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STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:
THE APPLICATION **AQB 26-57**
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT

NO. 10883

JOINT MOVANTS' CONSOLIDATED DISCOVERY REQUESTS

New Energy Economy ("NEE"), Center for Biological Diversity, Jose Saldaña, Jr. and Viviana Fuller, request that Hearing Officer, Judge Browning, order Applicant Yucca Growth Infrastructure, LLC ("YGI") and Bloom Energy, the company whose technology, emissions data, engineering assumptions, manufacturing capabilities, and technical representations form the basis of the proposed source, and the New Mexico Environment Department ("NMED"), to respond to discovery. Movants expressly reserve the right to propound additional discovery following NMED's review, independent testing, and technical analysis of YGI's October 15, 2026 revised application, including its substantially modified source configuration, emissions calculations, operating limitations, and air-dispersion modeling. Any additional discovery shall be directed toward evaluating NMED's findings, testing the reliability and sufficiency of YGI's revised technical submissions, and ensuring that Movants have a meaningful opportunity to examine and challenge the evidence upon which any permitting determination may rest. Movants cannot reasonably be required to exhaust their discovery rights before NMED has completed its evaluation of a YGI's October 15 revised application that has been materially altered during these proceedings.

Definitions and Time Period

"Applicant" means Yucca Growth Infrastructure, LLC ("YGI") and, with respect to documents concerning the design, manufacture, testing, emissions, operation, delivery, or performance of the Bloom Energy Server System proposed for Project Jupiter, documents within YGI's possession, custody, or control obtained from or maintained by Bloom Energy.

"Project Jupiter" means the facility proposed in Air Quality Permit Application No. 10883, including the revised application and technical materials submitted on October 16, 2026.

"Document" means writings and electronically stored information, including reports, analyses, studies, test results, data, spreadsheets, models, contracts, schedules, presentations, memoranda, and communications.

Unless otherwise stated, these requests cover **October 20, 2021 through October 20, 2026**. The five-year limitation does not exclude technical testing or studies expressly relied upon in Permit Application No. 10883 merely because the underlying test or study predates October 20, 2021.

REQUESTS FOR PRODUCTION

RFP No. 1 — Basis for 2,462 MW

Produce engineering studies, calculations, reliability analyses, presentations, or memoranda supporting construction of 2,462 MW of generating capacity for a facility that will be limited to 1600 MW, including documents quantifying required redundancy, forced-outage rates, degradation, maintenance, and replacement assumptions.

RFP No. 2 — Emissions Testing

Produce the test reports, raw test data, laboratory reports, operating data, calculations, and statistical analyses supporting the emission factors used in Application No. 10883.

RFP No. 3 — Fleet Extrapolation

Produce statistical analyses or validation studies supporting extrapolation of emissions measured from tested Bloom equipment to the number of Energy Servers proposed for Project Jupiter.

RFP No. 4 — 15% Safety Factor

Produce technical analyses supporting Applicant's use of the 15-percent safety factor, including analyses addressing whether that factor accounts for unit-to-unit variability, measurement uncertainty, degradation, operating load, ambient conditions, startup, shutdown, maintenance, and malfunction.

RFP No. 5 — Degradation and Useful Life

Produce studies or operating data concerning degradation, efficiency, emissions, useful life, maintenance frequency, and replacement frequency for the Bloom Energy Server model proposed for Project Jupiter within the last 5 years.

RFP No. 6 — Startup, Shutdown and Replacement

Produce emissions testing or calculations for startup, shutdown, cold/black start, malfunction, fuel-cell replacement, and recommissioning, including the basis for annual emissions attributed to those events.

RFP No. 7 — Hazardous and Unaccounted Emissions

Produce test results or analyses concerning emissions or formation of formaldehyde, nickel compounds including nickel tetracarbonyl, hexavalent chromium, methane slip, and hydrogen slip from the proposed Energy Servers.

RFP No. 8 — Desulfurization

Produce engineering specifications, emissions testing, operating procedures, and calculations for the proposed natural-gas desulfurization system, including media replacement, venting, startup, shutdown, and disposal.

RFP No. 9 — Compliance Monitoring

Produce specifications, protocols, calculations, and proposed procedures for measuring and demonstrating compliance with hourly and annual limits and corresponding emission limits.

RFP No. 10 — Largest Comparable Installations

Produce studies or analyses relied upon by Applicant comparing Project Jupiter's design, reliability, emissions, degradation, maintenance, or operation with existing Bloom Energy installations of **50 MW or greater**.

RFP No. 11 — Project Jupiter Manufacturing Schedule

Produce the current manufacturing, delivery, installation, testing, and commissioning schedule for Project Jupiter, including scheduled milestones and quantities/MW associated with each milestone.

RFP No. 12 — Critical-Material Supply

Produce supply agreements, purchase commitments, supply-chain analyses, and risk assessments concerning the scandium required for Project Jupiter, including documents identifying country of mining and processing, quantity available, delivery schedule, and contingency supply.

~~**RFP No. 13** — Green Chili Lateral~~

~~Produce documents evaluating the effect of the State Land Office's denial of the Green Chili Lateral rights-of-way and business lease on Project Jupiter's feasibility, construction schedule, fuel supply, financing, or commercial-operation date.~~

~~**RFP No. 14** — Alternative Natural-Gas Supply~~

~~Produce the following documents concerning any means of supplying natural gas to Project~~ Jupiter ~~**other than the Green Chile Lateral route rejected by the New Mexico State Land Office**:~~

~~a. Engineering studies, route analyses, feasibility studies, proposals, agreements, schedules, maps, and permitting analyses concerning any alternative pipeline route or other means of supplying natural gas to Project Jupiter;~~

~~b. Documents submitted to, received from, or exchanged with FERC concerning any proposed alternative pipeline route or means of supplying natural gas to Project Jupiter; and~~

~~c. Documents concerning the potential delivery of natural gas to Project Jupiter by truck, including proposed routes, the form and volume of gas to be transported, anticipated number and frequency of vehicles or deliveries, transportation capacity, loading and unloading facilities, schedules, costs, required permits or approvals, safety analyses, insurance requirements or coverage, accident or incident analyses, emergency-response planning, and studies addressing the feasibility of supplying the approximately **400 million cubic feet of natural gas required by the Project through truck delivery**.~~

RFP No. 15 — Gas Composition and Consumption

Produce analyses establishing the assumed natural-gas composition, including concentrations of contaminants that may be removed during the desulfurization process, heating value, maximum and annual gas consumption, and the calculations reconciling fuel consumption with the CO2 and CO2e emissions stated in the revised Application.

RFP No. 16 — Bloom Energy Fuel-Cell Efficiency, Degradation, and Project Jupiter Assumptions

Produce documents concerning the actual and projected efficiency, electrical output, degradation, availability, useful life, and replacement frequency of the Bloom Energy fuel cells proposed for Project Jupiter, including:

a. Engineering analyses, test results, operating data, warranties, performance guarantees, degradation curves, and other documents supporting the efficiency, output, availability, and useful-life assumptions used for Project Jupiter;

b. Documents comparing the Project Jupiter assumptions with **actual operating performance of Bloom Energy fuel-cell installations**, including installations in New York, California, Delaware, South Korea, and data-center installations;

c. Documents analyzing the effect of **fuel-cell degradation or efficiency below the levels assumed for Project Jupiter** on natural-gas consumption, required fuel-cell capacity or overbuild, electrical output, emissions, air-dispersion modeling, waste heat, water use, stack replacement frequency, and Project Jupiter's ability to supply its proposed electrical load;

d. Documents calculating Project Jupiter's **natural-gas consumption and emissions at different fuel-cell efficiencies**, including the quantity of additional natural gas required and resulting emissions if the fuel cells operate below the efficiency or output assumed in the Application; and

e. Documents concerning whether degradation, maintenance, repair, replacement, or underperformance of Bloom Energy fuel-cell stacks would require **additional Energy Servers, replacement stacks, backup generation, additional natural gas, or other equipment or infrastructure** to provide Project Jupiter's represented electrical capacity.

RFP No. 17 — Fuel Cell input/output

Produce data sheets showing the mass balance of all streams going into and coming out of the proposed fuel cell, including but not limited to flow rate, concentration of all constituents, temperature, and pressure.

RFP No. 18 – Pollution from decoking

Produce engineering specifications, emissions testing, operating procedures, and calculations for anticipated carbon accumulation in the fuel cells ("coking") and air emissions from decoking operations.

RFP No. 19 – Three-Tier Stack Structure

Produce documents sufficient to identify every existing or previously operated installation of Bloom Energy solid oxide fuel cells utilizing a three-tier, vertically stacked configuration comparable to the 1,263-cluster configuration proposed in YGI's October 15, 2026 revised application, during the preceding five years. For each installation, produce documents identifying its location, commissioning date, generating capacity, number and arrangement of clusters, stack heights, exhaust configuration, and operating history, together with engineering drawings, performance-testing results, emissions-testing data, and air-dispersion modeling used to validate the three-tier design.

If Bloom Energy has never constructed or operated a comparable three-tier configuration, produce documents sufficient to establish whether the proposed design has undergone full-scale operational testing, emissions testing, thermal and exhaust-flow validation, or independent

engineering review, including documents identifying the testing methodology, results, and any limitations or uncertainties concerning the proposed configuration.

INTERROGATORIES

Interrogatory No. 1 — Bloom Energy's Manufacturing and Delivery

State Bloom Energy's present annual manufacturing capacity for the Energy Server equipment proposed for Project Jupiter and identify:

(a) the number/MW required for Project Jupiter;
(b) the amount presently manufactured or allocated to Project Jupiter;
(c) the scheduled dates for manufacture, delivery, installation, and commissioning; and
(d) the manufacturing capacity already committed to other customers during the Project Jupiter production period.

Interrogatory No. 2 — Critical Materials

Identify the quantity of scandium required to manufacture 2462MW of Project Jupiter's fuel cells, the anticipated supplier(s), country of mining and processing, and whether Applicant or Bloom has identified a substitute or contingency source if the anticipated supply is delayed or unavailable.

~~**Interrogatory No. 3** — Natural-Gas Supply~~

~~State whether Applicant presently has a legally authorized means of supplying the natural gas required to operate Project Jupiter following the State Land Office's denial of the rights-of-way and business lease associated with the Green Chili Lateral. If yes, identify the proposed source, transportation infrastructure, required governmental approvals, status of those approvals, and anticipated date on which gas could be delivered.~~

Interrogatory No. 3 ---- Implementation of the 1,600 MW operating restriction

What specific equipment-level, facility-level, monitoring and recordkeeping mechanisms would ensure that operation of the approximately 2,462 MW installed configuration remains within the proposed 1,600 MW limit? How are those mechanisms reflected in the emissions calculations and modeled operating scenarios?

Interrogatory No. 4 — Cold Start~~te~~ Emissions

How does Applicant actually plan to power up each cell without diesel generators and a lot more emissions?

Respectfully submitted this 20th day of October, 2026,

NEW ENERGY ECONOMY

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