way to know what is being proposed, to weigh in, or to protect our towns from major impacts.

• The rules need real transparency and a public process. People deserve public notice, a chance to comment, and an independent review by qualified engineers, economists, or environmental impact assessments before any project is approved.
• Too much information is allowed to be kept secret. Companies should be required to submit a public version of their application so residents can see the basic facts about what's being proposed.
• The rules should require applicants to disclose basic environmental and community impacts. Since local governments are blocked from regulating these facilities, the state is the only reviewer. That means applicants should have to provide clear details about expected air emissions, water use, sources of water, and discharges, noise levels, traffic impacts, the operating schedule and workforce, emergency-service needs, safety policies and records, land-use conflicts, and whether renewables and battery storage are feasible for some or all of the anticipated power needs.
• Companies seeking waivers from local rules should be required to offer binding community benefit agreements negotiated directly with the community.
• Protect everyday West Virginians from higher electric bills. Data centers most cover the full cost of their electricity use and any grid updates they require.
• The rules need clear standards and independent evaluations, so decisions aren't made on vague or uneven criteria.
• Residents deserve notice, a chance to speak up, and the ability to appeal decisions that affect their communities.
• A short application letter is not enough information to evaluate a facility of this scale.

Because these rules will shape how communities are able to participate, or whether they can participate at all, I strongly urge you to hold a public hearing before they are finalized.

HB 2014 already limits local authority. The least the state can do is ensure that residents have transparency, a voice in the process, and real protections. I strongly urge you to revise the rules to reflect these needs.
Thank you for reading my comment.
Sue Lewis,
Beverly WV
Randolph County

Sent from my iPhone

From: "Rachelle Thorne" <rachelle.thorne@gmail.com>
To: "garner.marks@wv.gov" <garner.marks@wv.gov>
Cc: "randy.smith@wvsenate.gov" <randy.smith@wvsenate.gov>
Subject: Public Comment on Proposed Rule 145-CSR-20 (Data Center Certification Rules)
Date: Wed, 10 Dec 2025 20:23:36 -0500
Importance: Normal

Dear Mr. Herridge, Mr. Marks, and those assisting in reviewing these public comments,

I am a full-time resident of Tucker County that is concerned that the proposed data center certification rules do not give West Virginians any input on microgrid and data center development within our communities and towns regardless of whether it is near our homes and schools. I have been following this issue and am alarmed by recent state interest in taking local control and input away from important conversations and decisions such as these.

After thorough review of the proposed rule, I respectfully request all of the following:

1) Amend the rule (at section 5.4) to limit the discretion of the Secretary of Commerce. The rule currently contains no checks or balances, no public comment, no provision for independent review by qualified engineers, economists, or environmental impact assessments. **Add a section to the rules to require public notice and comment, and opportunities for appeal**.

2) Amend the Confidentiality provisions (Section 15) to **require a separate public filing as well as a Confidential Business Information filing**. The proposed rule goes well beyond the language of the HB2014 statute. HB 2014 allows information that the applicant identifies as CBI to be kept confidential, but does not require ALL information to be kept confidential.

3) Because HB 2014 preempts local controls, the Secretary of Commerce is the only review for these issues. **Amend the rules (e.g., in section 4.1.6) to ask the petitioner to disclose**:

- The anticipated amount of air pollution including but not limited to: criteria pollutants, hazardous air pollutants, and greenhouse gases
- Whether renewables and battery storage are feasible for some or all of the anticipated power needs
- Anticipated water consumption and sources of water, as well as expected water discharges and receiving streams
- Anticipated noise levels at the fence line
- Anticipated traffic volumes during construction and operation, and their impact on local roads
- Anticipated workforce, job types and operating schedule
- Safety policies and the petitioner's safety record including any OSHA recordable events
- Anticipated emergency services (fire, police, medical, etc.)
- Anticipated conflicts with existing land uses or local regulations
- Anticipated impact on local housing and schools
- Anticipated community benefits. Data centers seeking waivers of local regulations must offer binding community benefits agreements negotiated with the local community.

4) Amend Section 3.1.2 to **require that existing ratepayers must be protected when data centers negotiate with the local utility**. The data center must pay the full cost of electricity, including capacity

charges, associated with the increase in demand.

5) Amend section 4.1.6 to **provide objective criteria to define what is required**. The term "Sufficient information" is overly vague and allows too much discretion by the Secretary to accept or reject an application or to apply different and variable criteria to different petitioners. It allows a political appointee to pick winners and losers.

6) Amend section 4.1.6.3 to **require an independent financial analysis of the petitioner's financial capacity**. As currently written, no evidence of financial capacity is required other than the petitioner's assurance.

7) Amend section 5.2 (and section 11) to **require review by other agencies (Office of Energy, Div. of Economic Development, DEP, PSC. Change "may" to "shall"**. Add requirements for evaluation by Professional Engineers, CPAs, environmental assessors, etc.

8) Amend section 7 to **require disclosure of:** how much electricity is sold to the grid; how much is acquired from the grid; the rate they paid; capacity fees and the cost to the utility for that electricity.

9) Section 8 and 13, Appeals: The proposed rule cites the WV Administrative Procedures Act, 29A-5-1 et seq. as the procedure for any appeals. That statute specifies that "all parties shall be afforded an opportunity for hearing…". The proposed rule makes it impossible for any affected party, except the petitioner and the agency, to appeal any decision regarding certification. **The rule must be amended to allow affected parties to receive notice of a petition for certification, an opportunity to comment on it, and the right to appeal a decision that adversely affects them.**

10) Amend section 14.1.4 to **require a more comprehensive review**. The current limit of five pages for a letter of application is not adequate to provide the legal and technical information needed to make the proposed certification.

Thank you for your consideration of these requests. Please feel free to reach out to me with any questions or for more information.

Sincerely,

Rachelle Thorne
63 Thistle Lane
Davis, WV 26260

From: "Timur Aytac" <aytac777@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 20:05:29 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Timur Aytac
2217 Stewartstown Rd Morgantown, WV 26508-1461
aytac777@yahoo.com

From: "Tori Swihart" <swibarttori@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 20:39:59 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Tori Swihart
225 Blue Ridge Ln Morgantown, WV 26508-4531
swibarttori@gmail.com

From: "Annabella Kovach" <annakovach26@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Tue, 09 Dec 2025 11:43:17 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Annabella Kovach
31 E Campus Dr Bethany, WV 26032-3002
annakovach26@gmail.com

From: "Garrett Hoover" <garrettwilliamhoover@everyactioncustom.com>

To: "garner.marks@wv.gov" <garner.marks@wv.gov>

Subject: Please revise data center rules to include more oversight, environmental protection, and accountability

Date: Wed, 10 Dec 2025 17:52:36 -0500

Importance: Normal

Dear Garner Marks,

I'm writing to ask that you provide additional elements to the rule regarding high impact data centers and certified microgrids (145-CSR-20).

Applications should be required to disclose more about their anticipated environmental impacts, including:
- the amount of air pollution the microgrids will produce,
- the water consumption & discharge and the resulting water availability & quality,
- how the microgrids could affect noise, visibility, and wildlife.

Applicants should also be required to present economic viability of the energy source of the microgrid presenting why the stock feed is most cost-effective for both the company and public. Consideration of impact to local and state utility costs should prioritize rate-payers.

The rules should implement more opportunities for public input, disclosure, and accountability. The rule currently contains no checks or balances, no public comment or plan to incorporate this public input meaningfully, no provision for independent review by qualified engineers, economists, or environmental impact assessments. Add a section to require public notice and comment, and opportunities for appeal.

I, also, request that the department host a public hearing on this rules package.

Thank you for the opportunity to provide this comment.

Sincerely,
Mr. Garrett Hoover
1522 Lee St E Charleston, WV 25311-2439
garrettwilliamhoover@gmail.com

From: "Kendra Clark" <kendrarsc@hotmail.com>

To: jason.barrett@wvsenate.gov, patricia.rucker@wvsenate.gov, joe.funkhouser@wvhouse.gov, wayne.clark@wvhouse.gov, bill.ridenour@wvhouse.gov, chris.anders@wvhouse.gov, Garner.Marks@WV.gov

Subject: Public Comment on Rule to Petition for Cert. of Microgrid Dist. or as HIDC

Date: Wed, 10 Dec 2025 19:45:48 -0500

Importance: Normal

Please find below my comments on the RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER (HIDC).

Communities should be informed and have a say in data centers because local communities are the ones directly affected. Communities are affected by the energy, water, and land consumption. Data centers impact local utility rates, water supply and land availability. Data centers create noise pollution, have a negative visual impact and reduce property values. Data centers also negatively impact historic and environmentally sensitive areas which is a real lose for any community but especially for one that relies on tourism and outdoor activities. Communities should not be kept in the dark where data centers are concerned. We have a right to be involved in the process as it directly affects us. Please read on...

This rule should not be designated an emergency. The only reason given for emergency designation was that the legislation allows for emergency rules. This does not actually constitute an emergency. Please remove the emergency designation, and allow our elected representatives to participate in the rule making process before any rule goes into effect.

This rule not only eliminates public participation but it also eliminates the ability of the public to seek information and know anything about these developments. This eliminates transparency and accountability. Please remove section 145-20-15 from the rules.

This legislation removes local protections for natural and historic resources by not allowing local zoning and land development to apply to development of these microgrid districts. For this reason, the rules should provide protections for these resources.

These microgrid districts stand to have a massively negative impact on local property values for properties not in the microgrid district, and the provision that allows properties that are 1 mile apart to be included in the same microgrid district will make this even worse, and add the issue of inefficient utility and fiber instillation. Please require that all parcels in a microgrid district be contiguous and no property or group of properties outside of the microgrid district be completely surrounded by properties in a microgrid district.

The entire microgrid district including any high impact data centers within them should be considered under one air permit as consistent with the Clean Air Act and West Virginia air permitting rules. The properties within the microgrid district are contiguous or nearly contiguous, and because the high impact data centers are the customer for 95% of the power plant's generated electricity, the data center effectively controls the emissions that will be made by both the data center (including any emergency generators) and the power plant, which supports the data center operations.

To address these concerns please add the following paragraphs under the appropriate section:

3.1.x. Petitioner shall demonstrate that water for all uses within the microgrid district will be serviced by a surface water utility where the real property that will be subject to the microgrid district is in karst terrain. For the purposes of this rule "surface water utility" is defined as a utility that draws greater than 99% of the pretreatment water to serve the microgrid district from a naturally occurring surface water course (creek, stream, or river) and does not use artificial means (a well or pump) to obtain the water from groundwater.

3.1.x. Petitioner shall demonstrate that the microgrid district does not include any property or structure on the state or national register of historic places, and will not disturb land or cause land to be disturbed (with instillation of fiber or utilities) within 300 yards (as measured from the outer perimeter of the property or structure) of any property or structure on the state or national register of historic places.

3.1.x. Petitioner shall demonstrate that the parcels within the microgrid district are all contiguous and that no property or group of properties not within the microgrid district are surrounded by properties in the microgrid district (simply fronting a road does not alleviate this provision)