

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Morgantown Power LLC

Docket No. EC26-58

Protest of Public Citizen, Inc., and Motion to “deny a claim of privilege”

On February 2, a joint application under Section 203 of the Federal Power Act was filed seeking approval to transfer ownership of Morgantown Power, which operates four oil fueled power generators with 216 MW of capacity, from GenOn to TeraWulf. The Commission cannot find the proposed transaction to be in the public interest because the application conceals significant information relevant to the public interest. These omissions and disputed facts require the Commission to schedule a hearing. Absent additional disclosures and clarifications, the Commission cannot authorize the transaction.

A cornerstone of the Commission’s authorities under Section 203 of the Federal Power Act is that it must provide the public with “notice and opportunity for hearing” of any application.¹ The Commission has failed to provide adequate notice of an effective intervention and comment deadline in this proceeding, and as a result of the Commission’s error, it must accept interventions and comments beyond March 4. As Public Citizen pointed out in our February 17 motion for extension of time, the Commission failed to notice the February 2 application until February 10, and then granted the joint applicants’ request for a 21 day comment period from Feb 2, leaving intervenors like Public Citizen an inadequate 13 days to review the application.² That same day, the Commission issued an *Errata Notice Extending Comment Period* noticing March 4 as the new deadline, but posted the notice in the wrong docket. The Commission’s subsequent Errata Notice posted later that day in this docket does not actually list the new comment date, so the Commission cannot be considered to be in compliance with its required public notice procedures.³ The Commission has failed to

¹ 16 U.S. Code § 824b(a)(4).

² https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260217-5064

³ https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260217-3080

publish the intervention and comment deadline date in this docket. As such, the Commission must accept interventions and comments as timely until it posts a notice in this docket providing the public the correct comment deadline.

The Commission Is Obligated To Include a Broad Public Interest Review Of the Morgantown Power Transaction

Congress was clear that FERC’s mandate is to broadly protect the public interest. Section 201 of the Federal Power Act declares “that the business of transmitting and selling electric energy for ultimate distribution to the public is affected with a public interest.”⁴ Section 203 of the Federal Power Act only authorizes an acquisition or change in control of Commission-jurisdictional power assets “if it finds that the proposed transaction will be consistent with the public interest”.⁵ Applicants in a Section 203 proceeding have the burden of proving their transaction is consistent with the public interest.⁶ The Section 203 public interest standard protects a broad array of issues.⁷ The public interest standard is not “restricted to financial considerations, with every other aspect of the public interest ignored”; “disapproval might be grounded in public interest considerations wholly unrelated to antitrust policies.”⁸ Therefore the following issues are directly relevant to the Commission’s required public interest assessment. A purpose of the Federal Power Act is encouraging the orderly development of plentiful supplies of electricity at reasonable prices.⁹

⁴ 16 USC § 824(a).

⁵ 16 USC § 824b(a)(4).

⁶ See *Pac. Power & Light Co. v. FPC*, 111 F.2d 1014, 1016–17 (9th Cir. 1940) (explaining that section 203(a) of the Federal Power Act requires applicants to make an affirmative showing that transaction will be consistent with the public interest); *Inquiry Concerning the Commission’s Merger Policy Under the Federal Power Act: Policy Statement*, Order No. 592 (Dec. 18, 1996), 77 FERC ¶ 61,263 (“1996 Policy Statement”) (“It is the applicants’ responsibility to demonstrate that the merger is consistent with the public interest.” At page 15, www.ferc.gov/sites/default/files/2020-04/rm96-6_o.pdf).

⁷ *Gulf States Utils. Co. v. FPC*, 411 U.S. 747, 757–59 (1973).

⁸ See *Gulf States Utils. Co. v. FPC*, 411 U.S. 747 at 759; *Kan. Power & Light Co. v. FPC*, 554 F.2d 1178, 1185 n.9 (D.C. Cir. 1977); see also *S. Cal. Edison Co.*, 47 FERC ¶ 61,196, 61,676 n.25 (1989) (“It is our responsibility to make findings related to the pertinent antitrust statutes and weigh them along with other important public interest considerations.”).

⁹ *NAACP v. FPC*, 425 U.S. 662, 670 (1976).

Background on TeraWulf, the Purchaser

TeraWulf is beset by operational and financial challenges that call into question its competence to operate Commission-jurisdictional power facilities and adhere to the public interest. Ninety percent of TeraWulf's 2025 revenues were derived from bitcoin mining.¹⁰ The company disclosed in its latest annual report that "We have recorded historical losses and negative cash flows from our operations"¹¹, reporting a net loss in every year of its operation since going public. It had net loss of \$95.7 million in 2021; net loss of \$90.8 million in 2022; net loss of \$73.4 million in 2023; net loss of \$72.4 million in 2024 and a net loss of \$661.4 million in 2025. TeraWulf has never come close to being able to turn a profit. The company currently does not operate or own any grid-connected power generation facilities. TeraWulf's entire, active business operations consists of a single bitcoin/data center facility on Lake Ontario just outside Niagara Falls, NY (called Lake Mariner). TeraWulf is attempting to simultaneously develop four different bitcoin/data center projects, including a bitcoin/data center on Lake Cayuga just outside Ithica, NY on land that TeraWulf leases from its CEO Paul Prager; 51% of a joint venture to build a data center in Abernathy, Texas; a planned data center at the closed Century Aluminum facility in Hawesville, KY on the Ohio River; and now the Morgantown Power site. Since going public through a reverse merger in 2021, TeraWulf outsourced most of its operations to a Beowulf, a company controlled by CEO Paul Prager that earned nearly \$100 million selling affiliate transactions to TeraWulf.¹² Just months ago, TeraWulf's shareholders acquired Prager's Beowulf, earning the CEO a financial windfall. A Beowulf affiliate, Bicent Holdings, was forced to declare bankruptcy in 2012 in part because it failed to manage the financial repercussions of massive cost overruns at a power generation facility it was trying to build in Hobbs, New Mexico.¹³ The Beowulf affiliate was forced to pay \$22 million in arbitration due to its "grossly

¹⁰ www.sec.gov/ix?doc=/Archives/edgar/data/0001083301/000108330126000031/wulf-20251231.htm

¹¹ At page 15 www.sec.gov/ix?doc=/Archives/edgar/data/0001083301/000108330126000031/wulf-20251231.htm

¹² <https://grizzlyreports.com/beware-of-terawulf-we-believe-the-company-is-a-charade-to-enrich-insiders-at-the-cost-of-investors-and-backed-by-notorious-pump-and-dump-artists/>

¹³ www.reuters.com/article/business/energy/bicent-holdings-units-file-for-bankruptcy-protection-idUSL3E8FN8WS/

negligent performance”.¹⁴ The company has been credibly accused by rural lawmakers and residents of actively misleading the public about its operations, including its water consumption for bitcoin mining.¹⁵ These financial failings may explain why TeraWulf is targeted by short sellers— which have produced research doubting TeraWulf’s financial fitness—who control a whopping 28% of its shares available to the public.¹⁶ Nearly 27% of TeraWulf is controlled by Paul Prager and other company insiders.¹⁷ Paul Prager’s sister, Lisa Prager, serves alongside him on TeraWulf’s board of directors, suggesting independent governance challenges.¹⁸ In short, TeraWulf is a company beset by systemic financial losses and other operational issues that call into question its ability to operate Morgantown Power in the public interest.

TeraWulf’s Proposal To Repower The Two Retired Coal Units Included With the Morgantown Power Transaction Is a Material Omission

Undisclosed in the application is TeraWulf CEO Paul Prager’s claim in a CNBC interview that it plans to “repower” the two coal units included in the Morgantown transaction that were retired in 2022.¹⁹ The community surrounding Morgantown is defined as experiencing environmental injustice that will be exposed to significant pollution by any reactivation of the coal units. TeraWulf has held no public meetings with local residents in Charles County, Maryland to explain how its acquisition of Morgantown Power conforms with the community’s priorities. The potential repowering of currently retired coal units as part of the Morgantown Power is a material omission of the applicaiton. The Commission must compel TeraWulf to detail its plans for the Morgantown Power site, including

¹⁴ <https://jusmundi.com/fr/document/pdf/other/en-lea-power-partners-llc-v-colorado-energy-management-llc-lea-power-partners-memorandum-in-opposition-to-respondents-motion-to-dismiss-llps-claims-tuesday-4th-may-2010>

¹⁵ www.ithaca.com/opinion/guest_opinions/guest-opinion-terawulf-is-claiming-no-water-use-but-the-data-says-otherwise/article_5d1f288f-8635-4d89-8fe7-b644813d6c2d.html and www.ithaca.com/opinion/guest_opinions/guest-opinion-terawulf-its-llcs/article_df45800b-5aff-49c4-ac99-eebedf3023ff.html

¹⁶ <https://finance.yahoo.com/quote/WULF/key-statistics/>

¹⁷ <https://finance.yahoo.com/quote/WULF/key-statistics/>

¹⁸ www.terawulf.com/about#directors-section

¹⁹ www.youtube.com/watch?v=8DiBFe4cnbc&t=127s

- Clarify TeraWulf’s exact plans for the two deactivated coal units onsite at Morgantown Power, since the acquisition of the retired coal units is part of the transaction at issue in this docket.
- The identities of potential clients for a planned bitcoin mining facility/data center onsite.

The Morgantown Power Site Is In A Community Experiencing Economic Injustice, And The Commission Must Compel TeraWulf to Publicly Meet With Local Residents

When the Morgantown Power address is entered into the Center for Engagement Environmental Justice and Health’s *MDEJScreenv3.3*—a Maryland-specific mapping tool that visualizes environmental justice—it reveals an EJ Score of 97.76.²⁰ This score means the area is in the top three percent of Maryland communities experiencing environmental injustice. Residents living nearby to Morgantown Power face a greater overall environmental and social burden than 97.76% of communities across Maryland. Not only do residents face unjust pollution burdens from the continued operation of the four operational oil-fired generators onsite, but are threatened by the possibility of significantly increased pollution levels should TeraWulf restart the two retired coal units.

Only the Commission has jurisdiction over this change in control proceeding—no local, county or state government has any authority over the transaction. The local community has been completely in the dark about the proposed transaction, as TeraWulf has failed to engage local residents with a public meeting. Given the significant harm to the public interest from this proposed transaction, we ask the Commission to require TeraWulf to meet in public with the entire community to be available for questions and dialogue about the company’s plans for the site.

²⁰ The address is 12620 Crain Hwy, Newburg, MD 20664 and the mapping tool is located at https://experience.arcgis.com/experience/cod79e65e9c84c5b8dof6do3cd7db399/page/page_5

Since Morgantown Power Was Built and Paid For By Maryland Ratepayer Money, It Must Serve Ratepayer Interests—Not the Interests of a Bitcoin Miner/Data Center Developer

Morgantown Power is located less than 100 miles south of Washington, DC in Newburg, Maryland at a bend on the Potomac River at the Maryland/Virginia line. The facility, originally built and operated by the then-monopoly utility Pepco, began as a coal power plant, with the four oil-fueled General Electric turbines later placed into service in June, 1973. All of the coal and oil units at Morgantown were built and operated in Pepco's ratebase, meaning the utility's ratepayers paid for the entire construction and operation of the facilities. As part of the national craze to deregulate electricity markets, Pepco sold the Morgantown coal and oil units to Southern Company in 2000. Southern later would spin off the assets into a separate company, Mirant, which declared bankruptcy in 2003. Mirant emerged from bankruptcy with a merger to form GenOn in 2010. GenOn was acquired by NRG in 2012. NRG's GenOn unit again struggled, and was forced into bankruptcy, with GenOn emerging as a separate company post-restructuring in 2017 controlled by Strategic Value Partners. The coal units were retired in June 2022.

The point of this history lesson is that the hundreds of thousands of Pepco ratepayers in Maryland and DC paid for the construction and operation of the Morgantown Power plants over decades. Because the facilities were built and operated with ratepayer money under a utility monopoly franchise, the Morgantown generation units are uniquely affected with a public interest, and special consideration to ratepayer interests must be prioritized. TeraWulf's plan to utilize the site to power bitcoin mining operations or a data center conflict with the public interest, because the site must be utilized for the benefit of all ratepayers.

The Application Omits How TeraWulf Plans To Comply With Its Environmental Reclamation Obligations With the Toxic Legacy Of Morgantown's Coal Operations

TeraWulf is not only seeking to acquire the four operational oil-fueled units at Morgantown Power, but also will assume liabilities for the reclamation and remediation of the toxic legacy of the coal power plant operations at the site. The application is silent on how TeraWulf plans to manage these reclamation and remediation obligations,

especially given the company’s precarious financial position. Since the retired coal units and their reclamation and remediation obligations are explicitly part of the Morgantown Power transaction, the Commission must compel TeraWulf to detail how it plans to adhere to its public interest environmental responsibilities.

Public Citizen Motions for the Commission to “deny a claim of privilege”

Public Citizen motions for the Commission to “deny a claim of privilege” per 18 CFR § 388.112(e). We challenge the privileged treatment of Section 2.03 of Exhibit I, the Purchase Agreement. Section 2.03 details the purchase price and other important transaction details regarding the change in control of Morgantown Power. The community and leaders in Charles County have a direct interest to know the market value of Morgantown Power, including the purchase price, in order to determine the current value of the land and property. Because the Morgantown Power facility is a public utility under the Federal Power Act, it is “affected with a public interest.”²¹ The market value as recorded in a purchase price of a public utility is quite clearly in the public interest. We therefore motion for the entire contents of Section 2.03 of Exhibit I, the Purchase Agreement, be made public.

Finally, because the Commission truncated the comment deadline and botched the public notice of the comment deadline, many community members were confused and unable to submit comments on their own. Exhibit A includes comments submitted by local concerned citizens that were unable to successfully navigate the FERC eLibrary system given the extraordinarily short period of time provided by the Commission to do so.

Conclusion And Summary of Demands

The proposed acquisition of Morgantown Power by the bitcoin mining company TeraWulf pose significant harms to the public interest that should be resolved through the establishment of an evidentiary hearing. In addition, Public Citizen makes the following requests of the Commission:

²¹ 16 USC § 824(a).

- Clarify whether TeraWulf plans to reactivate the two retired coal units onsite at Morgantown Power, since the acquisition of the retired coal units is part of the public interest consideration at issue in this docket.
- Compel TeraWulf to identify the clients for a planned bitcoin mining facility/data center on the Morgantown Power property.
- Require TeraWulf to meet in public with the entire community to be available for questions and dialogue about the company's plans for the site.
- The Commission must determine that TeraWulf's plan to utilize the site to power bitcoin mining operations or a data center conflict with the public interest, because the site must be utilized for the benefit of all ratepayers.
- Compel TeraWulf to detail how it plans to adhere to its public interest environmental responsibilities regarding the retired coal units.
- Public Citizen motions for the Commission to "deny a claim of privilege" per 18 CFR § 388.112(e) to publicly release Section 2.03 of Exhibit I, the Purchase Agreement.

Respectfully submitted,

Tyson Slocum

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EXHIBIT A

To Whom it May Concern at the Federal Energy Regulatory Commission (FERC),

My name is Dr. Sacoby M. Wilson, Executive Director of the Center for Engagement, Environmental Justice, and Health INpowering Communities (CEEJH INC). I have over 25 years of experience as an environmental health scientist in the areas of exposure science, environmental justice, environmental health disparities, community-based participatory research (CBPR), water quality analysis, air pollution studies, built environment, industrial animal production, climate change, community resiliency, and sustainability. I work primarily in partnership with community-based organizations to study and address environmental justice and health issues and translate research to action. I am writing today to express concern over the environmental health implications of the new TeraWulf data center complex and to persuade local and state officials to oppose the project.

Previous studies have shown that some groups have higher risk of climate-related health inequities due to underlying social, economic, and geographic vulnerabilities in the US.^{1,2} These groups are disproportionately affected by climate change and environmental hazards³, yet often lack equitable access to educational and research infrastructure that would INpower them to participate in policy decisions, resulting in extractive practices from largely academic and government institutions. These communities also face the effects of historic redlining resulting in unsafe housing including poor water quality due to lead and other contaminants and the disproportionate exposure to legacy pollution, flooding, and extreme heat.^{4,5} These are only expected to worsen based on current climate change models. Impacted residents also live proximal to locally unwanted land uses (LULUs) including major highways, landfills, incinerators, power plants, leaking underground water storage units, etc.^{6,7,8,9}

As emerging threats such as large-scale data centers proliferate across the country, questions are mounting over their environmental justice impacts, particularly when they rely on diesel or gas generators in overburdened communities. Recent cases in Memphis, Tennessee and Landover, Maryland highlight both the health risks of these data centers and the power of grassroots resistance. In South Memphis, Elon Musk's xAI data center has sparked fierce community pushback, led by Tennessee State Representative Justin Pearson and the Memphis Community Against Pollution (MCAP). Data center-related pollutants (NO_x, O₃) linked to a range of adverse health effects, including asthma, chronic obstructive pulmonary disease (COPD), heart disease, and premature mortality.

The hyperlocal air monitoring network in South Memphis documented persistent particulate matter (PM_{2.5}) exceeding health-based standards, indicating significant community exposure concerns. Across three sites, 62.2% of monitored hours exceeded the EPA annual PM_{2.5} standard of 9 µg/m³, with Westwood/Whitehaven experiencing the highest burden (73.4% of

¹ Smith, G. S., Anjum, E., Francis, C., Deanes, L., & Acey, C. (2022). Climate change, environmental disasters, and health inequities: the underlying role of structural inequalities. *Current environmental health reports*, 9(1), 80-89.

² Winslow, L. (2017). *Economic injustice and the rhetoric of the American dream*. Bloomsbury Publishing USA.

³ Chakraborty, J., Maantay, J. A., & Brender, J. D. (2011). Disproportionate proximity to environmental health hazards: methods, models, and measurement. *American journal of public health*, 101(S1), S27-S36.

⁴ Brown, L. T. (2021). *The black butterfly: The harmful politics of race and space in America*. JHU Press.

⁵ Castro, E., Liu, A., Wei, Y., Kosheleva, A., & Schwartz, J. (2024). Modification of the PM_{2.5}-and extreme heat-mortality relationships by historical redlining: a case-crossover study in thirteen US states. *Environmental Health*, 23(1), 16.

⁶ Aubourg, M. A., Sawtell, G., Deanes, L., Fabricant, N., Thomas, M., Spicer, K., ... & Heaney, C. D. (2023). Community-driven research and capacity building to address environmental justice concerns with industrial air pollution in Curtis Bay, South Baltimore. *Frontiers in epidemiology*, 3, 1198321.

⁷ Wilson, S. M., Fraser-Rahim, H., Zhang, H., Williams, E. M., Samantapudi, A. V., Ortiz, K., ... & Sakati, W. (2012). The spatial distribution of leaking underground storage tanks in Charleston, South Carolina: An environmental justice analysis. *Environmental Justice*, 5(4), 198-205.

⁸ Ezeugoh, R. I., Puett, R., Payne-Sturges, D., Cruz-Cano, R., & Wilson, S. M. (2019). Air quality assessment of volatile organic compounds near a concrete block plant and traffic in Bladensburg, Maryland. *Environmental Justice*, 12(6), 250-260.

⁹ Hall, J., Galarraga, J., Berman, I., Edwards, C., Khanjar, N., Kavi, L., ... & Wilson, S. (2021). Environmental injustice and industrial chicken farming in Maryland. *International journal of environmental research and public health*, 18(21), 11039.

hours above standard).¹⁰ Elevated levels occurred throughout the day and night, suggesting continuous background pollution and likely industrial contributions rather than isolated traffic peaks. QuantAQ monitors also recorded two 24-hour PM₁₀ exceedances within one month and an annual PM₁₀ average above WHO guidelines.

TeraWulf's acquisition of the Morgantown Generating Station in Charles County, a former fossil fuel electricity generation facility with the capacity to scale toward 1 GW of power infrastructure, introduces new environmental justice concerns given the region's proximity to residential areas and rural communities that may have limited political voice in permitting and land-use decisions. The census tract hosting Morgantown Generating Station has an EJ Score of 0.97 (**Figure 1**). Notably, its Climate Change and Environmental Effects Domains are in the 93rd and 98th percentiles, respectively, indicating extremely elevated vulnerability related to heat exposure, flooding risk, land use stressors, and legacy environmental impacts. These percentile rankings signal that the community is already among the most environmentally overburdened areas in Maryland.

The proposed or expanding presence of a large-scale, energy-intensive data center at or near this site raises additional environmental justice concerns. While servers themselves do not emit tailpipe pollution, backup diesel generators and supporting equipment can emit NO_x, PM_{2.5}/PM₁₀, CO, and air toxics (including VOCs) during testing, maintenance runs, and outages; one technical compliance estimate notes that a single 2-MW diesel generator at full load can emit ~45 kg NO_x and ~1.3 kg PM per hour (i.e., emissions that can be significant when many engines operate together).¹¹ In parallel, data centers can impose large water demands where evaporative cooling is used—estimates cited in recent analyses indicate a medium-sized data center may use up to ~110 million gallons/year, and large facilities can reach millions of gallons per day, with additional “indirect” water impacts from the electricity generation needed to power the load.¹²

When massive data centers are built, the costs of upgrading and expanding the electric grid (e.g., transmission lines, substations, generation capacity) can ultimately be shifted onto utility ratepayers. Recognizing this, state legislatures have introduced a wave of bills aimed at protecting ratepayers: North Carolina passed a Rate Payer Protection Act that prohibits utilities from shifting grid costs incurred to serve large commercial data centers onto residential customers¹³ In Maryland, HB 900, currently in session, directs electric companies to develop data center-specific tariffs for customers with high demand (over 2,500 kW) so that transmission and distribution upgrade costs triggered by those loads are borne by the data centers rather than spread across all utility customers.¹⁴ It represents an effort to protect residential ratepayers from subsidizing infrastructure investments required to serve large load customers like hyperscale data centers. At the federal level, bills like the SHIELD Act have been introduced to require that massive electricity users, including data centers, bear the costs of grid

¹⁰ Memphis Community Against Pollution. (2025). South Memphis Preliminary Report: Hyperlocal air quality monitoring and cumulative impact assessment. <https://static1.squarespace.com/static/602aef80ede5cc16ae73697b/t/694425342b64f843b321b910/1766073652074/South+Memphis+Preliminary+Report.pdf>

¹¹ California Air Resources Board. (2020). Emissions inventory—Generator demand usage during power outage. <https://ww2.arb.ca.gov/resources/documents/emissions-inventory-backup-generators>

¹² Environmental and Energy Study Institute. (2025, June 25). Data centers and water consumption. <https://www.eesi.org/articles/view/data-centers-and-water-consumption>

¹³ North Carolina General Assembly. (2025). Rate Payer Protection Act: Prohibiting cost recovery for electric utilities' costs to serve data centers (H.B. 1002, 2025–2026 Session). Retrieved from <https://irs.sog.unc.edu/bill/rate-payer-protection-act>

¹⁴ Maryland General Assembly. (2025). House Bill 900 – Electricity – Data Centers – Rate Schedule and Requirements. Office of People's Counsel. <https://opc.maryland.gov/LinkClick.aspx?fileticket=7bKFjsKveSU%3D&mid=2747&portalid=0&tabid=1159>

impact rather than shifting them to everyday ratepayers.¹⁵ At the system level, the grid impacts are increasingly material: the IEA projects data-center electricity consumption more than doubles by 2030 (to ~945 TWh globally) and notes the US accounts for a large share of demand growth, which can drive new generation/transmission needs and potentially extend reliance on fossil generation or peaker plants in constrained regions.¹⁶

Finally, other community stressors commonly documented around data centers include 24/7 low-frequency noise from cooling systems and generators and diesel truck traffic during construction and fuel deliveries.^{17,18} These burdens can compound sleep disruption, stress, and asthma/cardiovascular risk in affected communities. In a tract already ranking in the top percentiles for climate and environmental effects, additional energy demand may exacerbate cumulative impacts rather than reduce them.

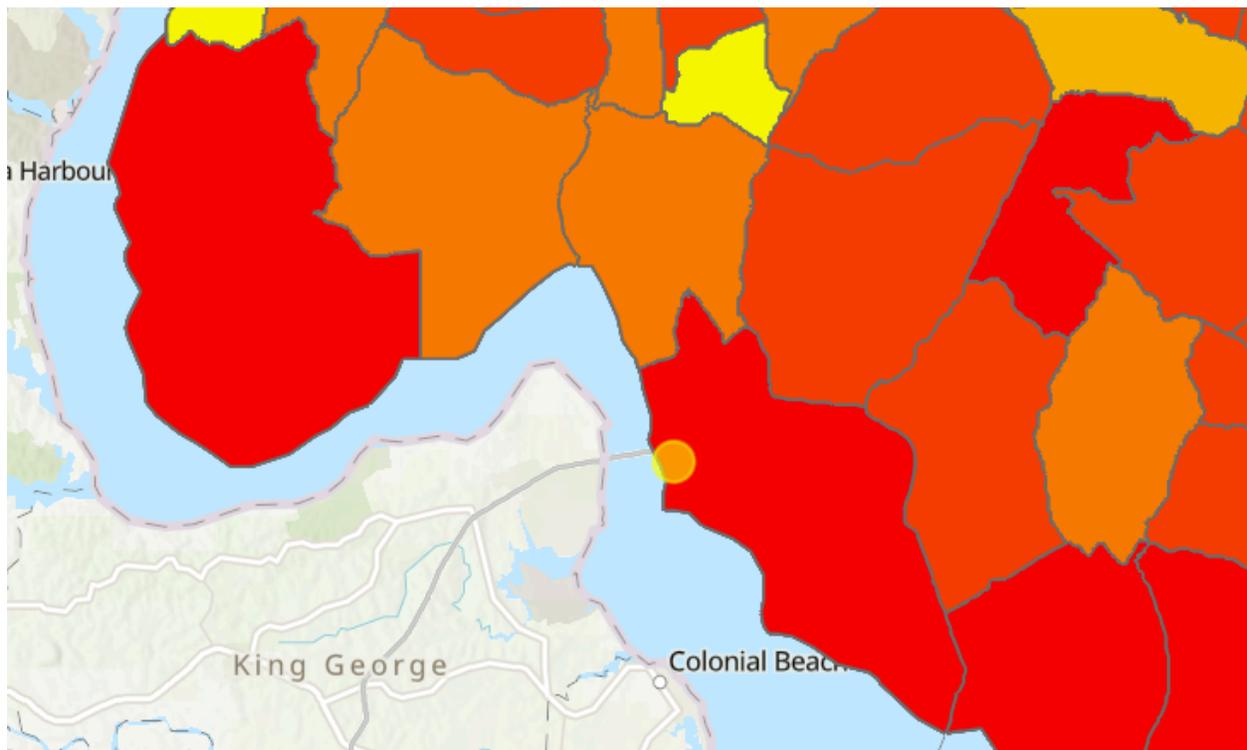


Figure 1: Snapshot from MD EJSCREEN v3.3. Dark red census tracts represent communities in the highest percentile range of statewide cumulative burden. The census tract hosting Morgantown ranks in the 97th percentile, indicating elevated environmental and climate-related vulnerability relative to other tracts in Maryland.

This mirrors the conditions identified in Landover, Prince George’s County, where our team analyzed MD EJSCREEN data in response to a proposed data center. There, tracts also ranked above the 75th percentile in cumulative burden, with elevated impervious surface coverage, heat vulnerability, traffic density, and air pollution exposure. The CDC EJI was in the 86th percentile when compared to all US communities. Our work in Landover demonstrated how

¹⁵ Levin, M. (2025, October 21). Rep. Mike Levin introduces new bill to stop data centers from driving up electricity prices for consumers (SHIELD Act). U.S. House of Representatives.

<https://levin.house.gov/media/press-releases/rep-mike-levin-introduces-new-bill-to-stop-data-centers-from-driving-up-electricity-prices-for-consumers>

¹⁶ International Energy Agency. (2024). Energy and AI: Executive summary. <https://www.iea.org/reports/energy-and-ai/executive-summary>

¹⁷ Brodtkin, J. (2025). Understanding the impact of data center noise pollution. TechTarget.

<https://www.techtarget.com/searchdatacenter/tip/Understanding-the-impact-of-data-center-noise-pollution>

¹⁸ Inside Climate News. (2025, December 11). Data center diesel generators, noise pollution and environmental justice concerns.

<https://insideclimatenews.org/news/12112025/data-center-diesel-generators-noise-pollution/>

high-energy data center infrastructure can compound environmental and public health risks when sited in already overburdened communities. We prepared EJ profiles, cumulative burden analyses, and public-facing briefs to inform local decision-makers about potential impacts on air quality, noise, grid strain, stormwater runoff, and urban heat amplification.

The Frederick County Council recently debated expanding the Critical Digital Infrastructure Overlay Zone that would allow hundreds of acres of data center construction—potentially thousands of acres—near industrial and rural lands, despite significant opposition citing increased energy and water demand, school proximity, and environmental impacts such as generator emissions and noise pollution. Residents have testified at extended public hearings and are now working to collect thousands of signatures for a referendum to let voters decide whether to overturn the council’s zoning decision, reflecting deep community divide and concern over local control versus economic development.

A data center is also being built in Dickerson, Montgomery County, Maryland. Local leaders and residents are actively debating zoning text amendments to regulate where and how data centers can be built, including size limits, setbacks from homes, and heightened infrastructure requirements to address community concerns around environmental and utility impacts. Both counties are in the early stages of crafting or considering local ordinances and regulatory frameworks.

Frederick has already implemented zoning guardrails (e.g., caps on where data centers can be built) but is now facing direct resident action to block or revise those decisions through a referendum process. Montgomery’s process is ongoing, with competing proposals being discussed that would either set stringent development criteria or pause new projects pending a comprehensive study. At the state level, lawmakers have mandated a study of data center impacts and are exploring new rate classifications and protections for ratepayers, signaling that more formal policy changes could be coming in 2026 and beyond.

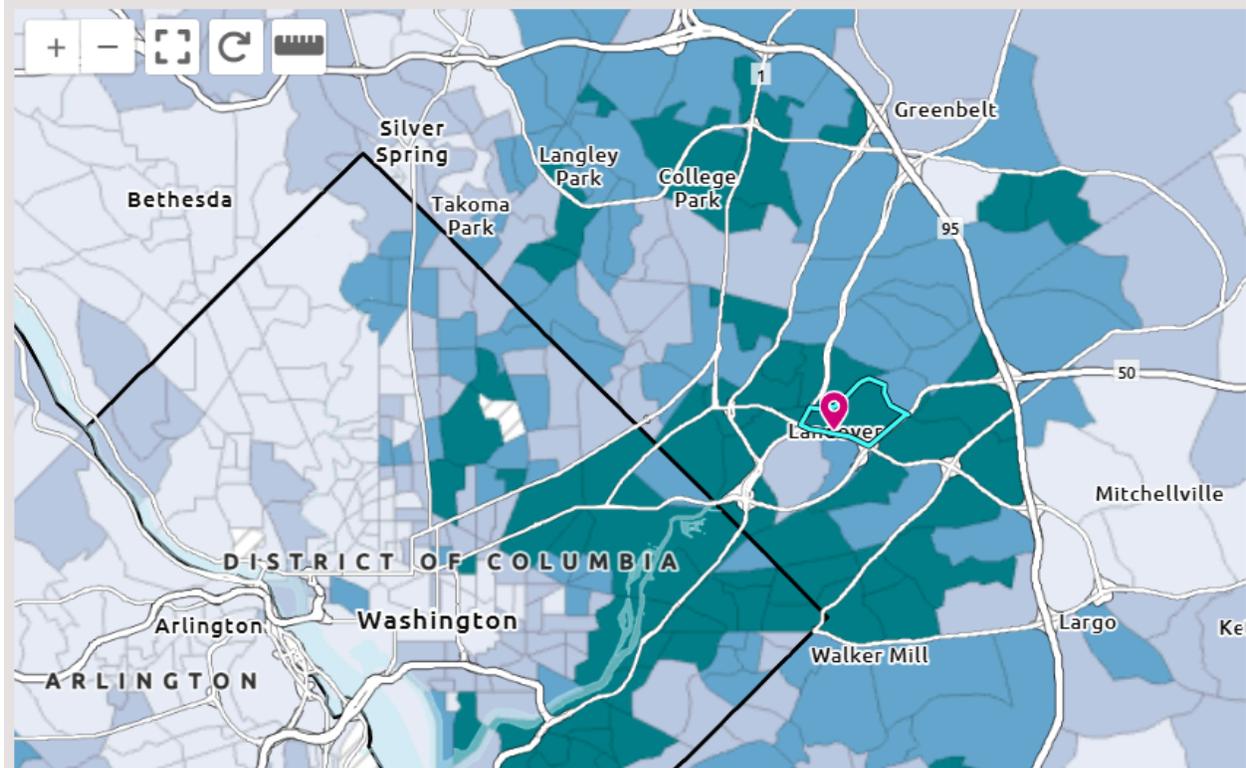


Figure 2: CDC EJI (0.86) for Landover. This ranks the census tract containing the Landover Mall in the upper 15th percentile when compared to other US communities.

The Landover experience provides a model for proactive review: integrating EJSCREEN data into zoning and permitting discussions, conducting community briefings before approvals, and calling for cumulative impact assessments rather than project-by-project evaluations. Applying this framework to Morgantown ensures that decision-makers recognize that siting infrastructure in a 97th percentile EJ tract requires heightened scrutiny, mitigation requirements, and enforceable safeguards to prevent further disproportionate harm. For these reasons, we strongly oppose the TeraWulf expansion at this site unless and until a comprehensive cumulative impact assessment is conducted, robust mitigation measures are mandated, and enforceable safeguards are put in place to protect community health. Economic development cannot come at the expense of residents who are already disproportionately burdened. Maryland has both the data and the responsibility to ensure that environmental justice is not an afterthought—but a threshold requirement for approval.

Sincerely,

Sacoby M. Wilson, Executive Director
CEEJH INC

March 3, 2026

Attn: Commissioners of the Federal Energy Regulatory Commission

My name is Dr. Gabrielle Tayac and I reside at 9725 Nanjemoy Creek PI, Nanjemoy, MD, Charles County. I am writing to oppose the TeraWulf acquisition in Morgantown to develop a data center. FERC should deny their application.

Data centers damage water resources and threaten our precious Potomac River. I write as a Piscataway tribal member and historian who advocates for the health of our sacred Potomac waters and surrounding lands.

Sincerely,

Gabrielle Tayac

March 3rd, 2026

Attention: Members of the Federal Energy Regulatory Commission,

I am extremely concerned about whether or not TeraWulf can safely operate the Morgantown Generating Station in Newburg, Maryland. TeraWulf's plans for the plant do not align with the public interest. There is much to be done to clean the existing environmental hazards that have built up since the plant began operations in 1970. Fifty years of burning coal has left behind some dangerous environmental hazards that will not be easy or cheap to remedy.

The Potomac River has endured decades of hard use. The proximity of the Potomac helped to convince Congress to pass the Clean Water Act in 1972 because members could see (and smell) for themselves that the river was filthy. My home is about ten miles from the Morgantown plant. This area was once so thick with oyster reefs that they were hazards to navigation. Oysters, filter feeders that help clean the water, have suffered from pollution as well as from increased sediment loads caused by development upstream. If we don't have wild oysters, we will lose the commercial watermen. Their rich cultural traditions will be a thing of the past. TeraWulf won't be employing out of work watermen at their crypto-mining data center.

When I first bought my home in 1998, the skies were often marred from the smog coming from the two dingy smokestacks at Morgantown. There has been a huge difference in air quality, for the better, ever since the plant stopped burning coal. TeraWulf's plan to reopen the plant and burn oil is going to have detrimental effects on the health and well-being of the people who live up and down Cobb Neck. If TeraWulf draws water from the aquifer, everyone who relies on well water, which is every single person on Cobb Neck and Cobb Island, will risk having their well run dry. Digging a deeper well can run forty to sixty thousand dollars, money that people who are already having trouble paying their rising electric bills cannot afford.

I am a retired NASA engineer. I understand how tweaking one variable in a system can have deleterious effects on the entire system. TeraWulf's actions will introduce variables that have the very real possibility of producing negative effects on human, animal, and plant life in southern Charles County. TeraWulf's success hinges on running a business that only benefits their corporate balance sheet.

Sincerely yours,

Michal Blau

15425 Potomac River Drive

Cobb Island, MD, 20625

March 3rd, 2026

Attention: Members of the Federal Energy Regulatory Commission,

I have serious concerns as to TeraWulf's ability to operate the power plant located in Newburg, Maryland, at Morgantown. TeraWulf's acquisition of the plant is not consistent with the public interest. The plant is located on the banks of the Potomac River. The commercial watermen in this area rely on healthy aquatic systems that support the animals they catch and sell – crabs, oysters, and fish. Does TeraWulf have the financial means to clean up the coal ash, asbestos, and other environmental hazards before bringing this plant back online? TeraWulf's plan is to build a hyperscale data center on this site that will be used to mine cryptocurrency. This plan would not add energy to the grid that would then in turn help reduce costs for ratepayers.

I have owned my home on Cobb Island, which is about ten miles downriver from the Morgantown Generating Station. The skies used to fill when dark, brown-black-yellow smog when the plant was active. It was disgusting. Morgantown stopped burning coal in 2002. This was such a happy day. No more arsenic emissions! No more mercury emissions! Restarting this plant to mine cryptocurrency is unacceptable.

As a retired fourth grade teacher, I am extremely worried about the impact of emissions associated with the burning of oil will create once the plant is restarted. There are a lot of young children in the area near the Morgantown plant, and there is an elementary school as well as a middle school just three short miles from the plant. These kids will be the decision-makers and leaders in Charles County in a few short years. I want them to have healthy brains so that they can do this important work effectively and well.

Hard and fast guardrails must be in place to rein in companies like TeraWulf. They must be exemplary corporate citizens. They must pay their fair share of taxes, power themselves with 100% renewable energy, use closed loop cooling and heat exchange systems that do not draw water from the Potomac River or our already depleted aquifer. They must responsibly dispose of the e-waste that will be created as their data center servers are replaced every few years. Setbacks for sound and light pollution must be in place so that nearby residents and wildlife are not harmed. TeraWulf must provide funding to build new roads or improve existing roads to mitigate traffic issues. Last but not least, TeraWulf must agree to pay for improvements to the electrical grid so that residential ratepayers do not bear the burden of soaring energy costs.

Sincerely yours,

Jacqueline Moore

15425 Potomac River Drive

Cobb Island, MD, 20625

March 3, 2026

Attn: Commissioners

I am writing to express my belief that the Morgantown power plant should not be sold to TeraWulf.

TeraWulf uses local resources to fund data centers that provide scant benefit to the local community. Once initial construction is completed there will be little to no benefit to local workers, but huge detriment to people living nearby, fishermen and the further community as electricity costs rise and ground water aquifers are depleted.

The Morgantown site needs a commitment to restoration and remediation. Funds must be committed to clean up asbestos, coal ash, heavy metals (mercury, arsenic etc) and other scourges from the environment. Infrastructure to provide sustainable energy (hydro, not nuclear) for the community must be guaranteed, above and beyond the substantial drain that a data center would require - local citizens shouldn't bear the costs to provide a private company with energy.

Any business that moves onto that site must pay their fair share of taxes and contribute positively to the local community. The current option seems set to drain resources, pollute waterways, diminish property prices and cause terrible environmental damage.

Thank you for your consideration on this matter.

Warm regards,

Charlotte Barnhardt

11245 Mt Victoria Rd, Newburg, MD

March 3, 2026

Attention: Members of the Federal Energy Regulatory Commission,

I write in opposition to the proposed TeraWulf acquisition of the Morgantown Generating Station for the following reasons:

AIR/ENERGY:

I have serious concerns with air pollution from data centers. The term "negligible" gets thrown around when discussing this and it is anything but. I have seen where data centers have skirted regulations and the neighboring community has been negatively harmed and it wasn't negligible. See the articles below concerning Memphis, TN.

- <https://www.politico.com/news/2025/05/06/elon-musk-xai-memphis-gas-turbines-air-pollution-permits-00317582>
- <https://www.selc.org/news/resistance-against-elon-musks-xai-facility-in-south-memphis-gets-stronger/>
- <https://naacp.org/articles/elon-musks-xai-threatened-lawsuit-over-air-pollution-memphis-data-center-filed-behalf>

When the energy companies could not fully support energy requirements, methane gas turbines were used to carry the extra load. The amount of nitrogen oxides that have been pumped into the neighboring community have directly and negatively affected the health of the people.

The people within the surrounding communities are also forced to take on the burden of the extreme energy demand of the data center. People are being punished by crippling energy bills because a rude neighbor moved into town. This cannot be the people's burden. It must be placed on data center companies. In fact, the strain of data centers on power grids have caused rolling blackouts. This can be extremely dangerous as we continue to see the rise in extreme weather situations such as record breaking heat/cold and the rise in wild/brush fires.

WATER:

Water is extremely important to Maryland as it is a huge source of income and culture. Our watermen have fought for centuries to be able to fish our waters and the struggles of pollution and climate change have not gone away. We must continue to protect our waters for our watermen, for tourism, and for our way of existing here in Maryland. Also, we are currently in a drought and our infrastructure is rapidly outpacing our resources. A data

center would put an immense strain on our area and people will be at a larger risk for not having access to clean water.

NOISE:

Noise is another issue. The constant droning of generators could cause immense mental and physical harm. Our child is highly sensitive to noise as are others in our community and they would be negatively harmed even more than the general population. It would immediately increase anxiety and stress which could lead to further harm.

LIGHT:

Our conservation efforts would take a huge hit by the light pollution that is emitted from a data center. It not only is taxing on the mental and physical well being of humans but it also harms our wildlife. Migratory patterns and habitats are harmed by light pollution.

The amount of pollution a data center produces, whether it be air, water, noise, light, is extremely taxing on the health of a community. We pride ourselves in conservation and would like to continue to protect the healthy world we continue to fight for. With the reduction in force and the slashing of funds of the EPA, it is even more dire that we take extreme precautions when it comes to data centers. We cannot guarantee that someone else will be able to step in and protect us.

Several data center companies have been found to not be good faith operatives. The lack of integrity and ability to not only make a community whole but to honestly work to improve it is astonishing. Sucking a community dry of its resources and leaving it with the bill does not a good faith operative make. Actual legal guardrails must be put in place. They should not only work in partnership with a community to build, but the endeavor should improve a community in all areas and a data center company should leave a community in better shape than before it started. Please take our very serious concerns into consideration as this could be the demise to our community.

Sincerely,

brandi richards

La Plata, Maryland

To Members of the Federal Energy Regulatory Commission,

I have lived on Cobb Island, MD for over 40 years. Cobb Island is about ten miles downriver from the Morgantown Generating Station in Newburg, MD. I am concerned about the proposed purchase of the plant by TeraWulf. I don't see any way that a data center for the purpose of mining cryptocurrency is in my interest of the residents of this rural community with its agriculture and commercial fishing.

The commercial watermen in this area rely on healthy river that supports the crabs, oysters, and fish. Would TeraWulf be able to guarantee that the water quality would not be affected by their operations?

As a retired elderly living primarily on Social security, I am concerned about my energy costs. Would the data center's heavy demand for energy increase our energy costs?

I am also concerned about water. Would TeraWulf be drawing its water from the aquifer? CharlesCounty already has a water shortage. In this part of the county, water comes from wells and our aquifer is being depleted. I have already had to drill a new, deeper well to access it.

I urge the FERC to deny TeraWulf's proposed purchase of the Morgantown Power Plant for use as a data center to mine cryptocurrency.

Beverlie Ludy

18700 Wicomico Drive

Cobb Island, MD 20625

March 3, 2026

Attn: FERC Commissioners

Mattawoman Watershed Society opposes TeraWulf's acquisition of Morgantown for data center use, crypto mining, and the expansion of fossil fuel power plant capacity. We fully support Public Citizen's intervention with the Federal Energy Regulatory Commission (FERC) on TeraWulf's acquisition of the proposed Morgantown project.

We join citizens across Maryland who are raising strong economic, environmental, and health concerns about data centers. This proposed Morgantown project is especially egregious because TeraWulf would extend the lives of antiquated oil plants on-site to power the data center and crypto mining project.

The on-site antiquated oil plants should be closed permanently. The long push to close Morgantown in 2022 was driven by concerns over toxic emissions and their impact on local communities and the environment.

These concerns remain strong today.

TeraWulf has never reached out to the local community, and there has been a lack of transparency and educational outreach on the immediate and long-term implications of this proposed data center on the local community.

It is inappropriate for Data Center decisions in Charles County, or any county in Maryland, to be made before the release of the State Legislative Data Center Study.

Charles County residents are worried about increased greenhouse gas emissions, cooling water supply, light pollution, and noise from 24/7 cooling systems. Residents feel these projects should not move forward without sufficient study by the National Environmental Policy Act for the long-term, health, and climate impacts.

Sincerely,

Bonnie Bick, (301 752 9612)

Mattawoman Watershed Society

March 3, 2026

Attn: FERC Commissioners

Good afternoon:

I live in Charles County, and I am opposed to the TeraWulf acquisition of the old Morgantown power plant. Data centers will ruin our quality of life and drive up our electricity prices. Please listen to the community when we say - we don't want it here!!!

Anna Antoine
White Plains, MD
443-373-3306