From: John Ke
To: Kuhn, Julia, ENV
Cc: Rob Liles
Subject: [EXTERNAL] YGI Response to 10/30/26 Meeting with NMED
Date: Monday, November 2, 2026 12:12:46 PM
Attachments: image001.png

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Hi Julia,

I have attached Yucca Growth Infrastructure's (YGI) response to questions raised in a call between NMED and YGI on 10/30/26. We've provided both a letter along with BPIP files. Please let me know if you have any questions.

Thanks!

John Ke
Senior Consultant

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Email: jke@trinityconsultants.com



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Upcoming Events:
November 4, 2026 - Conference - (Minneapolis, Minnesota) - 41st Annual Conference on the Environment
November 12, 2026 - Webinar - (Online) - 2026 in Review, 2027 in Focus: Minnesota Regulatory Developments
December 2-3, 2026 - Virtual Classroom - (Online) - Environmental Reporting Requirements in the Dakotas
December 8, 2026 - Classroom - (Twin Cities, Minnesota) - Air Quality Permitting in Minnesota
December 9-10, 2026 - Classroom - (Twin Cities, Minnesota) - Environmental Reporting Requirements in Minnesota

Files attached to this message

Filename	Size	Checksum (SHA256)
Bpip input file	205 KB	6fbbbff4ffb2e4d6af789f64188c88ea19f831fdd91a50dd6c4086fccc620ab4
Bpip output file	2.76 MB	8acb0e70230243536769d9664d34eff1ecb55e81f43a32bb1a893ff1c90fdf5a
Bpip summary file	51.4 MB	b58b439cc97cdc6bbc46f556ca9ccc5b03947bc9cf67cc86d4881e627edef0c8
YGI Response to AQB October 30 Modeling Questions - 2026-1102.pdf	534 KB	7a5f837af735a8793d20c6f92c52343fcbea0414699d378f736a9b546b0eceb0

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your email inbox containing the verification key to access the files.
Please click on the following link to download the attachments:
https://files.trinityconsultants.com/message/TZhTn9Beh8jUtJ6iHbzDn7
The attachments are available until: **Wednesday, 2 December.**
Message ID: TZhTn9Beh8jUtJ6iHbzDn7

Trinity Consultants
9400 Holly Ave NE, Bldg 3, Ste B, Albuquerque, NM 87122 / P 505.266.6611 / **trinityconsultants.com**

November 2, 2026

Julia Kuhn
Major Sources Manager
Permits Section
NMED Air Quality Bureau
525 Camino de los Marquez Suite 1
Santa Fe, NM 87505-1816

RE: Response to 10/30/26 Meeting with NMED (Agency Interest No. 41351 – PRN20260001) – YGI Microgrid

Ms. Kuhn:

The following provides Yucca Growth Infrastructure, LLC's (YGI) responses to questions raised in the 10/30/26 Meeting with the New Mexico Environment Department (NMED).

1. What is the aspect ratio of the plenum? Why is modeling a rectangular stack as one circular stack more representative compared to modeling as multiple stacks?

Plume Rise

YGI's methodology of modeling a rectangular stack as a circular stack with the same cross-sectional area as the rectangular stack accurately models the plume rise because it preserves the important features and properties of the plume associated with the real system as designed. AERMOD's plume rise and dispersion equations for the direct source depend upon two types of flux, buoyancy flux (F_b) and momentum flux (F_m).[1] Plume rise is important because it is part of the physics that defines how the plume material travels in the direction from source to receptor. Buoyancy flux is defined by the following equation[2]:

$$F_b = g w_s r_s^2 \frac{\Delta T}{T_s},$$

Where:

- F_b = buoyancy flux ($m^4 s^{-3}$)
- g = acceleration due to gravity (9.8 $m*s^{-2}$)
- w_S = stack exit gas velocity (m/s)
- r_s = stack radius – corrected for stack tip downwash (m)
- ΔT = difference between stack gas and ambient temperature (K)
- T_s = stack gas temperature (K)

[1] United States Environmental Protection Agency (U.S. EPA). (2026). AERMOD Model Formulation. (Rev. July 2026), Pg. 94. U.S. EPA. https://gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_mfd.pdf

[2] Ibid. Pg. 75

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Momentum flux is defined by the following equation[3]:

$$F_m = w_s^2 r_s^2 \frac{T_a}{T_s},$$

Where:

- F_m = momentum flux (m^4s^{-2})
- T_a = ambient temperature (K)

Buoyancy flux scales with total volumetric flow, since the stack exit gas velocity is multiplied by the square of the stack radius, representing area, while momentum flux scales with the square of stack exit velocity.
An equal-area circle, meaning a circular stack that has the same cross-sectional area as a rectangular stack, keeps the same area, exit velocity, flow, and temperature as the rectangular stack. The calculated buoyancy and momentum flux account for the actual exit temperature out of the stack. The parameters used in AERMOD reflect the stack as-designed.

By splitting into smaller stacks, while each maintains its exit velocity, the airflow per stack decreases. For example:

Consider a rectangular stack, X, which has an area A_X, and it can be represented by a circular stack, with radius r_X, where:

$$r_x = \sqrt{\frac{A}{\pi}}.$$

The buoyancy flux for this stack would be:

$$F_b = g w_s r_x^2 \frac{\Delta T}{T_s},$$

which will be represented by the constant F_x. However, if the stack is split up into N number of segmented stacks, all of which must maintain the same stack exit gas velocity (for maintaining the same momentum flux) and have the same cross-sectional area, then, the radius of the new segmented stacks, r_N, would be:

$$r_N = \sqrt{\frac{\frac{A}{N}}{\pi}} = \frac{r_x}{\sqrt{N}}.$$

The calculated buoyancy flux for each individual segmented stack component would be:

$$F_b = g w_s r_N^2 \frac{\Delta T}{T_s} = \frac{F_x}{r_x^2} r_N^2 = \frac{F_x}{r_x^2}\left(\frac{r_x^2}{\sqrt{N}}\right)^2 = \frac{F_x}{N}.$$

Thus, the flux for each individual segmented stack is 1/Nth of the original stack. Similarly, momentum flux of an individual segmented stack is 1/Nth of the original stack. Since AERMOD doesn't merge plumes from separate point sources, each segment of the stack now rises on its own with a fraction of the real buoyancy flux of the original stack.

The plume rise scales with the cube root of buoyancy flux and momentum flux, so if a stack was split into three stacks, each stack would only represent 69% of the plume rise of the original stack and would be

[3] Ibid. Pg. 94

overestimating ground-level concentrations. In order to correctly represent the plume rise from the original rectangular stack in AERMOD, modeling it as a single circular stack maintains the original stack's buoyancy flux and momentum flux.

Aspect Ratio

Further, NMED's modeling guidelines only mention aspect ratio in the context of area sources for haul roads and note: "the aspect ratio (i.e., length/width) should be less than 100 to 1," and that sources should be subdivided if they are too long[4]. The plenum measures 23.22 ft by 2.25 ft with a resulting aspect ratio of approximately 10 to 1. This ratio, although specific to a point source, is one tenth of the aspect ratio that NMED mentions in their modeling guidelines as an upper end ratio for ensuring the emissions are modeled representatively. YGI contends that representing the rectangular plenum as one stack is appropriate considering its aspect ratio while simultaneously preserving the buoyancy and momentum flux of the effluent.

3. How are structures set up in AERMOD to accurately model building downwash?

For structures located at the facility that are within the Good Engineering Practice (GEP) 5L from any source, a downwash analysis using the latest version of BPIP was conducted and incorporated into the modeling analysis to account for potential effluent downwash. If any structure was not located within the GEP 5L area of influence, then the structure was not included in the air dispersion modeling analysis.

BPIP-PRIME downwash structure inputs represent the physical dimensions of the solid structures that disturb airflow. The structural design of the facility is set up as a three-tier platforms with power modules and other ancillary equipment on each level. These structures are open to the air, and air can freely move through all tiers. Because the plenums that vent emissions from the power modules extend from floor to ceiling in the first two tiers, YGI conservatively modeled the structure as a solid in AERMOD up to the height of the third platform. The designed height of the tallest platform on the three-tier Energy Server structure is 32 ft and the 45 ft proposed release height of the stack is the discharge elevation of the exhaust duct (stack). It rises above the structure and is not part of the structure. Under EPA's Good Engineering Practices (GEP) stack-height guidance and BPIP-PRIME practice, a stack is not treated as a structure for downwash, and structure heights are not typically raised to match stack heights. In addition, AERMOD's regulatory-default stack-tip downwash algorithm accounts for the wake created by the exhaust outlet itself, using the full 52.25 ft^2 discharge area (8.16-ft equivalent diameter). When wind speeds are high relative to the exit velocity, this lowers the effective release height below the 45-ft stack height, so the model does not take full credit for the stack's height above the structure.

YGI contends for the reasons stated above that the methodology for evaluating downwash in the prior model submittals (a methodology that has not changed since the original April submission) was appropriate. However, in order to address questions from NMED regarding downwash, YGI has run scenarios that reflect a downwash structure assumption that YGI expects to resolves the NMED's question. Specifically, to account for the fact that the proposed Type A stacks are rectangular plenums that extend 13 ft above the final platform, and the highest tier of platform will also contain power and ancillary modules that are up to 7 ft tall, as shown in Figure 1, YGI has conservatively set the structure height at 39 ft (32 ft tall platform + 7 ft tall energy servers).

[4] New Mexico Air Quality Bureau. (2026). *Air Dispersion Modeling Guidelines* (Rev. July 2026), Pg. 78 New Mexico Environment Department. https://www.env.nm.gov/air-quality/modeling-publications.

This does not represent a change in the structural change in the design for the model that was submitted to NMED on 10/15/26, but rather, this is representing the structures in AERMOD in a more conservative way with respect to building downwash. This is reflected in the BPIP file submitted in conjunction with this response. Within each individual structure, there are also five plenums, modeled as 45 feet tall "walls", which are 23.22 ft. by 2.25 ft, as shown in Figure 2. Each stack is centered on these walls. This is for all the platforms that hold the Type A stacks. There is one structure that holds the singular Type R stack. For that structure, the height of the structure was conservatively set at the height of the stack and the plenum is not modeled as a wall, as the Type R exhaust is at the height of the energy server.

Figure 1. Side View of Platform Layout

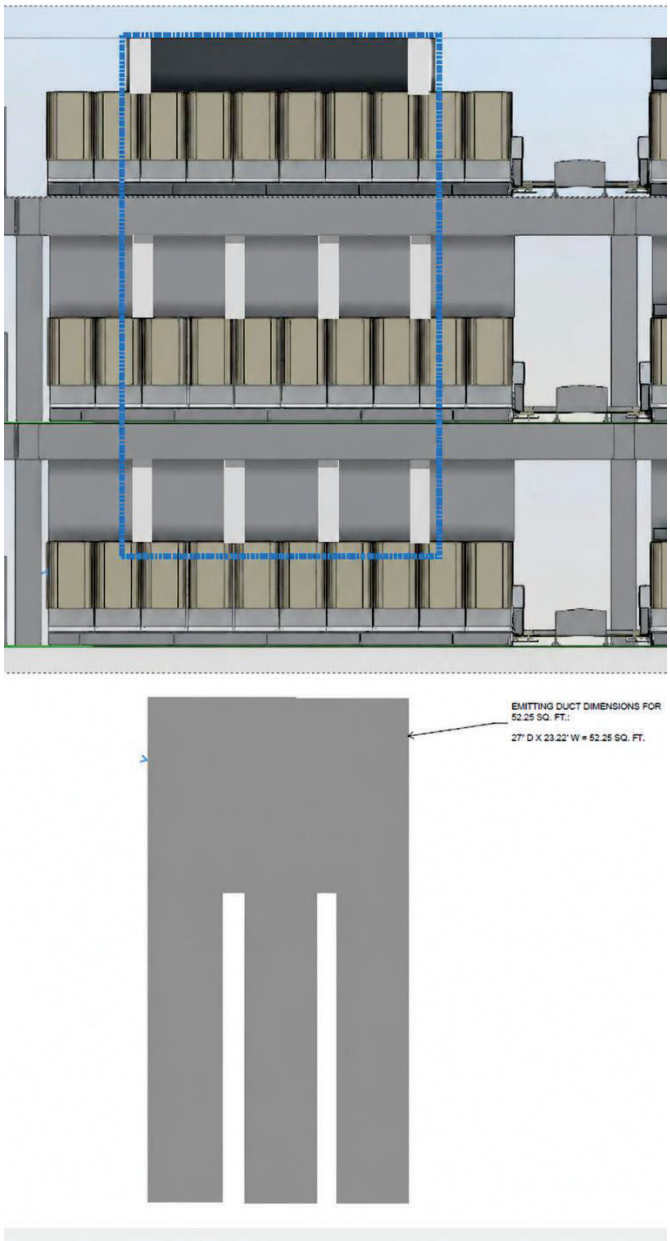
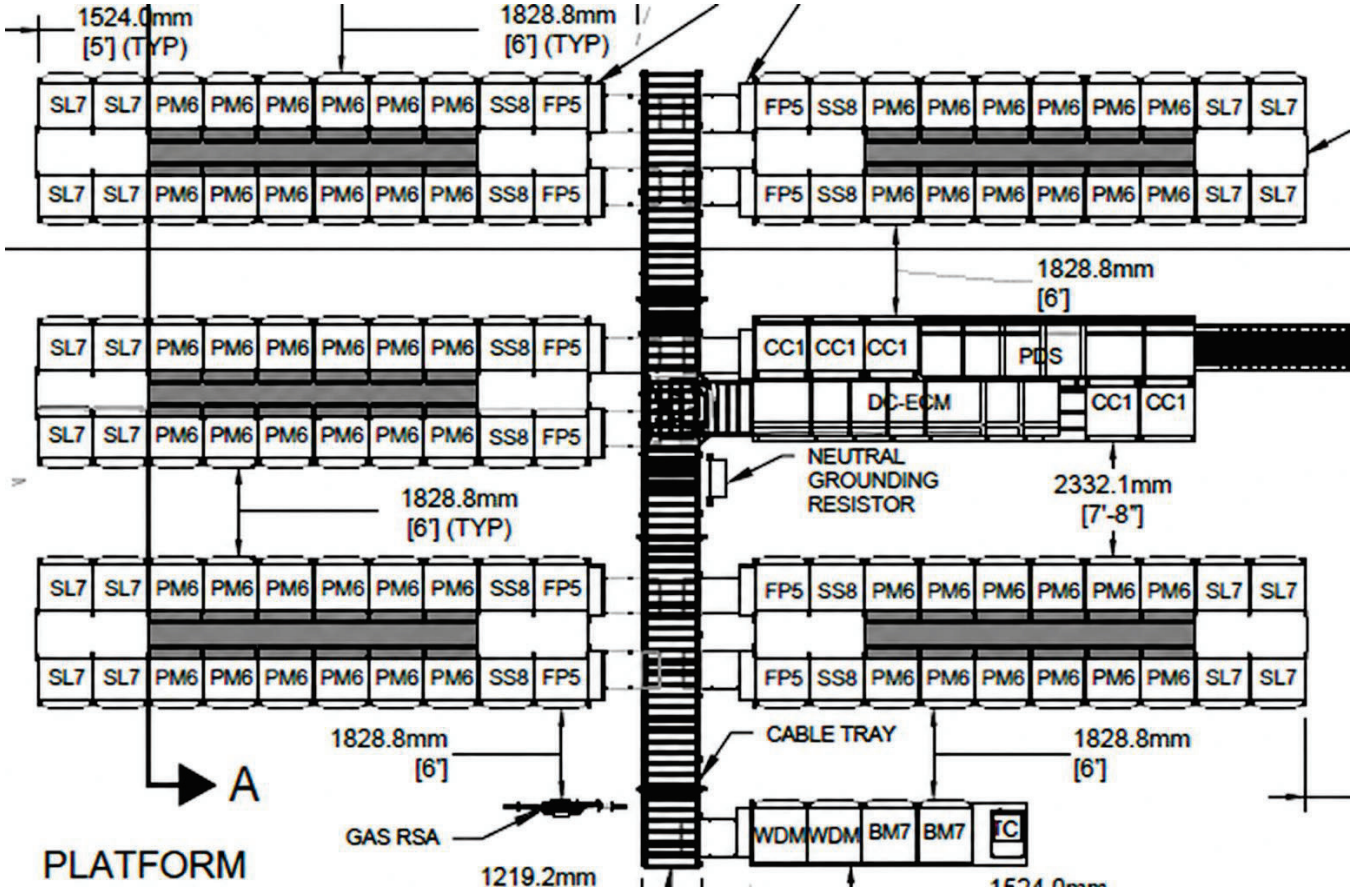


Figure 2. Top-Down View of Platform Layout



Separately, the gap between these platforms in a north-south direction is spanned by grating. The buildings are not one entire solid structure north to south, and air can flow through the space in between each platform. Notably, the BPIP algorithm will already combine the buildings that are in the area of influence of each stack due to their relative proximity to each other. As such, to conservatively model downwash, YGI combined the platforms together in AERMOD and set it up in the model as one entire structure for each column of nine or ten platforms, leading to 27 structures representing these platforms in the model; this is also reflected in the BPIP files that are attached to this response. This is not a change in the structural design for the 10/15/26 model, but rather updating the structure in AERMOD to be more conservative with respect to building downwash. Results comparing this sensitivity analysis to the October modeling are included below in Tables 1 and 2.

Table 1. Sensitivity Analysis Results for Cumulative Modeling – 1600 MW Scenario

Scenario	Pollutant and Averaging Period	Background (ug/m^3)	Standard (ug/m^3)	10/26 Submitted Modeled Results (ug/m^3)	10/26 Submitted Cumulative Results (ug/m^3)	% of Standard	Sensitivity Analysis Modeled Results (ug/m^3)	Sensitivity Analysis Cumulative Results (ug/m^3)	% of Standard
1600MW	NO_2 1-hr NAAQS	87.3	188	Below SIL	-	-	72.21	159.5	84.8%
	PM_{10} 24-hr NAAQS	119.3	150	Below SIL	-	-	6.15	125.5	83.6%
	$PM_{2.5}$ 24-hr NAAQS	16.0	35	3.47	19.5	55.6%	4.20	20.2	57.7%
	$PM_{2.5}$ Annual NAAQS	5.6	9	0.98	6.58	73.2%	1.59	7.19	79.9%
	PM_{10} 24-hr INC	-	30	Below SIL	-	-	5.39	5.39	18.0%
	PM_{10} Annual INC	-	17	Below SIL	-	-	1.71	1.71	10.0%

Administrative Record NSR 10833_012553

Table 2. Sensitivity Analysis Results for Cumulative Modeling – Full Load Scenario

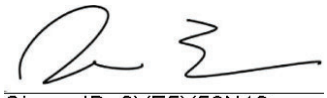
Scenario	Pollutant and Averaging Period	Background (ug/m^3)	Standard (ug/m^3)	10/26 Submitted Modeled Results (ug/m^3)	10/26 Submitted Cumulative Results (ug/m^3)	% of Standard	Sensitivity Analysis Modeled Results (ug/m^3)	Sensitivity Analysis Cumulative Results (ug/m^3)	% of Standard
Full Load	NO_2 1-hr NAAQS	87.3	188	70.42	157.7	83.9%	80.82	168.1	89.4%
	NO_2 Annual NAAQS	12.4	100	Below SIL	-	-	2.47	14.9	14.9%
	PM_{10} 24-hr NAAQS	119.3	150	7.66	127.0	84.6%	9.60	128.9	85.9%
	$PM_{2.5}$ 24-hr NAAQS	16.0	35	6.03	22.0	62.9%	7.05	23.1	65.9%
	$PM_{2.5}$ Annual NAAQS	5.6	9	2.18	7.78	86.5%	2.72	8.32	92.5%
	PM_{10} 24-hr INC	-	30	7.76	7.76	25.9%	9.10	9.10	30.3%
	PM_{10} Annual INC	-	17	1.76	1.76	10.3%	2.93	2.93	17.2%

Administrative Record NSR 10833_012554

YGI appreciates the opportunity to meet with the Bureau and to discuss the analysis further. If you have any questions or comments about the information presented in this letter, please do not hesitate to call Trinity's Albuquerque Office at 505-266-6611.

Thank you,

TRINITY CONSULTANTS



Signer ID: 3VE5Y50N19...
John Ke
Senior Consultant

Attachments:

BPIP files (input, output, summary)

From:	Jennifer Bradfute
To:	Yardman-Frank, Brian, ENV; Kelsea Sona; Ogaz, Zachary, ENV; Miano, Michelle, ENV
Subject:	[EXTERNAL] YGI Responsive Information
Date:	Monday, November 2, 2026 12:53:16 PM
Attachments:	image.png 11.2 Ltr. to NMED - YGI.pdf

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All: Thanks for the calls on Friday. After our call, the modeling teams from NMED, Trinity and Onterris met and discussed modeling parameters and a draft modeling protocol.

My understanding is that these were the agreed upon follow-up items. We went over the protocol and discuss in detail what the agency would like to see with regards to both diameter and building downwash. Here's what they said they would want to see:

- Diameter
  - Provide a discussion on the aspect ratio of the plenum. What is the length x width?
  - Explain using science-backed discussion why modeling as one stack is more representative compared to modeling as multiple stacks
- Building Downwash
  - Provide a plot plan/sample layout/diagram to show how the platform is designed
  - Provide analysis on why our modeling design would be sufficient to simulate the effects of the plenum on downwash for whatever design we end up choosing. Simulations of BPIP parameters comparing including the plenums as downwash structures and not including as downwash structures would be a potential option to provide evidence.

We wanted to first give this data from you so that we can better align on these issues and discuss next steps.

We also are providing robust analysis on the stack configuration that has been vetted by several different experts.

Thank you,
Jennifer

Jennifer Bradfute
jennifer@bradfutelaw.com
M 505.264.8740

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From:	Carlos Romo
To:	James Browning
Cc:	Amanda Rivera; Ogaz, Zachary, ENV; Yardman-Frank, Brian, ENV; Jennifer Bradfute; David Kirmse; esperanza@yuccanm.org; info@yuccanm.org; Jennifer Biever; Corey Lim; ccox@biologicaldiversity.org; sbaer@biologicaldiversity.org; gevans@biologicaldiversity.org; Mariel Nanasi; chris@fayerbergdodd.com; editor@thecandlepublishing.com; mlocke@nmelc.org; ejantz@nmelc.org; kjankowski@nmelc.org; Chen, Yiwei, EDD; inspector@sunshineaudit.com; izemke; courtenaye@ualocal412.org; dobbin.cc@gmail.com; andre@ualocal412.org; joe@progressnownm.org; Chakeres, Nathaniel, OSE; markgtrujillo@ibew611.org; smaeznm@gmail.com; darrell.deaguero@liuna16.org; mlor@liuna.org; robert.aubert@dc36.org; uriel.apodaca@dc36.org; rockybacchus@gmail.com; Allison Johnson; Kalista Wilson; Kimberly Rael; Lopez, Luis, ENV; Kelsea Sona
Subject:	[EXTERNAL] AQB 26-57 (P); Applicant YGI Letter Regarding Discovery
Date:	Monday, November 2, 2026 4:52:45 PM
Attachments:	YGI Letter Responding to Oct. 29 2026 Hearing on Discovery.pdf

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Dear Judge Browning,

Please find enclosed a letter from Applicant Yucca Growth Infrastructure, LLC memorializing the agreement made on the record related to discovery at the October 29, 2026 hearing in the above-referenced proceeding.

Please also see the below link (5GB) with modeling files and other materials responsive to Mr. Maxwell's requests:

https://williamsweese.sharefile.com/public/share/web-s491c89e5f9d246bd94e29b0139f209fb

Carlos

Carlos R. Romo | *Director*

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November 2, 2026

VIA EMAIL

Hearing Officer James Browning
james.oren.browning@gmail.com

Re: AQB 26-57(P) Yucca Growth Infrastructure, LLC – YGI Microgrid (Project Jupiter)
Letter in Response to Hearing Oct. 29, 2026

Dear Hearing Officer Browning:

This letter is in response to the agreement ("Agreement") made on the record between Yucca Growth Infrastructure, LLC ("YGI") and New Energy Economy ("NEE"), Center for Biological Diversity ("CBD"), Jose Saldana Jr., Vivian Fuller, New Mexico Environmental Law Center ("NMELC") ("Joint Movants"), and Nicholas Maxwell ("Maxwell," or collectively the "Proponents" or "Parties") at the hearing in front of your honor on October 29, 2026 regarding discovery in the above-referenced proceeding.

The Agreement pertains to discovery requests propounded on YGI by Proponents on October 20, 2026, as modified and withdrawn through October 29, 2026 (collectively the "Requests"). *See* Dkt. No. 132 Appendix A and No. 143 Exhibit A.[1]

Pursuant to the Agreement, the Parties agreed that YGI would acknowledge—in a "seal-off letter" in lieu of formally responding to certain Joint Movant Requests—that it is unaware of non-privileged materials in its possession, custody or control responsive to the following Requests from the Joint Movants: Requests for Production Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 15, 17, 18 & 19 and Interrogatories 1-2 & 4.[2]

Further, although YGI maintains that it does not have a duty under any applicable rules to point Proponents to information in the Administrative Record or otherwise reasonably obtainable in the public record, YGI agreed to identify for the Joint Movants materials in the public record responsive to the Joint Movant's Requests. As such, Exhibit 1 includes references to publicly available resources that YGI

[1] On October 29, 2026, NEE, CBD, and NMELC submitted Requests that revised in part the Requests identified in Dkt. No. 132 Appendix A but as of Monday November 2, 2026, the revised Requests are undocketed. The revised Requests either show Requests on Appendix A that were withdrawn (original Requests for Production Nos. 13-14 and original Interrogatory No. 3) or were denied by the Hearing Officer as premature (i.e., new/revised Interrogatory No. 3).

[2] YGI reached out to Bloom Energy and Trinity Consultants to gather responsive information. YGI notes that neither Bloom Energy nor Trinity Consultants are the permit applicant. Per communications at the October 29, 2026 hearing, YGI did not reach out to all third-party experts that it may rely on at the hearing, including a fuel cell expert that was traveling internationally through November 1, 2026. YGI reserves the right to supplement information via expert testimony.

understands may include documents responsive to the Joint Movant Requests that are the subject of the Agreement.

The Agreement separately requires YGI to meet and confer with Mr. Maxwell on Mr. Maxwell's separate Requests. Dkt. No. 142 Exhibit A. YGI and Mr. Maxwell met and conferred via phone and email on November 2, 2026. YGI agreed to send Mr. Maxwell materials referenced in Administrative Record materials, and in particular modeling files created by Trinity Consultants and referenced in Application UA-4 Form (as revised) related to modeling in response to Mr. Maxwell's Request for Production No. 5. YGI also agreed to provide additional design and manufacturer specifications related to Bloom Energy's Central Desulfurization System ("CDS"), information supporting startup, shutdown, and maintenance assumptions in the application, and publicly available information related to desulfurization canisters in response to Mr. Maxwell's Requests for Production Nos. 1-4. *See* Exhibit 2. Mr. Maxwell agreed that these materials may satisfy the information in his Requests, but he reserved the right to examine the materials first.

The Agreement expressly allows YGI to supplement or change its responses to the Joint Movant and Mr. Maxwell's Requests subject to the Agreement to the extent YGI later becomes aware of information responsive to the Requests, including in any technical or expert testimony provided in the Statements of Intent and technical testimony due November 17, 2026, any rebuttal testimony filed on November 30, 2026, and at the hearing scheduled for the week of December 7, 2026. Also, YGI is not required to produce or identify responsive privileged documents, and is not required to produce a privilege log. YGI preserved all other objections in response to the Requests.

The only Request that is not addressed in the Agreement, or that was not withdrawn by Proponents prior to or denied by the Hearing Officer at the October 29, 2026 hearing,[3] is a modified request for information directly from the Hearing Officer for YGI to provide any additional "studies"—to extent they exist—related to Bloom Energy fuel cell efficiency, degradation and air emissions from Bloom Energy's Delmarva fuel cell project in Delaware.[4] The Hearing Officer made this request for information rather than require YGI to respond to NEE/CBD/NMELC Request for Production Nos. 5 and 16.[5] Thus, YGI otherwise deems NEE/CBD/NMELC Request for Production Nos. 5 and 16 denied.

In response to the Hearing Officer's request for information, and pursuant to his directive that YGI consult with its vendors and consultants, YGI asked Bloom Energy to search for any related materials. YGI is concurrently with this letter responding with additional non-privileged information in response to the Hearing Officer's narrowed request. *See* Exhibit 3. As with the other materials referenced

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[3] NEE/CBD/NMELC withdrew original Requests for Production Nos. 13 and 14 and original Interrogatory No. 3 related to the "Green Chili [sic] Lateral." Request No. 12 was specifically denied.

[4] The Hearing Officer also indicated that he expected Proponents, as part of the Agreement, to share any related information in their possession from the Bloom Delaware projects related to air emissions and efficiency or degradation of fuel cells. On November 2, 2026, counsel for YGI reached out to counsel for CBD requesting such information, and counsel for CBD responded that it "looked at Delmarva Power's monthly reports with the Delaware Public Service Commission, available on the state's delafile system" available at "https://delafile.delaware.gov/CaseManagement/ViewDocket.aspx." CBD also provided information from the County of Santa Clara Facilities and Fleet Department in California.

[5] YGI objected to Request for Production Nos. 5 and 16 as overbroad and unreasonably burdensome. The Hearing Officer agreed with YGI and narrowed the Requests to specific information related to studies on efficiency, degradation, and air emissions in Delaware.

herein, YGI reserves the right to supplement the record with any information responsive to the Hearing Officer's information request including in response to any information received from CBD, and in the Statements of Intent and technical testimony due November 17, 2026, any rebuttal testimony filed on November 30, 2026, and at the hearing scheduled for the week of December 7, 2026.

To the extent the Hearing Officer or any party believes YGI misunderstood any part of the Agreement or the outcome of the October 29, 2026 hearing, please contact me at 303-228-2531 or cromo@williamsweese.com.

Very truly yours,

By: C-1-R-

Carlos R. Romo

WILLIAMS WEESE PEPPLE & FERGUSON, PC

Counsel for Yucca Growth Infrastructure, LLC

Cc: AQB 26-57 Service List

Administrative Record NSR 10833_012561

Exhibit 1 - NEE/CBD/NMELC Requests

Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
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.	*See* Application (as revised) and Responses to NMED October 2026 in Administrative Record[7]
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.	*See* Application (April 2026) and Responses to NMED (May 2026, September 2026, and October 2026 in Administrative Record); *see also* https://ww2.arb.ca.gov/our-work/programs/dgcert/exec-orders (last visited Nov. 2, 2026)
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.	*See* Application (as revised) and Responses to NMED (May 2026, September 2026, and October 2026 in Administrative Record)
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.	*See* Application (April 2026) and Responses to NMED (May 2026); NMED air emissions calculations tool (AECT) available at https://www.env.nm.gov/air-quality/air-emissions-calculation-tool-aect/ (last visited Oct. 31, 2026)
RFP No. 5 — Degradation and Useful Life	Denied *but see* Exhibit 3

[6] October 20, 2026 Requests are used based on Request numbers used at October 29, 2026 hearing. To extent NEE/CBD/NMELC submitted revised requests on October 29, 2026, the revised requests show which Requests were withdrawn and a new Interrogatory No. 3 that was denied at the October 29, 2026 hearing as premature.

[7] YGI is continuing to respond to technical review questions from the Department and such responses will continue to be added to the Administrative Record. Cites to the Administrative Record include all communications with Department even if not specifically cited herein.

Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
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.	*See* Application (as revised) and Responses to NMED (May 2026 and October 2026) in Administrative Record; *see also* E-mail from Nick Maxwell to NEE/CBD/NMELC October 27, 2026 (with SSM native excel files); Exhibit 2
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.	See Application (April 2026)
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.	*See* Response to RFP No. 6
RFP No. 9 — Compliance Monitoring	*See* Draft Permit (as may be revised); Application (as revised); Exhibit 3

Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
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.	*See* Application (as revised)
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.	*See* Application (as revised); Responses to NMED (May 2026) in Administrative Record; Jacques Greyling Declaration, Ex. A to Dkt. Entry 114; Bloom Energy Securities and Exchange Commission (SEC) 8-K (July 9, 2026) available at https://investor.bloomenergy.com/financials-and-filings/sec-filings/default.aspx (last visited Oct. 31, 2026)
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.	Denied
RFP Nos. 13-14 [Green Chili Lateral]	Withdrawn
RFP No. 15 — Gas Composition and Consumption	*See* Application (as revised, including Gas Tariff Sheet provided in May 2026); Responses to NMED (May 2026, September 2026, October 2026,

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Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
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.	November 2026) and Draft Permit (as may be revised) in Administrative Record
RFP No. 16 [Fuel Cell Degradation/Efficiency]	Denied *but see* Exhibit 3
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.	*See* Application (as revised); Responses to NMED (May 2026 and October 2026) in the Administrative Record
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.	Not applicable
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-	*See* Application (as revised) and Responses to NMED (October 2026) in the Administrative Record

Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
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 engineering review, including documents identifying the testing methodology, results, and any limitations or uncertainties concerning the proposed configuration. operational testing, emissions testing, thermal and exhaust-flow validation, or independent.	
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.	*See* Application (as revised); Responses to NMED (May 2026) in Administrative Record; Jacques Greyling Declaration, Ex. A to Dkt. Entry 114; Bloom Energy SEC 8-K (July 9, 2026) available at https://investor.bloomenergy.com/financials-and-filings/sec-filings/default.aspx (last visited Oct. 31, 2026)
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.	*See* Bloom Energy SEC 8-K (July 9, 2026) available at https://investor.bloomenergy.com/financials-and-filings/sec-filings/default.aspx (last visited Oct. 31, 2026)
ROG NO. 3 [Fuel Supply]	Withdrawn

Request for Production / Interrogatory (October 20, 2026)[6]	Response / Materials in the Public Record
Interrogatory No. 4 — Cold Start Emissions How does Applicant actually plan to power up each cell without diesel generators and a lot more emissions?	*See* Responses to NMED (October 2026) in the Administrative Record

Exhibit 2 – Maxwell Requests

Request for Production / Interrogatory	Response / Responsive Materials
YGI Request No. 1 — Existing CDS vessel and media specifications. Produce the existing manufacturer datasheet, engineering specification, or design calculation supporting the CDS vessel-volume information used in the SSM Worksheet, including existing specifications addressing vessel dimensions, gross internal volume, gas-accessible volume, operating pressure, temperature, CDS Vessel Media occupancy, and connected piping, to the extent reflected in the responsive records. Also produce the existing manufacturer specification, datasheet, or other technical record identifying the CDS Vessel Media, including its type or product designation, quantity or mass loaded per vessel, volume occupied within the vessel, and existing specifications or design information concerning sulfur-removal capacity and breakthrough or replacement criteria. Include the existing engineering basis used to determine the gas volume associated with the purge events represented in the SSM Worksheet. Include any existing record identifying whether the 1,370-ft³ figure used in the SSM Worksheet represents actual vessel volume or standard cubic feet (scf), the standard temperature and pressure conditions used, and the method and assumptions used to determine the standard gas volume associated with each purge event. This request is limited to existing records and does not require a new engineering calculation.	*See* Application (as revised); Responses to NMED (May 2026 and October 2026); *see also* E-mail from Nick Maxwell to NEE/CBD/NMELC October 27, 2026 (with SSM native excel files); Enclosed CDS diagrams (obtained from Bloom Energy); Enclosed SSM calculation assumptions (May 2026) (obtained from Bloom Energy); Desulfurization canister information in Hazardous Materials Business Plan (available at https://www.bloomenergy.com/wp-content/uploads/bloom-energy-hazardous-materials-business-plan-may-2024.pdf (last visited Oct. 31, 2026)
YGI Request No. 2 — Existing CDS operating and maintenance procedures. Produce the existing site-specific or manufacturer procedures relied upon for each CDS Activity. Include existing records identifying the disposition of gas released during each CDS Activity and any stated event duration or flow conditions. Include the existing procedure or technical record identifying the circumstances requiring CDS Vessel Media replacement, to the	*See* Response to Maxwell RFP No. 1.

Request for Production / Interrogatory	Response / Responsive Materials
extent not already produced in response to Request No. 1.	
YGI Request No. 3 — Existing technical records supporting proposed Condition A107. Produce existing technical analyses, calculations, revised permit-condition language, or other supporting records specifically addressing the calculation basis and operating assumptions used for proposed Condition A107, including: 1. The relationship between the facility-wide SSM quantities and the per-CDS quantities stated in A107.D; 2. The basis for any hourly emission rate calculated from an SSM event; 3. The basis for the proposed VOC limitation and annual purge allowances; and 4. Any existing operating restriction or commissioning schedule relied upon in calculating annual SSM emissions. The original materials provided by NMED on August 6, 2026, in response to NMED Production Request No. 2 in Exhibit A to Maxwell's August 3, 2026 motion need not be produced again. This request is limited to additional existing technical records, revisions, or supporting materials not included in that production. Applicant's redlined draft permit and annotated Statement of Basis returned in July 2026, together with the July 29 Draft Permit and Statement of Basis, are likewise excluded from duplicate production.	*See* Response to Maxwell RFP No. 1.
YGI Request No. 4 — Current proposed fuel-treatment configuration. Produce the latest existing site-specific process-flow diagram, equipment schedule, or engineering drawing identifying the Fuel-Treatment Components proposed in the October 16, 4 2026 revised Application, from the facility natural-gas inlet through the point of final fuel use within an Energy Server. The existing records should identify the sequence of treatment stages and whether the proposed configuration uses CDS units, sealed canisters, or a combination, together	*See* Response to Maxwell RFP No. 1.

Request for Production / Interrogatory	Response / Responsive Materials
with any other onsite fuel-conditioning equipment reflected in those records. Include any existing diagrams or technical records identifying relevant bypasses, purge or blowdown connections, vents, relief devices, and sampling points. This request seeks existing records only and does not require creation of a new diagram or schedule. For the sealed-canister alternative, produce the existing technical record or manufacturer procedure relied upon for the Application's statement concerning associated startup, shutdown, and maintenance emissions.	
YGI Request No. 5 — Subsequent native emissions calculations and supporting modeling files. Produce any existing revised native emissions-calculation workbook or other native electronic calculation file prepared or materially changed after the original calculation materials produced by NMED on August 6, 2026, and relied upon in preparing the October 14–16, 2026 Application revisions. This request is limited to existing calculations supporting the revised operating limitation, equipment configuration, source-specific emissions rates, or revised SSM assumptions. If the responsive materials have already been made accessible, identification of their exact filenames and accessible locations will suffice. This includes the compiled UA2 Excel workbook Applicant identifies as submitted to NMED on October 22, 2026. Production by either YGI or NMED, or identification of an identical accessible copy, satisfies this overlapping demand. To the extent not already included in the modeling-file submittal received October 15, 2026, produced in response to Joint Movants' RFP No. 19, or otherwise made accessible, produce the following existing files and records used to prepare, run, or interpret the AERMOD/AERMAP modeling associated with the revised Application: a. The meteorological surface and profile data files referenced in the AERMOD input decks: "SunlandParkDesertView_2020-2024.SFC" and "SunlandParkDesertView_2020-	*See* Application (as revised, including modeling files); Response to NMED (May 2026, September 2026, October 2026, and November 2026) in the Administrative Record; *see also* enclosed 5GB link to the following (obtained from Trinity Consultants) that are publicly available or obtained from a public agency: - Meteorology Files – downloaded from NMED - Terrain Files – downloaded from USGS; (these include raw data from USGS and data extracted from these files to "stitch" together to cover the entire domain) - TCEQ Nearby Sources – provided by TCEQ - NMED Nearby Sources – downloaded from NMED's MergeMaster tool - Plotfiles

Request for Production / Interrogatory	Response / Responsive Materials
2024.PFL." b. The terrain raster referenced in the AERMAP input ("terrain.tif"), or the corresponding existing terrain data used to generate the supplied elevations. If that file was not retained, identify the terrain dataset and version used, to the extent known from existing records. c. The existing AERMOD plot-output files specified by the submitted input decks' PLOTFILE directives, including the applicable FIRST, SECOND, SIXTH, EIGHTH, and ANNUAL plot files, and any associated POSTFILE or intermediate output files actually generated and retained for those runs. d. Existing project-specific drawings, equipment schedules, or source-parameter records relied upon to establish the current modeled cluster and stack configuration, the existing engineering basis for modeled stack placement and height and building downwash geometry, exhaust configuration, and fan or exhaust parameters, but only to the extent those matters are not apparent from the supplied input decks and have not been produced in response to Joint Movants' RFP Nos. 17 or 19. e. For the cumulative-impact-analysis (CIA) runs, existing records establishing the identities of the Texas facilities represented in the CIA modeling and the sources and supporting basis for their modeled emission rates, including TCEQ inventory data relied upon by Applicant or its consultant, to the extent that information is not apparent from the supplied input decks and has not otherwise been produced. f. Existing records necessary to associate retained segmented or intermediate modeling runs with the reconstructed final outputs, but only where that association cannot be determined from the files already supplied. This request seeks existing files and records only. It does not require YGI to rerun a model, create new outputs, prepare new calculations, or reproduce files already included in the modeling-file submittal or produced in response to the Joint Movants' requests. If a specifically	

Request for Production / Interrogatory	Response / Responsive Materials
identified file was not retained or is not within YGI's possession, custody, or control, YGI may state that fact and, if known, identify whether it was maintained by its modeling consultant.	

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Exhibit 3 – Hearing Officer Request

Request for Information	Response / Responsive Materials
Hearing Officer Request re: Efficiency, Degradation, and Emissions in Delaware	Delaware Materials See annual compliance reports at https://depsc.delaware.gov/delmarva-power-bloom-energy-fuel-cell/ (last visited Nov. 2, 2026) *See also:* Application (as revised) Responses to NMED in Administrative Record (May 2026, October 2026, November 2026) Bloom Energy 2019 SEC 8-K https://www.sec.gov/Archives/edgar/data/1664703/000166470319000037/ex991_fuelcelllife.htm (last visited Nov. 2, 2026); Bloom Energy Sustainability Reports https://www.bloomenergy.com/sustainability/ https://www.bloomenergy.com/wp-content/uploads/2024-bloom-energy-impact-report.pdf (last visited Nov. 2, 2026) (p. 34) https://www.bloomenergy.com/wp-content/uploads/2023-bloom-energy-sustainability-report.pdf (last visited Nov. 2, 2026) (p. 33) https://www.bloomenergy.com/wp-content/uploads/2022-bloom-energy-sustainability-report.pdf (last visited Nov. 2, 2026) (p. 31) https://www.bloomenergy.com/wp-content/uploads/2020-bloom-energy-sustainability-report.pdf (last visited Nov. 2, 2026) (p.32)