AN AI DATA CENTER IN DOÑA ANA COUNTY, NEW MEXICO

Project Jupiter

A Research Report

One of the most expensive AI data centers now being constructed anywhere in the world — and the environmental, political, and financial reckoning unfolding around it in the New Mexico desert.

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About This Report

Project Jupiter, one of the most expensive AI data centers now being constructed anywhere in the world, was announced in a climate of backroom political dealing and authorized in September 2025 by a county commission that, by its own later admission, did not fully understand what it was approving.

This report documents many of the environmental, financial, and political dimensions of the project as of November 12, 2026. It draws together public records, regulatory filings, litigation, campaign-finance data, and press reporting. Where estimates remain open, the report says so plainly.

The pages that follow move from an executive summary of major findings through project background and key developments, closing with a set of appendices intended as working reference material.

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SECTION 01

Executive Summary

A Topline Summary of Major Findings

Project Jupiter, one of the most expensive AI data centers now being constructed anywhere in the world, located in Southern New Mexico, was announced in a climate of backroom political dealing and authorized in September 2025 by a county commission that literally didn't know what it was signing. The absurdist premise that laid the groundwork for this project was illuminated in a *New York Times* report appropriately titled "A Mysterious Company Came to Town With a $165 Billion Idea."

Since that report appeared in December, our research has identified additional official mistakes and conflicts of interest that deserve deeper investigation. Project Jupiter is one of the most costly of the original seven, now nine, projects launched in 2025 as part of the Trump Administration's Stargate data center project, a joint venture involving OpenAI, Oracle, and SoftBank that was announced at the White House on the first full day of President Trump's second term.

As this study documents, completion of the project will be an environmental disaster for New Mexico, endangering precious water resources in a severely drought-ridden region and potentially producing more pollution than all sources of emissions in the state's three largest cities combined. In return, the developers are legally bound to create only 800 ongoing jobs. That total is not insignificant – this region needs jobs – but it is not enough to justify the damage. The region won't need jobs if no one can live there.

Despite strong and well organized opposition, the project is already under construction, with phase one completion, including completion of the project's methane powered fuel cell microgrid, now planned for late 2028.[1] Project Jupiter is not a done deal, however. Its momentum was checked by two State Supreme Court rulings in August 2026 and it still faces several significant regulatory and legal hurdles with potential to delay or even stop construction. Indeed, in September of 2026, Oracle sent a force majeure notice to a developer in an attempt to protect itself against liability caused by potential delays.[322]

An Environmental Catastrophe

If completed, Project Jupiter would be an environmental catastrophe. The region in which it is located is already struggling with an extreme water shortage due to long-term drought. A recent U.S. Supreme Court decision in a long-running water dispute between New Mexico and Texas will require further reductions in groundwater pumping in the area where Project Jupiter will be built, which the state plans to accomplish by retiring farmland, so any additional drain will directly threaten the basin's reserves.[2] As of September 2026, the well serving Project Jupiter had already pumped nearly 200 million gallons of groundwater.[3] If there is not enough water for farmers, there is not enough water for a data center.

This is a region, furthermore, that already has some of the most polluted air in the country. In the American Lung Association's 2026 State of the Air report, Doña Ana County, where Project Jupiter is located, received an "F" grade for air pollution.[4] The nearby city of Las Cruces ranked 31st worst in the nation for

particle pollution (compared with 70th only a year before) and 16th worst for ozone pollution, or smog. The region has also been subject to chronic oil spills and methane leaks from oil and gas operations.[5] New Mexico is the nation's second largest oil producing state.[6]



A recent aerial view of the Project Jupiter data center construction site in Santa Teresa. Courtesy of the Border Industrial Association

If completed, Project Jupiter could become New Mexico's top corporate polluter. It will have the potential to create more greenhouse gas emissions than New Mexico's three largest cities (Albuquerque, Las Cruces and Santa Fe) combined.[7] It will create significantly more greenhouse gas pollution than the state's largest electric utility, PNM.[8]

While Project Jupiter's developers claimed that their April 2026 switch in energy source from natural gas turbines to a fuel cell microgrid "significantly reduc[es] local emissions," those emissions were still– at 10.1 million tons per year – extremely high.[8] On October 15, 2026, developers proposed yet another plan to power Project Jupiter, submitting a redesigned microgrid purporting to cut emissions by approximately 35% and reducing greenhouse gas emissions to 5.7 million tons per year – so long as the source complies with a permit cap (as it will maintain the capacity to emit up to 8.5 million tons per year). But, thanks to a loophole in New Mexico state law established in 2025 to encourage data center development, Project Jupiter will not be subject to state emission reduction mandates in the Energy Transition Act (ETA) at all until at least 2045, meaning that any emissions reductions over the next two decades will be voluntary.[323]

Nor has Project Jupiter presented a clear emissions reduction plan. Developers have alluded to a "path toward compliance with New Mexico's Energy Transition Act," which requires the state's investor-owned utilities to obtain 50 percent of their energy from renewable sources by 2030, 80 percent by 2040, and 100 percent by 2045.[9] But they have not, in fact, promised compliance.[10] What they mean by a "path" is unclear and their actual legal obligations are ambiguous.

More recently, in a request for proposals (RFP) issued in September 2026, Oracle referred to "Project Jupiter's commitment to achieve 100 percent carbon-free energy matching by 2031."[11] The RFP, for the development of 2GW of new renewable energy capacity in the state, marked one of the first and only ges-

tures by developers toward proven renewable solutions like solar and wind, but the proposed development still only amounts to a modified offset and a false solution.[12] It will not significantly reduce the emissions Project Jupiter actually produces, or result in cleaner air for those who live near the project.

Oracle has also said it will invest $1 million into research on "the potential for carbon capture and sequestration at Project Jupiter,"[13] but this too is vague, its outcome indefinite, and serves only to deflect from the actual damage Project Jupiter will create. Local residents cannot breathe "research," much less "potential."

Project Jupiter's microgrid relies on unproven technology and risks becoming a stranded asset. Developers have promoted Project Jupiter's current energy source, a methane-powered solid oxide fuel cell microgrid, as a cleaner and less water-intensive alternative to the methane turbines they originally proposed, but serious questions remain as to its viability. The technology has never been deployed at anywhere near the scale proposed here. It is also an extremely expensive technology. All of these challenges raise the question of what the developers will do in the event that the fuel cell microgrid proves untenable.

One real possibility, if the microgrid becomes too expensive or inefficient to operate, would be that developers sell it off to a utility (as their initial agreement with the Governor actually indicates they plan to[14]), saddling ratepayers with the cost of the asset as well as its dirty energy and emissions. They have already indicated they are seeking an easement to connect to El Paso Electric's grid.[15] It is also possible that developers expect to sell the asset before 2045, when the ETA mandates kick in, offloading a massive, fossil fuel energy source at just the moment when all of the state's utilities should be reaching net zero.

A Rushed Project Rife with Misrepresentations and Conflicts of Interest

Project Jupiter was authorized by the Doña Ana County New Mexico Board of County Commissioners (BOCC) with almost no scrutiny, and with key officials hamstrung by NDAs, when the BOCC approved up to $165 billion in industrial revenue bonds (IRBs) to finance the project in September 2025. With $50 billion of this total to be spent over the next five years, Project Jupiter is one of the most expensive data centers currently under construction anywhere on the planet.

To build Project Jupiter, Oracle and OpenAI – the companies to be served by the data center's massive computing power – picked a secretive, inexperienced, politically-connected company called BorderPlex Digital Assets. Prior to Project Jupiter, this recently created company has never built anything, not even a strip mall, small factory or single family home.[16] The only apparent qualification BorderPlex has is that its corporate leadership (whose names were almost immediately removed from the company website when the project began to come under scrutiny) include a powerful bipartisan group of political insiders.[17]

Backroom deals and conflicts of interest abound in this murky saga. BorderPlex's first known deal was not with the local community but with New Mexico Governor Michelle Lujan Grisham, who signed the memorandum of understanding (MOU) announcing the project. In addition to promising "reasonable and appropriate" policies to support the development, she included terms beneficial to her Strategic Wa-

ter Supply initiative, a widely discredited pet project aimed at subsidizing the oil and gas industry in its efforts to legally recycle fracking wastewater.[18]

Two lobbyists who have worked on behalf of that effort, for a shady industry group called the WATR Alliance – Jennifer Bradfute and Matthias Sayer – were also lobbyists for BorderPlex Digital Assets in 2025.[19] The head of the New Mexico Environment Department (NMED), Lujan Grisham-appointee James Kenney, worked with the governor in 2025 to inappropriately pressure the agency charged with making these new water rules even after the agency decided against them.[20] NMED is the agency now charged with approving Project Jupiter's air quality permit.

A politically-connected BorderPlex Digital Assets affiliate is also entwined with NMED. Former state Economic Development Director Alicia Keyes, another former Lujan Grisham appointee, was the head of government affairs for BorderPlex Digital Assets at least as late as August 2025, when the company removed the leadership list from its website.[21] Keyes is also now CEO of an AI company called Apaluma, which in May 2025 secured a no bid contract with NMED through her former colleague, James Kenney. As part of the $1.4 million dollar contract, Apaluma was given access to some 63 million pages of NMED's records – 94 percent of the department's known electronic inventory – to create an AI agent interface for the department's records.[22] Dubbed Project Velocity, the data scanning project began in May 2025 and concluded in January 2026,[23] which means that NMED's data giveaway to a company headed by a BorderPlex executive, which it ironically celebrates as a "big win for efficiency and transparency," overlapped with Project Jupiter's first air quality permitting period (November 2025 to April 2026), in which NMED appeared to hold sway over the whole project.[24]

The water will come not from a utility but from El Paso developer and scrap-metal-recycling CEO Lane Gaddy.[25] Gaddy bought up water rights and desert land across Santa Teresa in the late 2010s in anticipation of a "booming border oasis." The person best positioned to profit from Project Jupiter's water is not a local farmer, in other words, but a well-connected water profiteer.

The Doña Ana BOCC is under pressure, frustrated, and in a position to cancel or revise Project Jupiter's IRBs. Due to its role as signatory to the IRBs, the BOCC has significant control over the fate of the project. There have been several widely publicized examples of misrepresentation on the part of the developers: their deceptive claims around water use, which compelled the BOCC to launch an investigation in April 2026;[340] their ongoing failure to submit the project's required jobs reports, which led the BOCC to issue a notice of breach to developers;[324] and their admission that they do, in fact, intend to hook up to El Paso Electric for some utility services, and have planned to do so since 2025, also leading to a notice of potential breach by the BOCC.[26]

Misrepresentations along these lines could give the BOCC grounds to sue to undo the deal underlying the IRBs. Canceling the IRBs would not necessarily block the project but it would strip the project of its lucrative tax breaks. The BOCC itself is also facing several active lawsuits, two of which also seek to void the deal.[27]

The Job Creation Myth

Job creation is Project Jupiter's strongest bargaining chip, yet it has already fallen short on its promises. Job creation, along with increased economic development generally, is the single top reason any elected official in New Mexico would have to vote for or promote a data center like Project Jupiter. It is the pressure point that compelled the BOCC to authorize Project Jupiter in September 2025 despite knowing almost nothing else about the project.

The actual job creation pledge, however, is small, especially given the environmental harms New Mexicans are expected to accept in exchange. The only legally binding commitment in the project's community benefits agreement is the creation of 750 full-time jobs and 50 part-time jobs within three years of commencing operations. Developers have also said that they "expect to create at least 2,500 construction jobs onsite," all temporary, but this is not a binding commitment.[28] If Project Jupiter fully lives up to its binding job creation pledge, it would increase the size of New Mexico's workforce by a mere 0.8%.[29]

Even this paltry promise has shown notable cracks in the months since it was approved. The developers' job projections have shifted several times, giving the appearance of insincerity. Out-of-state license plates have been identified at the Project Jupiter site.[30] And remarkably, given the importance of this issue, developers continue to fail to submit their required jobs reports, technically breaching the terms of agreement on which their tax benefits are based.[31]

Opportunities for Stopping This Dangerous Project

Project Jupiter is not a done deal, however. The state has already gone on record to block one critical component of the project, the gas pipeline leading to the microgrid. Not once but twice – most recently in July 2026 – State Land Commissioner Stephanie Garcia Richard rejected Project Jupiter's request to run its pipeline over state land.[32] In a letter to the pipeline developer Richard wrote, quite accurately, "The burden that the project will impose on New Mexico's water and other natural resources, and on the surrounding community, is extreme. At a time when New Mexico needs to stop the out-of-control acceleration of climate change, literally doubling down on dangerous emissions is irresponsible and incompatible with NMSLO's [New Mexico State Land Office] mission."[33] After the pipeline company sought to reroute the pipeline to avoid state land, in October 2026, New Mexico Attorney General Raúl Torrez joined the challenge at the federal level, arguing that the Federal Energy Regulatory Commission's environmental review of the proposed pipeline is inadequate because it ignores the impacts of the data center the pipeline would serve: "Project Jupiter in its current form cannot function without the pipeline," he wrote.[317]

In August 2026, the State Supreme Court stepped in, unanimously granting requests by environmental advocates New Energy Economy and the Center for Biological Diversity to stay both the air quality permit process and the emergency well application, effectively pausing the permit proceeding and blocking water use from the well on which the construction for the project appears be relying.[34] A week later, New Mexico Attorney General Raúl Torrez filed responses in support of the advocates' requests, arguing that state agencies cut corners on legally required processes to accommodate Project Jupiter's developers.



"We can't drink data": residents rally against Project Jupiter.

"The same rules must apply to everyone," Torrez said in a statement, "Whether you're a family defending a water right or a global corporation with money and political clout. Notice and a fair hearing exist to protect the public, and bending those rules for a powerful applicant undermines public trust, regardless of the outcome."[35] This comes after a separate investigation the Attorney General opened in July into allegedly fraudulent letters submitted to NMED in support of Project Jupiter during the air quality permit comment period.[36]

Altogether, the project still faces at least three significant regulatory hurdles, including the air quality permit with NMED, the emergency well permit with the Office of State Engineer (OSE), and Federal Energy Regulatory Commission (FERC) approval of the pipeline. All three of these proceedings have met with strong, fact-based opposition.

Project Jupiter has also aroused anger and frustration on the ground, generating well organized popular opposition. This opposition has been instrumental in compelling the BOCC to acknowledge its mistakes in approving the project so blindly and reconsider its legal options in regard to the tax incentives. It has also pressured public officials at the state level to raise questions and take action to check the momentum of the data center buildout in the state.[37]

For example, State Sen. Jeff Steinborn of Las Cruces, a vocal opponent of Project Jupiter, has declared he will reintroduce legislation in 2027 to close the loophole that exempts data centers from state emissions mandates.[38] State Reps. Eleanor Chávez, Micaela Lara Cadena and Angelica Rubio and State Sen. Carrie Hamblen announced plans in July for legislation imposing a statewide data center moratorium;[39] in September, Reps. Lara Cadena and Rubio, joined by Rep. Patricia Roybal Caballero, said they would introduce the bill. And Deb Haaland, Governor-elect, has said that she supports a pause on new data center developments while state leaders draft regulations[40] – though she also accepted a $12,400 campaign contribution from Oracle and has accepted tens of thousands more from Oracle executives and others involved in Project Jupiter's construction.[41] With popular data center opposition coalescing around these and other efforts, candidates who sought office in the November 2026 election were asked to take a clear stand on this increasingly unavoidable topic.

Conclusion

Project Jupiter is one of nine data centers slated for construction as part of the Trump-backed Stargate project, a $500 billion dollar plus artificial intelligence plan created by OpenAI, Oracle and SoftBank. While permitting has been completed and construction is substantially underway for six of these data centers, Project Jupiter is far from a done deal.

The project's path to date has been a rocky one, fraught with political hubris and ineptitude and beset by increasingly well organized grassroots opposition. This opposition, which shows no signs of abating, has increased public scrutiny of the project and forced elected officials to acknowledge many of the failures of the process. Some of these officials have begun to raise critical questions about the project's supposed benefits. Two counties have passed moratoriums on future data centers in recent months and a statewide moratorium is now on the table.

There is precedent in New Mexico, a state in which the Trinity nuclear test site is not a distant memory, for grassroots resistance to corporate power grabs. This resistance helped to block energy conglomerate Avangrid from buying the state's largest public utility in 2023,[43] and is mounting a serious challenge to Blackstone's bid for the same utility today.[44]

In an election year that will see the departure of the governor who courted Project Jupiter in the first place, opportunity exists not only to block or effectively revise this project but to rewrite the terms with which future data center developers will have to contend moving forward.

SECTION 02

Project Jupiter Overview and Background

KEY TAKEAWAYS

- BorderPlex Digital Assets – a secretive company with no prior build history, incorporated less than a year before approval – was chosen by Oracle and OpenAI to develop Project Jupiter under the $500 billion Stargate program.
- A February 2025 MOU from the governor and a rushed September 2025 county vote authorized up to $165 billion in industrial revenue bonds over a 30-year period.
- A microgrid loophole, passed surreptitiously in the 2026 legislative session, exempts the project from state clean-energy mandates.

Project Jupiter is one of the initial seven data centers announced as part of the Stargate initiative, a $500 billion dollar artificial intelligence joint venture created by OpenAI, Oracle and SoftBank and announced by Donald Trump at a White House press conference on January 21, 2025.[45] Permitting has been completed and construction is substantially underway for the other six. Project Jupiter can still be blocked. The total number has since increased to nine, as of July 2026.



Donald Trump, Larry Ellison, Masayoshi Son and Sam Altman in the Roosevelt Room of the White House in Washington on Jan. 21. *Photographer: Aaron Schwartz/Sipa/Bloomberg*

To build Project Jupiter, Oracle and OpenAI chose a secretive, inexperienced, politically connected company called BorderPlex Digital Assets. With almost no scrutiny, and with key officials hamstrung by nondisclosure agreements (NDAs), the BOCC approved up to $165 billion in industrial revenue bonds (IRBs) to finance the project in September 2025, with $50 billion to be spent over the next five years. This

project alone made New Mexico the top-ranked state in the country for data center investment as of October 2025.[46]

If the project is completed for $50 billion, Project Jupiter may be more expensive than any existing data center anywhere in the world. According to OpenAI's own ChatGPT, "the most expensive data centers in the world today are AI mega facilities costing ~$10+ billion." For example, compare Project Jupiter to another of the most expensive U.S. data centers reported to be under construction, a 20 million-square-foot campus in Lockhart, Texas, which is expected to cost $20 billion.[47]

The following recounts, in roughly chronological order, key events in the development of Project Jupiter, beginning in early 2025.

The Secretive, Inexperienced Company Behind Project Jupiter

BorderPlex Digital Assets LLC, the company developing Project Jupiter for Oracle and OpenAI, has not previously built anything, not even a small industrial facility. It was incorporated in Delaware less than a year before the proposal was approved. It has since partnered with Stack Infrastructure, a multinational digital infrastructure company based in Denver. (The *Wall Street Journal* reported on September 25, 2026, citing unnamed sources, that Oracle "removed" Borderplex Digital Assets as a partner on Project Jupiter, and that Borderplex will "receive a payment from Oracle to relinquish the rights [it] held to the project's land and power.")[48]

The origins and ownership of BorderPlex are well-hidden. In an article appropriately titled "A Mysterious Company Came to Town With a $165 billion idea," the *New York Times* reported in December 2025:[49]

> Given its profile, surprisingly little is known about Project Jupiter. ... BorderPlex, too, is a bit of a mystery. The company's website does not have a list of employees. There's no mention of any previous ventures by the company, on the website or in the media. The Austin address listed on its filings with the Securities and Exchange Commission – it was incorporated in Delaware last year [2024] – is a WeWork space. The company's website once had a "leadership" section ... The leadership page is now gone.

The public face of the company is Chairman and Co-founder Lanham Napier.[50] Napier is also cofounder of BuildGroup, a venture capital firm focused on investing in emerging AI companies.[51] From 2000 through 2014, he was CEO of Rackspace, a cloud computing services provider.[52] (He published a book about his experience with Rackspace called *Billion or Bust!: Growing a Tech Company in Texas.*[53]) He is on the board of trustees of Rice University, his alma mater, where his father was a longtime professor.[54]

Napier is a Republican-only political donor at the federal level, though not a reported Trump contributor. He donated $64,100 to Republican candidates and causes between 2010 and 2013 but has reported no federal candidate contributions since then.[55]

Well before appearing in Doña Ana County, BorderPlex cultivated ties at the top levels of New Mexico state government, as detailed in the next section. BorderPlex has other political connections as well, judging from a leadership list the company posted online in 2025. These include:[56]

- Alicia J. Keyes, who served as New Mexico Economic Development Department Secretary from January 2019 to June 2023,[57] appointed by Gov. Lujan Grisham.[58] While serving as EDD secretary, she was involved in bringing other companies to the Santa Teresa area as well.[59] She is founder and CEO of AI company Apaluma, which is currently contracting with the New Mexico Environment Department (NMED).[60] Her company specializes in using AI to "digitize and illuminate critical environmental data sets around water, waste and energy."[61]
- Miguel Fernandez, a telecommunications entrepreneur who is a major contributor to Republican political candidates in El Paso. Fernandez' checkered history includes an arrest for drunk driving and a fine for unauthorized use of El Paso city property to run fiber optic cables across the U.S.-Mexico border, according to *El Paso Matters.*[62]
- George Prescott Bush, former Texas Land Commissioner and son of former Florida Governor Jeb Bush.

Shortly after the *New York Times* revealed these names, BorderPlex removed its leadership page from its website.[63] (See Appendix E for the original list, obtained through a search of archived web pages.)

BorderPlex has partnered on the project with Stack Infrastructure, a far more established company with locations in numerous American cities and nearly a dozen other countries.[64] Stack is also currently involved in Amazon data centers in Louisiana.[65]

New Mexico Governor "Unlocks Magic Pixie Dust" for BorderPlex

The political dealings that paved the way for Project Jupiter remain obscure, but they trace back to the governor's office. They began sometime prior to February 2025, when Gov. Michelle Lujan Grisham and BorderPlex chair Lanham Napier held a press conference to announce the signing of a memorandum of understanding (MOU) between BorderPlex (described as "a new high-tech Texas company") and the state.[66] The negotiations that led to this agreement have yet to be reported, but the key figures on the government side appear to be Gov. Lujan Grisham, State Rep. Nathan Small, and State Sen. Michael Padilla, all Democrats.[67]



Gov. Michelle Lujan Grisham and Lanham Napier, chairman of BorderPlex Digital Assets, on Tuesday announce a deal for a multibillion-dollar artificial intelligence data hub and advanced manufacturing center. The Santa Teresa site could bring up to 1,000 jobs to the area and will include microgrid power generation and water treatment facilities meant to attract trade-centric businesses as clients.

Gabriela Campos/The New Mexican

The governor and Napier presented themselves at the press conference as cozily entwined. Lujan Grisham reportedly quipped to Napier, "We're going to sign this deal before you can get away." Napier said, "We couldn't have gotten here without you." As the *New Mexican* reported at the time, "[Napier] said his company maintains open lines of communication with its partners – in this case, the state – and that approach would help enable outcomes in power generation that haven't been seen historically, 'unlocking magic pixie dust.'"[68]

The project was initially described in the press as "a multibillion-dollar artificial intelligence data hub and advanced manufacturing center" whose clients would be "data-heavy technology companies and trade-centric businesses." The project, as proposed, would also include the construction of water and power infrastructure in the form of water treatment facilities, including a desalination facility for the treatment of brackish water, and microgrid power generation.[69]

The water treatment facility would almost certainly have sweetened the deal for the governor's office, and may have been inserted to secure her support as it would have advanced her embattled efforts to promote the recycling of brackish and produced water. In the MOU, the state promises to subsidize drilling for brackish water as well as "contribute state funds to a pilot desalination and water treatment project in Santa Teresa."[70]

The MOU also suggests that the project itself would make use of brackish water in its systems, in line with the governor's pitch, heavily promoted at the time, that brackish water was an "untapped water supply for manufacturing and clean energy development [that] supports economic growth while preserving freshwater supplies for other uses."[71] There has been no mention of a water desalination plant since this

announcement, however, and nothing in Project Jupiter's current communications would suggest that it will actually use brackish water for any purpose.

In regard to the microgrid, the MOU states that the project will involve "the development and construction of a large microgrid system *that BPD intends to eventually sell to local public utilities*" (emphasis added)[72] – another point that has not been elaborated much if at all in the developers' public communications since.

In exchange for what was then described as a $5 billion dollar construction investment from BorderPlex, the MOU committed the state to advancing "reasonable and appropriate" policies and legislation to support the development of the campus.[73] The New Mexico Economic Development Department indicated at the time that supportive policies could include a "high wage jobs" tax credit and support through the Local Economic Development Act (LEDA) Gross Receipts Tax Share Program and the state's Job Training Incentive Program, as well as industrial revenue bonds (IRBs) through Doña Ana County.[74] The LEDA assistance and IRBs have both since come through.[75]

It is unclear if the governor's MOU with BorderPlex is legally binding. In late May 2026, in reporting on the "behind-the-scenes deals [that] paved the road to Project Jupiter," the *New Mexican* noted: "The Governor's Office did not respond to questions Friday about its contract with BorderPlex [the MOU], including whether the provisions are binding or whether the governor believes they are in line with the Energy Transition Act."[76]

More Political Maneuvering Exempts Microgrids from Clean Energy Mandates

Both the governor's office and the state legislature have made efforts to exempt Project Jupiter's microgrid from the state's 2019 Energy Transition Act (ETA), meaning it will not be held to the same renewable energy standards as local utilities and electric cooperatives.[77] The exemption is significant given that the microgrid, as proposed as recently as October 15, 2026, will still generate more tons of greenhouse gas emissions than the state's largest utility, PNM.[78]

Under the ETA, investor-owned utilities and rural electric co-ops are required to obtain 50 percent of their energy from renewable sources by 2030, 80 percent by 2040, and 100 percent by 2045 (for utilities) or 2050 (for co-ops).[79]

Lujan Grisham said at the time of the February 2025 MOU that she believed Project Jupiter would adhere to the ETA, though she provided no evidence and said nothing about enforcement. She simply said, "I want the ETA to be met or exceeded in all areas."[80] The developers have also stated that the project will "comply with the state's Energy Transition Act."[81]

The MOU explicitly states, however, that the microgrid will not be subject to the ETA so long as it does not sell its electricity back into the grid.[82] It also establishes an exceedingly broad definition of clean energy generation – one that includes just about everything *other* than solar or wind.

Most egregious, the MOU all but promises to twist New Mexico law to allow the Project Jupiter microgrid to go on polluting beyond 2050, when all of the state's utilities are required to reach net zero emissions.[83] This item reads:

> [I]n the event it is determined that electricity generated for BDP's [BorderPlex Digital Assets'] microgrid cannot or does not qualify as a "zero-carbon resource," but such electricity is otherwise able to provide reliable and affordable low-carbon electricity to the grid for the benefit of New Mexicans, the State of New Mexico will both support the use of any existing provision under New Mexico law that allows such electricity to be connected to the grid and support the issuance of new policies or legislation that would allow for connection to the grid beyond the year 2050.[84]

A few weeks after this agreement was signed, the New Mexico Legislature took these promises one step further, enshrining the ETA exemption into law for microgrids that don't sell electricity to utilities, and extending the ETA exemption to 2035 for those that do.[85] The provision was added by State Sen. Michael Padilla as a last minute amendment to a bipartisan grid modernization bill, HB 93, just two days before the session adjourned.[86]

The amendment appears to require all microgrids, regardless of whether or not they sell their energy, to be net zero by 2045. As State Rep. Micaela Lara Cadena has pointed out, however, this law would do nothing to stop Project Jupiter from polluting for 20 years and then leaving town in 2045 once the clean energy requirements take effect.[87]

The wording of the amendment is confusing and probably "intentionally deceptive,"[88] as a former Public Regulation Commission (PRC) chair has put it.[89] Padilla denied in the *New York Times* that he was trying to "snooker anyone," but did take credit for helping to make New Mexico more appealing to the data center industry. "We have four or five major data center projects now looking at the state as a result of what we did this year," he said.[90]

Sen. Padilla's move has been widely criticized. It is generally understood that the amendment was introduced to benefit Project Jupiter without disclosing the data center connection to legislators.[91] In May 2026, Rep. Cadena, who represents Mesilla (just outside of Las Cruces), said of the amendment, "They misled us in such an egregious way. They knew this was about Jupiter, and they acted like it was something else."[92] Elsewhere, she called the provision "a shady ass floor amendment … made by Senator Padilla" that passed as a result of "dirty backroom dealing in Santa Fe."[93]

The former PRC chairman, Stephen Fischmann, has pointed out that the exemption effectively guts the ETA, given that the microgrids currently being planned in New Mexico are large enough to generate more power than the entire state currently uses. "Once a little more than half of the electricity generated here is exempt from the ETA," he said, "the ETA is meaningless."[94]

A year later, in the 2026 legislative session, State Sen. Jeff Steinborn introduced the Microgrid Oversight Act in an effort to close the HB 93 loophole, but it did not pass. The bill attempted to require microgrids to comply with ETA standards, and would have given the PRC oversight of microgrids and required annual reporting, including total water usage.[95] It was passed by the Senate (22-20) but never given a hearing in the House. Steinborn has said he will reintroduce the bill in 2027.[96]

Doña Ana County Commission Authorizes $165 Billion in Industrial Revenue Bonds With Almost No Scrutiny

The most important – and legally binding – set of agreements the Project Jupiter developers have entered into with any government agency are the industrial revenue bonds (IRBs) authorized by the Doña Ana County Board of County Commissioners (BOCC) in September 2025, which provide for the project's 30-year property tax exemption, among other benefits. The approval process for these IRBs was intentionally rushed by developers and so plagued with misinformation that even the commission itself, facing multiple lawsuits and mounting public pressure, has taken steps to consider its legal options.

In September 2025, six months after the groundwork was laid at the state level, the BOCC voted 4-1 to authorize the issuance of up to $165 billion in IRBs to fund Project Jupiter, with $50 billion to be spent within five years and the balance available if needed for later expenditures.[97] The issuance of these bonds makes the data center nominally county property, thus exempting the facility from property tax. The county will legally own the property for the 30-year period of the agreement and will lease it back to developers. Prior to approval of this bond issue, New Mexico's largest IRB was for $942 million, less than 1 percent of these bonds.[98]

The process was extremely rushed and absurdly opaque given that County Manager Scott Andrews and his staff agreed to sign non-disclosure agreements (NDAs) with developers that required them to keep negotiations with the companies secret – even from the commissioners who were asked to approve the deal.[99] District 4 Commissioner Susanna Chaparro cast the lone dissenting vote, arguing that the project came together too quickly. She tried three different times throughout the meeting to delay the vote and require developers to provide more information.[100] Lanham Napier told the commission, however, that delaying the vote would kill the project, and none of the other commissioners supported Chaparro's pleas for a pause.[101]

Two weeks before the vote, District 3 Commissioner Shannon Reynolds posted the name, and home address of an opponent of Project Jupiter on his Facebook page in what the New Mexico Environmental Law Center (NMELC) has characterized as "an effort to intimidate the person."[102] He also posted a lengthy list of other opponents. NMELC issued a formal protest of this "gross misconduct" and called on the county to ensure that in the future "community members can participate in public forums and processes without fear and risk of retaliation, harassment and their safety being placed in jeopardy by their own elected officials."[103]

The developers, for their part, have agreed to pay the county $360 million in payments in lieu of taxes, known as PILOT payments, around 10 percent of which go to local school districts. They have also agreed to $6.9 million in community investments.[104]

The September 19 vote to move forward with the IRBs occurred in a "tense" and sometimes "raucous" seven-hour meeting, over the course of which "opponents of the project stood and shouted 'sellouts' and 'recall' at the commissioners while numerous security guards stood between the protestors and the elected officials at the dais," *El Paso Matters* reported.[105] At one point during the meeting, the commissioners went into an unplanned closed session without providing a specific reason for doing so.[106]



An opponent of the proposed Project Jupiter data center cheers for Doña Ana County Board of Commissioners Vice Chair Susana Chaparro after her motion to delay a vote on the center for 60 days, Sept. 19, 2025. (Corrie Boudreaux/El Paso Matters)

NMELC has since sued the commission over this action, alleging that the commissioners violated the New Mexico Open Meetings Act and asking the court to void the two ordinances supporting the IRB agreement.[107] NMELC is also representing local residents in a separate lawsuit alleging that the adoption of ordinances approving the IRBs and LEDA funding violated the law because incomplete information in the application the BOCC considered led the commissioners to make their decision without legally required consideration of environmental and community impacts.[108] Both cases are currently pending.

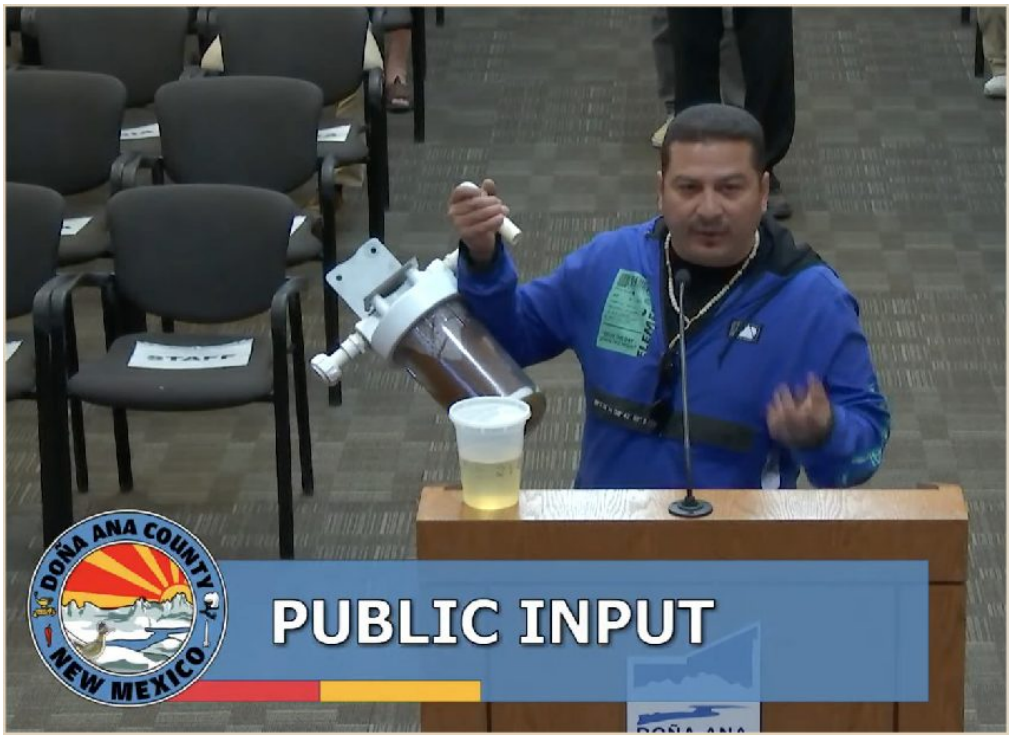
Several days after the meeting, the county signed a non-binding MOU with "Project Jupiter" (the individual companies are not named) that lays out the terms of the deal. The signatory on the county side was County Manager Andrews. These terms reportedly became binding in the bond and lease agreements signed in late October and early November. If the developers don't complete the project, or don't fulfill their commitments, the commissioners could legally undo the deal and revoke the tax exemptions.[109]

State Rep. Nathan Small, who supports the project, has insisted on the legally binding nature of the bond and lease agreements: "There are enforceable community benefit agreements … There is strong and needed oversight. That is essential. The state will step up to that role, and I know the county is stepping forward into that role. And these are binding documents."[110]

BOCC Later Launches Investigation Into Developers' Misrepresentation of Water Use, Considers Options for Litigation

In early April 2026, it emerged that the Project Jupiter developers were planning to use almost 50 times more water than Doña Ana County Commissioners agreed to in the MOU they signed with developers in September 2025, due to a last minute tweak in the wording made between that MOU and the final IRB agreements. This revelation prompted the BOCC to launch an investigation into the developers' aims and

reconsider its options in regard to the bonds. If the BOCC concludes that the developers violated the IRB agreements, it could take action to try to strip the developers of their tax breaks or compel the developers to renegotiate the agreement.



A resident displays a discolored home water filter during public input at a Doña Ana County commission meeting. Source: Doña Ana County meeting video.

The commissioners believed, on the basis of the MOU they signed with developers in September 2025, that they were approving a project that would consume an average of 20,000 gallons of water a day.[111] Specifically, the MOU reads, "The daily operational water use for the full data center campus buildout will be an average of 20,000 gallons per day with a maximum peak use capped at 60,000 gallons per day."[112] As the *New Mexican* reported on April 6, however, the developers later told the Office of the State Engineer (OSE) that those 20,000 gallons would supply only the office portion of the project, while the gas turbine microgrids would need an additional 1 *million* gallons a day.[113] That estimate was based on the original gas-turbine microgrid design laid out in the developers' first air permit application, which they withdrew on April 27, 2026, when they switched to a fuel cell microgrid. The current additional water use resulting from this change remains unknown, though developers claim that the new approach will require minimal water for startup, maintenance and regular operations.[341] Notably, the natural gas supply these fuel cells rely upon will still require water use indirectly.[325]

It turned out that, between the signing of the MOU and the final drafting of the IRB agreements, which were dated November 1, someone added to that sentence the word "potable." The community benefits agreement contained in the IRB documents reads: "The daily operational *potable* water use for the full data center campus buildout will be an average of 20,000 gallons per day with a maximum peak use capped at 60,000 gallons per day" (italics added).[114] The other commissioners didn't know, in other words – and even Chairman Christopher Schaljo-Hernandez, who the BOCC delegated to sign the agreements,

claims not to have known – that the 20,000 gallon limit they were authorizing would apply only to potable and not non-potable water in the final agreements.[115]

The developers disclosed over the fall of 2025 that they were looking into non-potable water sources for use in construction and to fill the closed-loop cooling system for the data centers, and that they had contracted with a local sod farmer, Santa Teresa Capital LLC, to obtain this water on a temporary basis.[116] Only after the *New Mexican* story came out did they confirm that they would use this non-potable water for the gas turbines as well, and on an ongoing basis, not temporarily. Oracle said in a new statement: "Project Jupiter's use of community drinking water is limited to an average of 20,000 gallons per day. The water used for construction and cooling systems at the microgrids and data center is unfit for drinking and comes from existing allocated, commercial non-potable sources."[117]

As opponents have pointed out, however, the distinction between potable and non-potable water is largely irrelevant since both reduce the water table. A local op ed writer, Peter Goodman, put it this way in the *Las Cruces Sun News*:[118]

> Living in a desert, even idiots like me understand that when a deep aquifer contains a lot of water too salty or mineral-laden to drink, if my neighbor pumps out a lot of that bad water, that could draw freshwater downward, leaving my shallow well dry. His plea, "But I only took non-potable water," won't keep my tomatoes alive. The issue isn't simply whether the water is drinkable. The issue is whether it is part of a limited regional water resource.

On April 14, the BOCC voted unanimously to investigate the agreement, passing a resolution that directed County Manager Andrews and two commissioners, Sanchez and Chaparro, to communicate with the developers to determine whether Project Jupiter's plans related to water use or anything else have changed.[119] The resolution also directed Andrews and the commissioners to "identify paths forward to minimize the impact of any proposed changes to water usage" and protect the economic benefits. The commissioners who met with Project Jupiter's developers were instructed to report back at a public BOCC meeting. It is unclear if there is a formal process in place for this reporting.[120] (In July 2026, the BOCC voted to terminate Andrews' contract, effective immediately.[121] The effect of his departure on the investigation is unclear.)

In the same April 14 meeting, commissioners met behind closed doors with their attorneys, reportedly to discuss possible litigation related to their agreements with the developers. If the commissioners determine that the developers violated the IRB agreements by misrepresenting their projected water use, according to reporter Heath Haussamen, they could sue to try to undo that deal. If successful, such a suit could allow the county to assess property taxes on the development over the 30-year period, which would likely amount to far more than the $360 million in payments they're currently due to receive. But that could also void other parts of the agreement, such as the limits on water use. As an alternative to a lawsuit, the county could attempt to negotiate water limits through additional agreements.[122]

On April 27, the developers announced that they would abandon the gas turbines in favor of fuel cells. In late May, Haussamen reported that Commissioners Sanchez and Chaparro had met with Oracle officials and felt that communication with the company had improved. Sanchez said "I feel like we're back on bet-

ter footing." Chaparro said she was "relieved" and that the officials "seemed open, seemed knowledgeable, seemed to be more prepared than the other representatives I've heard in the past."[123]

More recent reporting suggests there is still tension, however, with commissioners – especially Chaparro – frustrated in particular with the developers' resistance to scheduling public meetings. When a previously scheduled town hall was abruptly changed to a "community open house and career fair" – a format much friendlier to the developers – Chaparro said she was as surprised as her constituents. (It is unclear who approved the change.) In another tense and raucous BOCC meeting, on June 9, Chaparro admitted to the crowd, "You begged for this meeting to answer well-founded questions and we're still not listening, in my opinion."[124]

Project Jupiter Secures Water from Private Rights-Holder, a Prominent El Paso Developer

Most of Project Jupiter's water will come not from the local water utility, which would have a stake in monitoring and moderating the data center's water use, but from an existing water rights holder who is positioned to profit.[125]

Project Jupiter has secured the water needed for construction – and aims to secure the water needed for its data center and microgrid systems – from a company called Santa Teresa Capital LLC, which owns water rights near the site.[126] No regulatory approval is needed for this transaction, though water use from the wells in question will be metered and published by the Office of State Engineer (OSE), which regulates water rights.[127]

Santa Teresa Capital did need to apply to OSE to dig a new replacement well in October 2025, however, which has brought the matter into the OSE's system.[128] The permit was granted on an "emergency" basis, which means Santa Teresa Capital was allowed to use the well immediately (and had been doing so), but the application received a sufficient number of letters of protest to compel OSE to schedule a hearing.[129] It has not done so, however.[130]

Santa Teresa Capital bought these water rights in 2017 from Verde Santa Teresa LLC, a company affiliated with Verde Realty, which was planning a housing development in the area at the time.[131] Verde Santa Teresa had been using the water "primarily for a commercial turf farm and construction water for various projects in the area," according to one OSE filing.[132]

This is not Santa Teresa Capital's first attempt to monetize these water rights. Prior to partnering with Project Jupiter, the company attempted to lease the rights to a copper mine owned by Tulla Resources Group (through its subsidiary THEMAC Resources).[133] In August 2019, the two companies jointly filed an application with OSE to divert water for use in the mine – not a use for which the water right is currently permitted – for a five to 25 year lease term, with an option for Tulla Resources to purchase the water right.[134]

That application was denied, however, in August 2025. The hearing examiner found that, among other things, the applicants "failed to reasonably show that the proposed use and location of use will not impair any existing groundwater right to a greater degree than such right is, or would be, impaired" by its

current use by Santa Teresa Capital (presumably for the sod farm). It concluded, therefore, that "granting the Application would be contrary to WULA [the Water-Use Leasing Act]."[135]

That application received 72 letters of protest, though most of these were ultimately dismissed for failure to provide a correct mailing address and/or pay the necessary fee. The remaining letters were from Elephant Butte Irrigation District, Turner Ranch Properties LP, Santa Teresa Land LLC, Paseo Del Norte LL, Westpark I LLC, Hillsboro Pitchfork Ranch LLC, Gila Resources Information Project, Percha-Animas Watershed Association, the Rio Grande Chapter of the Sierra Club, Camino Real Regional Utility Authority (CRRUA) and the New Mexico Interstate Stream Commission.[136]

The hearing examiner's report in the Tulla Resources case is useful for understanding the factors that could compel OSE to deny Santa Teresa Capital's request to dig a new well. The report also notes that "the State Engineer has broad authority to manage water rights applications" and "as part of her broad authority, the State Engineer may approve an application subject to conditions."[137]

The OSE has not appeared to be motivated to interfere with Santa Teresa Capital's water rights. New Mexico State Engineer Elizabeth Anderson has publicly defended Project Jupiter's water use plan, suggesting she does not anticipate blocking it. She told *NPR* in June 2026 that she is confident Project Jupiter will not over-pump groundwater. She said, "What's happening with Project Jupiter is they're just taking a water right that exists and using it for something else, having a data center. And it's not gonna be taking water away from farmers."[138]

El Paso Developer Lane Gaddy and Other Key Players Profiting by Providing Water Rights



The individual best positioned to profit from Project Jupiter's water use is not a local farmer or small business owner but a prominent El Paso developer who obtained the rights as part of a broader land grab across the Santa Teresa area. Santa Teresa Capital LLC was formed by El Paso developer Lane Gaddy in September 2017, the same year the company bought these water rights.[139] Gaddy describes himself as a "managing partner" of Santa Teresa Capital on LinkedIn.[140]

Gaddy is an El Paso-based developer and the CEO of W Silver Recycling, his family's scrap metal recycling company.[141] He is also involved in numerous other real estate development enterprises, mostly in El Paso and southern New Mexico. An El Paso business journal wrote in 2016 that Gaddy was "buying swaths of desert west of El Paso in Santa Teresa, New Mexico, a rugged industrial community where investors have long envisioned a booming border oasis" because "Gaddy believes the area's time has finally come."[142] He said at that time, "We probably have 10 different projects [in Santa Teresa] that have been carved up for different users."

Other known projects that Gaddy is involved in in the Santa Teresa area include an "industrial land holding and development" company called Santa Teresa Giant and a company called Santa Teresa Bi-National Industrial Park Property Owners' Association Inc.[143]

Gaddy and his wife are prominent players in the El Paso area. Gaddy has served on El Paso Water's Public Service Board since April 2025.[144] He also sits on the boards of BorderPlex Alliance, WestStar Bank and Hospitals of Providence Transmountain Campus. He is on the board of Medical Center of the Americas Holdings and Foundation, which is developing a biomedical campus in El Paso,[145] and several of its subsidiaries (MCAmericas Realty, MCA Tech Park and MCA Revere Realty).[146] He was nominated as El Pasoan of the Year in 2015 and was inducted into the El Paso Business Hall of Fame in 2016.[147] Gaddy's wife, Allison Glass, sits on the board of the Paso del Norte Community Foundation[148] and La Nube, a children's museum.[149]

Developers Switch From Gas Turbines to an Unproven Fuel Cell Technology, Reset Air Quality Permit Timeline

On April 27, 2026, Yucca Growth Infrastructure, formerly Acoma, LLC, announced they would change the proposed energy source for Project Jupiter from twin methane turbines to methane-powered solid oxide fuel cells made by Bloom Energy.[150] The fuel cells convert gas into electricity through an electrochemical reaction, without combustion. They reduce nitrogen dioxide emissions significantly but not CO2 emissions, which would remain roughly comparable to the gas turbines. The developers have said the new system's water use will be "negligible" and that it will also be quieter and more efficient, but have not provided meaningful evidence. Fuel cells cost considerably more than conventional gas combustion turbines.[151]

Significant questions remain about the viability of this technology. The microgrid would be the largest fuel cell installation in the world, according to Bloom Energy, and experts have said the technology is unproven at this scale. One expert told the *Albuquerque Journal*, "You're asking the equivalent of what it takes to get to Mars. It's in the area of conjecture." Another called the project "unprecedented in scale" and "likely to be one of the most expensive fossil-fueled power generation projects in history."[152] Bloom Energy has never completed a project anywhere near this size.[153] Its largest existing project is an 80-megawatt deployment in the Republic of Korea.[154]

Yucca Growth Infrastructure withdrew its initial permit application to NMED for the gas turbines on April 27 and filed a new application for the fuel cell plans, which began a whole new permitting process riddled with due process concerns.[155]

As of the date of this report, Yucca Growth Infrastructure has again significantly revised its plan, changing its expected emissions amounts and exhaust profiles for the source and providing entirely new air dispersion modeling and pollution impacts for the project.[326] These changes resulted in the New Mexico Environment Department and YGI collectively seeking to vacate the most recent hearing date – December 7, 2026 – in order to allow the Department additional time to review the new information.[327]

Rio Grande Compact Settlement Reduces New Mexico's Groundwater Access, Underscores Project Jupiter's Threat to Agriculture and Drinking Water

On May 26, 2026, the U.S. Supreme Court announced the settlement of a 13-year lawsuit between Texas and New Mexico that will, among other things, require New Mexico to significantly reduce groundwater pumping in the very region where Project Jupiter plans to obtain its water.[156] To fulfil its obligations under the settlement, the state will use public money to purchase and retire active farmland – even as Project Jupiter draws vast supplies of water from the same Lower Rio Grande Basin. In effect, the state will be taking water away from farmers only to hand it over to a data center.

Oracle often states that Project Jupiter "will not use the community's public drinking water to cool the data center or run the fuel cell power solution," which appears to be true, though the initial fill of the data center appears to come from the municipal water supply, according to the developer's bond application.[157,342] This settlement makes clear, however, that Project Jupiter's non-potable water use, through Santa Teresa Capital's water right, remains a threat to the region's drinking water because it still depletes the basin as a whole. As the Center for Biological Diversity put it in a recent court filing, "Groundwater pumping from Rio Grande tributary aquifers – as done by the new well – is legally recognized to deplete river flows. The new well and water use thus contribute to increased depletions from the Lower Rio Grande at a time when New Mexico is legally required to reduce depletions."[158]

The long running dispute between New Mexico and Texas revolves around groundwater pumping in the Lower Rio Grande Basin, where Santa Teresa Capital's water rights are located.[159] The settlement will require New Mexico to reduce groundwater pumping in the river basin by 18,200 acre feet (5.9 billion gallons) annually over the next 10 years. The reduction represents about 5 to 7 percent of current groundwater use in the lower Rio Grande.[160] New Mexico will forfeit the water by retiring water rights from irrigated farmland in the area. According to the OSE, it will cost the state and its taxpayers more than $150 million to implement the settlement's plan to pay local farmers to fallow their fields.[161]

In its January 2026 protest of Santa Teresa Capital's emergency well permit application, the Center for Biological Diversity focused its opposition primarily on the Rio Grande Compact and the danger the new well – and implicitly, Project Jupiter – will pose to water rights holders across the basin, as well as to the state itself in the event that it proves unable to meet the terms of the settlement. "Granting the application," it argues, "would increase depletions of the Rio Grande [and] place the state of New Mexico at greater risk of violating the Rio Grande Compact and related Groundwater Settlement Agreement. … The Application is therefore contrary to the conservation of water and detrimental to the public welfare of the state."[162]

NMED Gives a No-bid Data Access Contract to BorderPlex Executive Keyes While BorderPlex Air Quality Permit Is Pending

The New Mexico Environment Department (NMED), which is charged with approving Project Jupiter's air quality permits, granted a no-bid contract to a Project Jupiter insider over the course of the project's approval period. In May 2025, New Mexico Environment Department Cabinet Secretary James Kenney, who

was appointed by Gov. Lujan Grisham in 2019,[163] directed his staff to award a no-bid contract for digitizing agency documents to Apaluma, an AI company owned by Kenney's former colleague and fellow Lujan Grisham-appointee Alicia Keyes.[164]

According to the latest list of BorderPlex Digital Assets officers available to the public, Keyes is or was the company's head of government affairs.[165] The company removed the leadership page on its website in August 2025, thus concealing the names of its officers from public scrutiny.

The contract, dubbed Project Velocity and worth $1.4 million dollars, provided Keyes' AI company with access to some 63 million pages of NMED's records – 94 percent of the department's known electronic inventory, including records belonging to the Air Quality Bureau, Drinking Water Bureau, Ground Water Quality Bureau, Surface Water Quality Bureau and Construction Programs Bureau.[166] The project reportedly involved Apaluma scanning these records and using the data to create an AI agent interface.[167]

The contract circumvented a formal bidding process because Kenney directed that it be tagged onto an existing contract with another company, Speridian Technologies LLC. In an email obtained by investigative journalism outlet *The Candle*, a department employee wrote, "The Secretary wants the Apaluma solution as a 'front-end' to the digitized unstructured content. To that end, he would prefer for convenience's sake that Speridian act as host SWPA [statewide price agreement] vendor to this vendor."[168]

Yucca Growth Infrastructure submitted its first set of air quality permit applications to NMED under the name Acoma, LLC, in October 2025[169] and refiled a new application when it switched to the fuel cell microgrid plan in late April, 2026.[170] Project Velocity's data scanning project began in May 2025 and concluded in January 2026.[171] This means the project overlapped for a significant period with Project Jupiter's first air quality permitting period, in which NMED appeared to hold sway over the controversial permit.[172]

Keyes and Kenney also worked closely, between 2019 and 2023, on the state's failed hydrogen hub project and other controversial energy initiatives promoted by the governor.[173] After Project Velocity was completed, Kenney and several other NMED staffers reportedly appeared in a commercial-like endorsement video on Apaluma's website.

Between the opaque award process, the selection of an insider and BorderPlex affiliate for a government contract, and the provision of deep government data access to an entity with a connection to high profile proceedings before the NMED air and water bureaus, the deal has the appearance of a conflict of interest. As *The Candle* concluded, "It is a legitimate public concern that a developer of an AI Agents system for NMED not be even remotely connected with entities that are, or may eventually, be subject to the regulation of NMED's bureaus … or its Secretary … using the AI Agent system."[174]

In addition to the $1.4 million contract award from NMED, Alicia Keyes' Apaluma has been awarded several Job Training Incentive Program (JTIP) awards in 2026, totaling $212,756 to support training for five positions at the company with an average wage between $61 and $87 an hour.[175] The JTIP awards are administered by the New Mexico Economic Development Department, of which Keyes is the former secretary.

In July 2026, ProgressNow filed a complaint with the Office of the State Auditor alleging conflicts of interest stemming from the contract between Apaluma and NMED. The organization's list of concerns includes potential violations of the New Mexico Procurement Code and the Governmental Conduct Act.[176]

Lobbying Ties Connect Data Center Buildout, Oil and Gas Industry and Produced Water Efforts

The push to fast track Project Jupiter has benefitted not only its data center developers but also other powerful interests in the state, particularly the oil and gas industry. There are clear connections between New Mexico's data center buildout, the state's AI deployment, the oil and gas industry, and Gov. Lujan Grisham's produced water initiatives. In addition to the connections mentioned above, all of these interests are represented by an intersecting group of lobbyists.

At a May 2026 meeting of NMED's Water Quality Control Commission (WQCC), for instance, lobbyists Jennifer Bradfute and Matthias Sayer appeared alongside an NMED attorney to argue on behalf of a petition to the commission to change the produced water (i.e. fracking wastewater) rules it had adopted less than a year earlier, which environmental advocates pushed for and which should have provided lasting protections.[177] It is the same argument Gov. Lujan Grisham and NMED Secretary James Kenney made the previous year when the rules were instituted, in their now widely publicized attempt to influence WQCC rulemaking on behalf of the oil and gas industry.[178] At the time of the May 2026 meeting, Bradfute was employed by the Water Access Treatment and Reuse (WATR) Alliance, an oil and gas-backed organization formed immediately after the rules were passed to pressure the WQCC, and Sayer worked for Renewell Energy, a company involved in oil and gas infrastructure.[179]

Over the past two years, Bradfute and Sayer, along with a group of lobbyists that includes Vanessa Alarid, have also worked for BorderPlex and Apaluma.[180] Renewell shares four of its five lobbyists with BorderPlex. Bradfute's client list from the past five years also includes the Economic Development Corporation of Lea County (an oil and gas county, pro-produced water), Marathon Oil Company, Permian Basin Petroleum Association and Tallgrass MLP Operations (a Blackstone affiliate).[181] Alarid, one of the most prominent lobbyists in the state, is also employed by Chevron and Hilcorp San Juan, as well as several large developers (Garret Development Corporation, Goodman Realty Group, Wexford Construction).[182] Alarid's husband, State Sen. Moe Maestas (SD 26), has received $10,000 in campaign contributions from BorderPlex.[183]

LIST OF LOBBYISTS' EMPLOYERS

COMPANY / LOBBYIST EMPLOYER	LOBBYIST	DATE EMPLOYED
BorderPlex Digital Assets	David Kirmse	1/16/2026
	Jennifer Bradfute	1/27/2025
	Matthias Sayer	1/27/2025
	Vanessa Alarid	1/20/2025
	Jose Ibarra	1/20/2026
	Roberto A. Ramirez	2/1/2025
Yucca Growth Infrastructure LLC	Vanessa Alarid	1/1/2026
	Roberto A. Ramirez	1/1/2026
	Jennifer Bradfute	1/19/26
	David Kirmse	1/19/2026
	Jose Ibarra	1/19/2026
Apaluma	Vanessa Alarid	1/20/2025
	Matthias Sayer	1/20/2025
Renewell Energy	Jennifer Bradfute	1/1/2025
	Matthias Sayer	1/1/2025
	Vanessa Alarid	3/10/2025
	Roberto A Ramirez	3/11/2025
	Gabriela McCarthy	3/12/2025
WATR Alliance	David Kirmse	1/16/2026
	Jennifer Bradfute	4/27/2026

Source: New Mexico Secretary of State[184]

New Mexico Supreme Court Pauses Two Critical Permits, Temporarily Halting Project Jupiter's Progress

Construction on Project Jupiter has continued apace throughout 2026, despite the fact that developers have not yet obtained several critical regulatory permits. Aerial images recently taken at the site show a hive of ongoing building activity, with trucks, cranes and piles of materials surrounding an enormous structure that is gradually coming together.

From the beginning, Project Jupiter's developers have proceeded as if approval were a given, even in the face of mounting opposition. Central to this strategy is the projection of urgency and inevitability. In 2025, the developers convinced the Doña Ana County Commissioners that they needed to approve the project immediately, site unseen, or else the developers would take their business elsewhere. Even as the spectacle of ongoing construction makes that threat begin to ring hollow, the developers have continued to use it to pressure regulatory agencies like NMED to sidestep their standard legal procedures.



A rally outside the New Mexico Environment Department's Harold L. Runnels Building in Santa Fe.

In late July 2026, for example, Jennifer Bradfute, acting as attorney for Project Jupiter developer Yucca Growth Infrastructure, told NMED that her client would stand to lose $325 million per month if the air quality permit were not issued by November. "This project will start to abandon employment opportunities in New Mexico and there are many kids from the labor unions who want to be placed in jobs," she said during an NMED scheduling conference. "We really do need this to go to hearing as soon as possible. The state is at jeopardy to lose the project entirely, and I'm not blowing smoke as I state that."[185]

On August 23, 2026, the New Mexico Supreme Court dealt a blow to this strategy of manufactured urgency when, in response to petitions by local advocates, it imposed a stay on both the air quality permit at NMED, which has not yet been approved, and the emergency well permit at OSE, which has been approved but without the required public hearing.[186]

At NMED, the influence of the developers was apparent in a string of unexplained reversals by the hearing officer tasked with scheduling and setting the terms for the proceeding, Max Shepherd. At the July 27 scheduling conference, as Bradfute urged speed, Shepherd initially set a hearing date for mid-October, insisting in the face of the developers' pressure that both sides needed time to prepare for a "highly technical hearing." The same day, Gov. Lujan Grisham met with representatives from Oracle, however. Two days later, Shepherd reversed his position without explanation and moved the hearing date up by a month, to September 14.[187] The hearing officer has denied that he was influenced by the Governor's meeting.[318]

Another such reversal followed, with Shepherd first allowing discovery (the process by which opposing parties exchange evidence in a case), then denying it. Advocates had already filed questions concerning, for example, Bloom Energy's ability to produce their fuel cells at the promised scale, and whether developers had an alternative to the proposed gas pipeline that was twice rejected by the state Land Commissioner. Without discovery, these questions would have to be asked and answered at the hearing itself, on the fly. (Shepherd subsequently recused himself from the case.)[188]

In response to these developments, New Energy Economy filed a petition and emergency request for stay with the State Supreme Court alleging that NMED's terms constituted a violation of due process amounting to a "trial by ambush." It asked the Court to stay the process and "to ensure that the proceeding complies with fundamental principles of due process before it continues."[189]

The second petition to the New Mexico Supreme Court, filed by the Center for Biological Diversity (CBD), pointed to similarly problematic dealings at the Office of State Engineer (OSE), the agency responsible for approving the emergency well permit filed by Santa Teresa Capital in October 2025. CBD alleged the OSE approved the well illegally since it has, to date, failed to issue a public notice and hold a public hearing, as per state law.[190] As of September 2026, the well has pumped nearly 200 million gallons of water.[191]

The August 23 rulings from the Court officially paused both proceedings, cancelling NMED's proposed hearing schedule while evaluating the due process concerns and immediately halting all water use from the permitted well, blocking Project Jupiter's primary source of water for construction.[192] The developers petitioned the court to resume the air permit process, arguing that the process should be appealed later rather than intervened in now, but the court unanimously denied the request.[193]

Within days of the Supreme Court's rulings, New Mexico Attorney General Raúl Torrez stepped in with his own filing in support of the advocates' positions, praising the decision to pause the air permit hearing and calling on the Court to cancel the well permit. "The New Mexico Constitution mandates that the State's air be controlled for the maximum benefit of the people," he wrote. "NMED should be required to comport with constitutional due process rather than bending to the self-imposed financial concerns of an applicant."[194]

The Court's rulings did not in themselves stop Project Jupiter. On September 17, 2026, in brief orders issued without explanation, the Court unanimously denied both petitions – New Energy Economy's challenge to the air quality permit proceeding and the Center for Biological Diversity's challenge to the emergency well authorization – and lifted the stays it had imposed in August, allowing the permitting processes to resume.[316] On October 2, 2026, Secretary Kenney appointed the Honorable James Browning to act as the replacement hearing officer in the air permit case. Judge Browning later scheduled the public hearing to begin December 7, 2026, but in early November vacated that date at the joint request of NMED and Yucca Growth Infrastructure. No new hearing date has been set.[319] Still, the Court's August rulings challenged the climate of urgency the developers have sought to instill in every proceeding and help to restore some balance to this slanted narrative. Project Jupiter is not inevitable.



A screenshot from a Stack Infrastructure video showing a Project Jupiter update, posted July 17, 2026. Source: Searchlight New Mexico

APPENDIX A

Pending Lawsuits and Protests

KEY TAKEAWAYS

- Multiple suits challenge Project Jupiter's IRB approvals over open-meetings and public-records violations.
- Ethics and State Auditor complaints target Project Jupiter's conflicts of interest and secrecy.
- The Center for Biological Diversity (CBD) and allies are formally protesting both the pipeline (FERC) and the emergency well (OSE).

Project Jupiter affiliates and the governmental agencies charged with approving the project – most notably the Doña Ana Board of County Commissioners (BOCC) – are currently facing several serious lawsuits and formal protests. All of these have the potential of slowing the project, or demanding changes, and two seek to halt the project altogether by invalidating the BOCC's IRB authorization.



Opposition signs at a forum organized by Fight Chihuahuan Desert Xtraction.

ProgressNow New Mexico Complaint to the Office of the State Auditor

In July 2026, ProgressNow filed a complaint with the Office of the State Auditor (OSA) alleging conflicts of interest stemming from New Mexico Environment Department's (NMED) connection and contract with former Economic Development Secretary Alicia Keyes and her artificial intelligence company, Apaluma. The organization's list of concerns includes potential violations of the New Mexico Procurement Code and the Governmental Conduct Act.[195]

The complaint alleges conflicts of interest that suggest "regulatory capture" at NMED. Keyes, a former colleague of Kenney's in Governor Michelle Lujan Grisham's cabinet, was also a member of Project Jupiter's leadership team, having been listed as its head of government affairs in 2025, before BorderPlex removed the leadership page from its website. This places Kenney in a potentially conflicted position because of his oversight role in Project Jupiter's pending air quality permit application. Likewise, attorneys Jennifer Bradfute and Mattias Sayer have worked as lobbyists for both Apaluma and Borderplex, as well as for the produced water initiative supported by NMED's Secretary, James Kenney.[196]

The complaint asks the Office of the State Auditor to investigate whether NMED officials have violated state procurement and ethics laws. NMED denies the allegations.[197]

New Mexico Foundation for Open Government v. Doña Ana Board of County Commissioners et al.

On June 22, the New Mexico Foundation for Open Government (NMFOG) filed suit against the Doña Ana BOCC alleging lack of transparency and failure to comply with the New Mexico Inspection of Public Records Act. The foundation made a public records request in November seeking all communications the county received regarding the alleged Open Meetings Act violation at the September 19 meeting. According to the complaint, the county initially said the request was "burdensome" and required additional time, only to notify the foundation four weeks later that it had "no responsive documents to produce" – a plainly inaccurate claim.[198]

The suit also alleges that the county violated the public records law's requirement that records be furnished in no more than 15 days – and only then for broad or burdensome requests – by waiting a month to tell the foundation it had no records. It also states that some requested documents pertaining to the project's construction were withheld based on a claim they were "tactical response plans … that could be used to facilitate the planning or execution of a terrorist attack."[199]

The lawsuit seeks a court order directing the county to provide the records and to award damages and legal costs. Under the law, violations of the Inspection of Public Records Act (IPRA) by public bodies can amount to as much as $100 per day.[200]

State Ethics Commission v. Elevate New Mexico

On April 17, 2026, the New Mexico State Ethics Commission filed suit against Elevate New Mexico, a Virginia company, alleging that it engaged in an unregistered and undisclosed advertising campaign to influence NMED Secretary James Kenney to approve air permit applications submitted by Acoma LLC (now Yucca Growth Infrastructure) for the construction of Project Jupiter's two natural-gas-fueled microgrid power plants.[201]

The campaign included digital advertisements, print mailers distributed across multiple counties, and an online advocacy platform urging members of the public to submit comments to Secretary Kenney urging his approval of the permits. Despite spending more than $2,500 – the threshold that triggers the Lobbyist Regulation Act's registration requirements – on this lobbying advertising campaign, Elevate New Mexico failed to register as a lobbyist, as required by law. "After the Commission asked Elevate to comply, Elevate refused," the Commission has stated, "relying on a strained, self-serving and incorrect interpretation of New Mexico law." The Commission is asking the court to force Elevate New Mexico to comply with the Lobbyist Regulation Act reporting requirements.[202]

The parties reached a settlement in July 2026, with Elevate agreeing to file the lobbying advertising campaign registration and campaign finance disclosures with the Secretary of State and the Commission.[203] Those disclosures revealed that Elevate received "nearly $3.7 million in contributions, all from Yucca Growth Infrastructure LLC" and that Elevate had nearly $419,500 in advertising expenditures.[320]

Center for Biological Diversity et al. Protest Over Federal Energy Regulation Commission Approval of Pipeline

In late April 2026, CBD, the Sierra Club Rio Grande Chapter and Food & Water Watch filed a protest with FERC challenging the company's attempt to fast-track the 17-mile Green Chile Pipeline, proposed by Transwestern Pipeline Company. The groups argue that Transwestern cannot proceed under a FERC "blanket certificate" – essentially a rubber-stamp permit that automatically approves minor projects and repairs – but that FERC must instead conduct a full review of the project as required by section 7 of the National Gas Act. The organizations also urge FERC to deny the application under section 7 because it is contrary to the public interest.[204]

FERC staff also filed a complaint alleging incomplete information.[205] Most recently, on October 5, 2026, the New Mexico Attorney General filed comments opposing the pipeline, asserting that federal regulatory officials have not adequately assessed the environmental impacts of Project Jupiter itself.

NMELC v. Board of County Commissioners of the County of Doña Ana

On February 6, 2026, NMELC filed suit against the Doña Ana BOCC alleging that it violated the New Mexico Open Meetings Act by going into closed session during the September 19 meeting as they were discussing the approval of the IRBs and LEDA funding during an open session packed with supporters and opponents of the project. NMELC is asking the court to void the two ordinances supporting the IRB and LEDA agreements and require the BOCC to claw back any funds that have been distributed. Yucca Growth Infrastructure LLC is named as an interested party and Oracle America Cloud Services LLC is named as an intervener.[206]

The closed meeting was not on the agenda and then-BOCC chairman Schaljo-Hernandez did not provide a clear explanation of the reason for the closed meeting, just read from a written description of reasons public bodies may enter closed session, broadly stating the meeting was "for a limited personnel matter, the purchase, acquisition or disposal of real property and water rights, and to discuss information covered by attorney-client privilege pertaining to threatened or pending litigation, as authorized by § 10-15-1(H)(2), (7), and (8)."[207] At a subsequent meeting in October, the commissioners retroactively approved an amended version of Schaljo-Hernandez's motion, this time stating that the information discussed was "covered by attorney-client privilege pertaining to threatened litigation concerning Project Jupiter." NMELC contends that this action still did not meet the law's requirements.

Center for Biological Diversity Protest of Application to Change Point of Diversion with OSE

In January 2026, the CBD filed a formal protest with the Office of State Engineer against Santa Teresa Capital LLC's application to change the point of diversion for existing water rights.[208] The protest bases its opposition primarily on the Rio Grande Compact and the danger the new well – and implicitly, Project Jupiter – will pose to water rights holders across the basin, as well as to the state itself in the event that it proves unable to meet the terms of the settlement. Noting that Santa Teresa Capital's wells are associated with "very junior 1970s water rights" – in contrast to Elephant Butte Irrigation District farmers' senior water rights, which date to 1903 – CBD writes:[209]

> Granting this application is detrimental to the public welfare of the state and will be costly to taxpayers. It is contrary to the conservation of water within the state because it seeks to increase uses from a very junior water right at a time when the Lower Rio Grande's public drinking water supply purveyors are exposed to having no water rights that are in priority.
>
> Groundwater pumping from Rio Grande tributary aquifers is legally recognized to deplete river flows. Here, the proposed well will result in increased depletions from the Lower Rio Grande at a time when New Mexico is legally required to reduce depletions. The consequences for failure to reduce depletions are established by the [then-]pending settlement. They include large penalties that must be paid in wet water, with deadlines.

CBD notes that the New Mexico Legislature has repeatedly emphasized the critical importance of both water conservation and compliance with interstate compact, and that state law "clearly states that 'compliance with the interstate water compacts is imperative.'" Failure to abide by the compact, the Legislature has stated, "could cost the state millions of dollars in lost revenues, employment and economic productivity."[210]

The protest also argues that granting the application will threaten certain endangered and at-risk species and their habitats, and that the application itself is "deficient for multiple reasons," in part because the proposed water use (2,400 acre feet per year) far exceeds the average historic use of the water right. "The average annual use of this well for the past 10 years," it notes, "is only 117 acre-feet, less than 5 percent of the 2,400 acre-feet discussed in the Application." It also notes that historically the well has been used for surface irrigation for sod farming, which is typically limited to a seven-month irrigation season, whereas this use will result in year-round depletion, further diminishing water flows.[211]

José Saldaña Jr. v. Board of County Commissioners of the County of Doña Ana

On October 17, 2025, local residents and the community organization Empowerment Congress filed suit against the Doña Ana BOCC seeking judicial review of the commission's approval of Project Jupiter's $165 billion IRBs and other public incentives, arguing that the adoption of ordinances approving financing for the project violated the law because incomplete information in the application the BOCC considered led the commissioners to make their decision without legally required consideration of environmental and community impacts.[212] The suit argues that the ordinances should be reviewed and ultimately voided.[213] Yucca Growth Infrastructure and Green Chile Ventures/Oracle America Cloud Services LLC are interveners in the case.[214]

Empowerment Congress withdrew from the case on November 6, 2025, at the direction of its board, after Daisy Maldonado left the organization.[215] The current plaintiffs are José Saldaña Jr., resident of Sunland Park, and Vivian Fuller, resident of Santa Teresa. They are represented by NMELC through its attorneys Maslyn Locke and Eric Jantz.[216]

On March 20, 2026, ruling from the bench, the judge denied the county's bid to dismiss the suit.[217] The judge also issued a writ of certiorari, directing the county to provide the administrative record of its decisions in September and October 2025. The court will review that record as the case moves forward. Once the court has the record, both sides will submit additional briefs addressing whether the county complied with the law when it approved the incentives.[218]

APPENDIX B

Key Entities

KEY TAKEAWAYS

- Core players: BorderPlex Digital Assets (developer), Oracle and OpenAI (clients), Stack Infrastructure, Energy Transfer/Transwestern (pipeline), Santa Teresa Capital (water), and Bloom Energy (fuel cells).
- A chain of shell companies – Red Chiles, Green Chile Ventures, Yucca Growth Infrastructure – obscures who owns and controls the project.

Project Jupiter is the product of an evolving nexus of companies, agencies, organizations and individuals all working simultaneously to either promote, modify or derail the development. Understanding this nexus is essential to understanding the development's current shape and status as well as its strengths and vulnerabilities.

Project Jupiter was initially proposed to be built by BorderPlex Digital Assets and Stack Infrastructure.[328] BorderPlex is a privately held infrastructure development and operations company based in Texas.[220] BorderPlex Digital Chairman and cofounder Lanham Napier has described it as a "growth infrastructure company" that makes investments "to build the power and water resources to then attract, ultimately, tenants and customers, those customers being data centers and manufacturers."[221] Upon completion, the project will be leased to Oracle to support its client, OpenAI.[222,343] BorderPlex appears to be a comparatively small company, while the other three are multinational corporations. BorderPlex is also an indirect equity owner of Yucca Growth Infrastructure.

Most of the key authorizing documents relating to Project Jupiter name subsidiaries of BorderPlex, Stack and Oracle as signatories. The primary subsidiaries are Yucca Growth Infrastructure, Red Chiles A, B, C and D LLC (Stack) and Green Chile Ventures (Oracle).[224] Note that "Project Jupiter" is a general term for the project as a whole and not a legal corporate entity.

Texas-based, privately held Energy Transfer is constructing a pipeline to Project Jupiter through its subsidiary Transwestern Pipeline Company LLC.[225] Dubbed the Green Chile Project, the $60 million, 18-mile pipeline will connect to the El Paso Natural Gas system.[226] Energy Transfer is one of the world's largest operators and developers of gas pipelines.[227] Santa Teresa Capital owns the water rights that will supply Project Jupiter, and Bloom Energy will supply the fuel cells for the microgrid.

This section maps the key players in the Project Jupiter drama, including the core companies pursuing the development and supporting companies partnered with the developers. It does not include governmental agencies and political figures, which are detailed elsewhere in this report.

Core Companies

- Oracle – Project Jupiter tenant. A publicly traded multinational corporation that claims to operate 147 active data centers around the world, with 64 in development.[228] Has been increasingly visible in Project Jupiter public relations as opposition has intensified. Affiliates:
  - Oracle Cloud Infrastructure – The entity named in press releases.
  - Green Chile Ventures LLC – Named in the bond agreements. Registered in New Mexico as a subsidiary of Oracle in September 2025.[229] An amendment was filed in January 2026 to change the name to Oracle America Cloud Services LLC. This entity is also providing power for at least one other Stargate Data Center, in Michigan.[230]
  - Oracle America Cloud Services LLC – Registered in New Mexico as a subsidiary of Oracle in September 2025.[231]
  - Oracle Academy – Oracle's "global philanthropic education program," reportedly "expanding in New Mexico and partnering with local institutions and educators including New Mexico State University and Doña Ana Community College, to teach computer science, computer information systems and project management in their classrooms."[232]
- OpenAI – Oracle's customer, will occupy the center when it is complete.[233] Currently a private company but has been planning an initial public offering, now expected in 2027.[234]
- BorderPlex Digital Assets – Project Jupiter developer. The company was originally registered in Delaware in June 2024.[235] Registered in New Mexico as a foreign corporation in February 2025.[236] Affiliates:
  - BorderPlex Digital-Verde – A Delaware company registered in New Mexico in February 2025 as a subsidiary of BorderPlex Digital Assets LLC.[237]
- Yucca Growth Infrastructure LLC (formerly Acoma LLC) – Named in the bond agreements as well as the air quality permits.[238] Originally registered as a company in Delaware in August 2025.[239] Registered in New Mexico as a foreign corporation the same month, originally as a subsidiary of BorderPlex Manager LLC with the same address as BorderPlex (600 Congress Ave. Ste. 15041, Austin, TX) and the email address hpowers@borderplexdigital.com. In June 2026, an amendment was filed to change the parent company ("manager") name to Yucca Growth Infrastructure Purchaser LLC with a different address (430 West Broadway, 6th Floor, New York, NY) and the email address to notices@forgejupiter.com.[240] Yucca Growth Infrastructure Purchaser LLC was also registered in Delaware and New Mexico in August 2025. An entity called Yucca Growth Infrastructure Holdings LLC was registered in Delaware in October 2025. (Acoma LLC, a former name for the company, was registered in Delaware in September 2025 and as a foreign corporation in New Mexico in October 2025 as a subsidiary of Yucca Growth Infrastructure LLC. The New Mexico registration was cancelled in May 2026, however, after leaders from Acoma Pueblo criticized the name as culturally appropriative and deceptive.[241])
- Stack Infrastructure – Partner of BorderPlex Digital Assets in developing Project Jupiter.[242] Owned by private equity company Blue Owl.[243] Operates 49 data centers in 12 countries, as of May 2026, with 82

more in the works.[244] Based in Denver (1700 Broadway, Suite 1750, Denver, CO 80290).[245] Not registered to do business in New Mexico.[246] Affiliates:

  - Red Chiles A, B, C and D LLCs and Red Chiles Sub A, B, C and D LLCs – Named in the bond agreements. The first four entities were originally registered in Delaware in August 2025 and registered as foreign corporations in New Mexico in September 2025.[247] The latter four were registered in Delaware in September and New Mexico a few weeks later. Another set of entities called Red Chiles Holdings A, B, C, and D was registered in Delaware in August 2025.

- El Paso Electric – "Reportedly involved in the project," according to *Data Center Dynamics.*[248] At a hearing on motions for discovery before the Environment Department Hearing Officer, counsel for YGI admitted that they have planned a "small connection to EPE to take on a little bit of electricity for safety critical items and black start (startup) of the fuel cells."[339]

- Orion Digital Infrastructure – "Reportedly involved in the project," according to *Data Center Dynamics*.[249]

- Energy Transfer – The Texas-based company planning to build the pipeline project.[250] Affiliate: Transwestern Pipeline Company.

- Santa Teresa Capital LLC – Owns water rights, acquired in 2017.[251] The company has "substantial land and water holdings in Santa Teresa," according to Gaddy's LinkedIn profile, as well as "various NNN [triple-net?] holdings" in 15 other states.[252] The address listed in the well application is 829 Rosinante Road, El Paso, TX, 79922; tel. 915-539-1800.[253]

- Bloom Energy – Producers of solid oxide fuel cells,[254] named as the project's fuel cell provider after the developer abandoned the gas turbine plan. Has a relationship with Oracle including a "2.8-GW deal for AI infrastructure power across its portfolio."[255]

Supporting Companies

- Elevate New Mexico – A Virginia-based PR firm, subject to a state Ethics Commission lawsuit for lobbying NMED on behalf of Project Jupter without registering as a lobbyist as per state law.[256] Entirely funded ($3.7 million at the time of the settlement) by Yucca Growth Infrastructure.[257]

- Rodey Law Firm – New Mexico law firm providing legal representation for companies involved in the deal.[258]

- HBW Resources LLC – A communications firm.[259]

- Well Done Foundation – A Montana-based nonprofit that Oracle is partnering with to evaluate and plug abandoned wells.[260]

- Arable – A "water stewardship" company that Oracle partnered with in August 2026, which it claims will help Project Jupiter to save 21 million gallons of water per year.[261]

APPENDIX C

Project Jupiter Timeline

February 25, 2025 — Gov. Lujan Grisham signs the MOU with BorderPlex – less than a week after the company first registered in New Mexico.[262]

August 29, 2025 — The BOCC resolves to consider IRBs (Res. 2025-96) and additional economic-development assistance (Res. 2025-99).[263]

September 19, 2025 — The BOCC approves $165 billion in IRBs and LEDA assistance in a vote of 4-1; Commissioner Chaparro's motions to postpone die without a second.[264]

October 17, 2025 — The New Mexico Environmental Law Center, on behalf of Santa Teresa and Sunland Park residents and community members, files the first lawsuit against the BOCC, challenging the BOCC's adoption of the three ordinances authorizing the IRBs and LEDA funding on the basis of an incomplete application.[212]

October 30–31, 2025 — Oracle and Stack Infrastructure move to intervene in the lawsuit, becoming publicly named in relation to the project for the first time.[216]

November 17, 2025 — Acoma LLC files air-quality applications for twin gas-turbine microgrids; more than 7,000 public comments follow.[265]

December 5, 2025 — Casa de Peregrinos accepts a $50,000 Project Jupiter donation.[266]

December 19, 2025 — NMED rules the air application incomplete, in part over nitrogen-oxide concerns.[267]

January 6, 2026 — The Boys & Girls Club of Las Cruces accepts a $1.5 million Project Jupiter donation.[268]

January 29, 2026 — Energy Transfer files the Green Chile pipeline application with FERC under a prior blanket certificate.[269]

February 6, 2026 — NMELC files a second lawsuit against the Doña Ana BOCC, alleging that the commission violated the Open Meetings Act at its September 19 hearing.[206]

February 23, 2026 — Oracle becomes "exclusive title sponsor" of the planned Dino Dig park in Sunland Park.[270]

March 16, 2026 — Oracle announces $1,000 college scholarships for Doña Ana County students.[271]

March 20, 2026 — The State Land Office denies the pipeline's right-of-way across state land, forcing a reroute.[272]

March 20, 2026 — At a motions hearing in the Third Judicial District Court, the judge denies the county's motion to dismiss the community's IRB lawsuit, allowing the suit to move forward and compelling the county to produce the administrative record for review.[217]

March 23, 2026 — NMED finds significant public interest and recommends an air-permit hearing.[273]

April 13, 2026 — Sierra Club, CBD and Food & Water Watch formally challenge the pipeline at FERC; FERC staff and Public Citizen protest the incomplete application.[274]

April 14, 2026 — After the water-use revelations, the BOCC unanimously opens an investigation (Res. 2026-44) and meets privately with counsel about possible litigation.[275]

April 22, 2026 — Developers agree to rename Acoma LLC after Acoma Pueblo condemns the appropriation ("Our name is not a brand"); it becomes Yucca Growth Infrastructure.[276]

April 23, 2026 — The State Ethics Commission sues Elevate New Mexico over unregistered pro-Jupiter lobbying.[277]

April 27, 2026 — YGI withdraws the gas-turbine permits and files for a Bloom Energy fuel-cell microgrid, restarting the NMED process.[278]

May 1, 2026 — Transwestern and Oracle ask FERC for more time to supply missing documentation, including the historic-preservation review.[279]

May 6, 2026 — BLM fast-tracks pipeline authorization across federal land, citing emergency permitting powers.[280]

May 20, 2026 — Oracle partners with the Well Done Foundation to plug two abandoned wells; the State Auditor releases a scathing special audit of the BOCC.[281]

May 26, 2026 — Oracle launches a multi-platform ad campaign promoting the project in English and Spanish.[282]

June 9, 2026 — The BOCC endures two and a half hours of hostile public comment after canceling its planned Jupiter town hall.[283]

June 17, 2026 — Developers host an "open house and job fair"; activists call it "a show" that produced no clear answers.[284]

June 22, 2026 — The NM Foundation for Open Government sues the BOCC over withheld public records.[285]

June 30, 2026 — Source NM reveals canvassers falsified residents' pro-Jupiter comments to NMED; the Santa Fe County Commission passes an 18-month data-center moratorium.[286]

July 1, 2026 — The state awards Stack Infrastructure $3.1 million in job-training funds – after developers missed two required jobs reports.[287]

July 2, 2026 — Legislators announce a statewide-moratorium bill; four senators hold a press conference on the county's transparency failures.[288]

July 6, 2026 — NMED announces it will hold a hearing on the air permit application.[289]

July 7, 2026 — Food & Water Watch publishes "New Mexico Needs a Data Center Moratorium Now."[290]

July 9, 2026 — Attorney General Torrez opens an investigation into the fraudulent permit comments.[291]

July 14, 2026 — The State Land Office rejects the pipeline right-of-way a second time; CBD reiterates that the project's burden on water, resources and climate is "extreme."[292]

July 15, 2026 — A "chaotic" NMED scheduling conference nearly rushes the air-permit hearing, raising due-process alarms.[293]

July 17, 2026 — ProgressNow files a State Auditor complaint over NMED's no-bid contract with Apaluma, the AI firm of former cabinet member Alicia Keyes.[294]

July 21, 2026 — The BOCC terminates County Manager Scott Andrews; the chair cites the weight of the Jupiter controversy.[295]

July 21, 2026 — Sierra County commissioners unanimously approve an 18-month data-center moratorium.[296]

July 23, 2026 — Rio Arriba County commissioners adopt a resolution opposing data centers and promising to bring a moratorium ordinance at an upcoming meeting.[297]

July 28, 2026 — Three people are arrested at a Doña Ana BOCC meeting; Oracle admits it has no contingency plan if the air quality permit is not approved.[298]

July 29, 2026 — After previously scheduling the air quality permit hearing for October 19, the NMED hearing officer abruptly issues a new order changing the date to September 14.[299]

July 31, 2026 — After missing the county's reporting deadline, developers submit their first annual project report to the Doña Ana BOCC, reporting the average number of construction workers on site at 2,105 and no permanent jobs to date.[300]

August 4, 2026 — New Energy Economy (NEE) files a motion to dismiss Project Jupiter's air permit application on the grounds that it currently has no energy source, given that its associated pipeline has been denied by the State Land Commissioner.[301]

August 4, 2026 — At a Doña Ana County work session, commissioners consider a proposal for a citizen-led community monitoring committee.[302]

August 11, 2026 — Las Cruces lawmakers Hamblen, Cervantes, Soules and Steinborn hold a Project Jupiter listening session, attended by nearly 400 people.[303]

August 12, 2026 — NMED's hearing officer denies discovery in the Project Jupiter air quality permit proceedings, marking the third time he reversed a decision he'd previously made to ultimately favor the developers.[304]

August 12, 2026 — Oracle announces a partnership with "water stewardship" company Arable, which it claims will save 21 million gallons of water per year.[305]

August 12, 2026 — State Ethics Commission reaches a settlement with Elevate New Mexico over its advertising campaign; Elevate admits to receiving nearly $3.7 million from Yucca Growth Infrastructure LLC.[306]

August 17, 2026 — Project Jupiter pipeline developer Energy Transfer declares in FERC filings that the pipeline isn't expected to start service until February 2027 at the earliest.[307]

August 19, 2026 — NEE files a petition for writ and emergency request for stay with the New Mexico Supreme Court seeking a temporary stay on NMED's air permit proceeding.[308]

August 20, 2026 — CBD files a petition for writ and emergency request for stay with the New Mexico Supreme Court seeking a declaration that the OSE's emergency well authorization is illegal and stopping water diversion until requirements under state law are satisfied.[321]

August 22, 2026 — NMED hearing office Max Shepherd recuses himself after the New Mexico Environmental Law Center and Center for Biological Diversity (CBD) filed a motion to disqualify him.[309]

August 23, 2026 — In a unanimous order, the New Mexico Supreme Court grants NEE's request, pausing the proceeding.[310]

August 23, 2026 — The same day, the Supreme Court unanimously grants CBD's request to stay Project Jupiter's emergency well application, blocking Project Jupiter from using that water until further order of the court.[311]

August 24, 2026 — U.S. Rep. Melanie Stansbury sends a letter to five state agencies asking them to respond with a "clear public accounting" of all the water sources that will be used for Project Jupiter.[312]

September 3, 2026 — The New Mexico Supreme Court unanimously rejects a request by developers to partially resume Project Jupiter's air quality permit proceedings.[313]

September 4, 2026 — New Mexico Attorney General Raul Torrez endorses advocates' late August emergency petitions, asking the Supreme Court to cancel Project Jupiter's emergency well permit and keep the air quality permit on hold.[314]

September 17, 2026 — In brief orders issued without explanation, the New Mexico Supreme Court unanimously denies New Energy Economy's and the Center for Biological Diversity's petitions and lifts the stays on the air quality permit and emergency well proceedings, clearing the way for permitting to resume.[316]

September 24, 2026 — Oracle sends a 'force majeure' notice to Blue Owl Capital in "an effort to shield itself from potential increased costs associated with a data center project in New Mexico."[329]

October 2, 2026 — The New Mexico Environment Department Secretary appoints a new hearing officer, retired federal court Judge James Browning, to preside over the air permitting proceeding.[330]

October 6, 2026 — New Mexico Attorney General Raúl Torrez challenges the Federal Energy Regulatory Commission's environmental review of the proposed Project Jupiter gas pipeline as inadequate, arguing that it fails to account for the data center the pipeline would serve.[317]

October 9, 2026 — The New Mexico Environment Department requests additional information from YGI related to its air permit application.[331]

October 13, 2026 — Project Jupiter developers tell the Doña Ana County Board of County Commissioners of its pledge to donate $1 million for local flood relief.[332]

October 14, 2026 — New Energy Economy files a Motion to Dismiss YGI's air permit application without prejudice as incomplete and not ready for hearing.[331]

October 15, 2026 — YGI submits new information and significant revisions to its April 2026 air permit application for Environment Department review.[333]

October 16, 2026 — Judge Browning sets the air permit hearing to begin on December 7, 2026.[334]

October 26, 2026 — Judge Browning verbally denies New Energy Economy's Motion to Dismiss at a hearing on the Motion.[335]

October 27, 2026 — Doña Ana County Board of County Commissioners authorize potential Project Jupiter breach notice over its proposed El Paso Electric Connection.[336]

November 3, 2026 — Yucca Growth Infrastructure and the New Mexico Environment Department jointly move to vacate the December 7, 2026 air permit hearing date due to the Department's need for additional time to review YGI's October 15, 2026 application revisions.[337]

November 4, 2026 — New Energy Economy files a Renewed Motion to Dismiss the air permit application.[338]

November 6, 2026 — Judge Browning vacates the December 7, 2026 air permit hearing.[327]

November 11, 2026 — Doña Ana County BOCC issues new breach notice to Project Jupiter developers for missing job report deadlines.[324]

APPENDIX D

Key Documents

This section includes links to key source documents pertaining to Project Jupiter.

Doña Ana County Commission (DAC)

- NDA – DAC and Project Jupiter (5.28.25)
- NDA – DAC and Stack (7.31.25)
- Resolution 2025-96 – Declares intent to consider the adoption of IRBs. (8.29.25)
- Resolution 2025-99 – Details intent to consider LEDA assistance. (8.29.25)
- DAC Agenda Packet (9.19.25)
- MOU – DAC and Project Jupiter (9.22.25)
- Ordinance 367-2025 – Authorizes issuance of IRBs. (9.22.25)
- Ordinance 368-2025 – Authorizes LEDA assistance. (9.22.35)
- Ordinance 369-2025 – Authorizes reduction of building fees. (10.15.25)
- Industrial Revenue Bond Series A – Includes community benefits agreement at the end. (11.1.25)
- Industrial Revenue Bond Series B – Includes community benefits agreement at the end. (11.1.25)
- Industrial Revenue Bond Series C – Includes community benefits agreement at the end. (11.1.25)
- Local Economic Development Act (LEDA) Project Participation Agreement (10.23.25)
- Resolution No. 2026-44 – Authorizes BOCC to communicate with Project Jupiter to determine the accuracy of their claims. (4.14.26)
- Project Jupiter 2026 Annual Report (7.31.26)

New Mexico Environment Department (NMED)

- Notice of Air Quality Permit Application East Microgrid (10.10.25)
- Notice of Air Quality Permit Application West Microgrid (10.10.25)
- Acoma LLC Air Quality Permit – West Microgrid (11.14.25)
- Acoma LLC Air Quality Permit – East Microgrid (11.14.25)
- Yucca Growth Infrastructure LLC – YGI Microgrid (4.27.26)
- Notice of Air Quality Permit Application YGI Microgrid (4.27.26)
- Preliminary Determination for an Air Quality Permit (5.27.26)
- Center for Biological Diversity Protest of Air Quality Construction Permit Application (7.6.26)
- NMED Scheduling Order (7.16.26)

- New Energy Economy's Motion to Dismiss YGI's Permit Application (8.4.26)
- New Energy Economy's Emergency Request for a Stay of Proceedings (8/19/26)

New Mexico Office of State Engineer (OSE)

- 2019 Copper Mine Lease Application (8.16.2019)
- 2019 Change of Water Rights Ownership Application (10.25.19)
- 2025 Report on Copper Mine Application (8.20.25)
- 2025 Santa Teresa Capital Emergency Well Permit Application (10.21.25)
- Center for Biological Diversity Protest of Santa Teresa Capital Emergency Well Permit Application (1.9.26)
- Center for Biological Diversity Verified Petition for Writ of Mandamus and Request for Stay (8.20.26)

Pipeline

- Green Chile Project Application (1.29.26)
- Center for Biological Diversity et al. Joint Protest and Motion to Intervene (4.13.26)
- BLM – Green Chile Natural Gas Pipeline Project Environmental Assessment (April 2026)
- BLM – Green Chile Natural Gal Pipeline Finding of No Significant Impact (April 2026)
- State Land Office – Second Rejection of Pipeline Easement on State Trust Land (July 2026)

Lawsuits

- José Sandaña Jr. v. County of Doña Ana (formerly Empowerment Congress v. County of Doña Ana) – Complaint (10.17.25)
- New Mexico Environmental Law Center v. Board of County Commissioners of the County of Doña Ana – Complaint (2.6.26)
- State Ethics Commission v. Elevate New Mexico - Complaint (4.17.26)
- New Mexico Foundation for Open Government v. Doña Ana Board of County Commissioners et al. – Complaint (6.22.26)

Other

- MOU – BorderPlex and Michelle Lujan Grisham (February 2025)
- NM Economic Development Dept. Project Jupiter Fiscal Impact Analysis (9.12.25)

APPENDIX E

BorderPlex Leadership (2025)

The following is a screenshot of the BorderPlex Digital Assets leadership page as it appeared on the company's website prior to September 2025. It was subsequently taken down.[315]



Notes & Sources

1. Doña Ana County, "Project Jupiter," archived on September 15, 2026, at https://web.archive.org/web/20260914171335/https://www.donaana.gov/departments/administration/economic_development/project_jupiter/index.php.
2. "U.S. Supreme Court approves Rio Grande compact settlement – Agreement ends 13-year interstate dispute" (press release), Office of Michelle Lujan Grisham, May 28, 2026.
3. Jenny Kinsey, "Water can flow again for construction of massive Project Jupiter data center," *KNPR* (Mountain West News Bureau), September 23, 2026. https://knpr.org/2026-09-23/water-can-flow-again-for-construction-of-massive-project-jupiter-data-center
4. Noah Raess, "New Mexico gets low marks in annual State of the Air report," *KRWG*, April 30, 2026.
5. Rebecca Sobol, "The True Cost of Oil and Gas in New Mexico," Wild Earth Guardians, April 7, 2026.
6. "New Mexico 'becoming energy powerhouse,' surpasses 2 million b/d in 2024," *PB Oil & Gas*, April 4, 2025.
7. Joshua Bowling, "Project Jupiter's plan relies on natural gas – its impact on air quality remains unclear," *Source NM*, December 2, 2025. City of Albuquerque Greenhouse Gas Inventory, 2020. https://www.cabq.gov/sustainability/documents/city-of-albuquerque-ghg-inventory-3.pdf City of Las Cruces Climate Action Plan, July 2020. https://lascruces.gov/wp-content/uploads/2024/06/LC-Climate-Action-Plan-Report-July-2020.pdf Sustainable Santa Fe 25-Year Plan, October 2018. https://growingfoodconnections.org/wp-content/uploads/2019/06/Sustainable-Santa-Fe_October_Printsm.pdf
8. Joshua Bowling, "Project Jupiter's plan relies on natural gas – its impact on air quality remains unclear."
9. "Governor signs landmark energy legislation, establishing New Mexico as a national leader in renewable transition efforts" (press release), Office of Governor Michelle Lujan Grisham, May 22, 2019.
10. Julia Robin, "Learn about the new Project Jupiter energy plan," *Santa Fe New Mexican*, June 26, 2026.
11. Zachary Skidmore, "Oracle issues RFP for 2GW of new renewable capacity in New Mexico," *Data Center Dynamics*, September 9, 2026.
12. Carbon-free energy matching, which requires that every kilowatt-hour of electricity a facility uses is paired with carbon-free generation on the same local grid and during the exact same hour it is consumed, is another false solution touted by Big Tech. It may slightly reduce regional emissions but will do nothing for the community immediately surrounding a polluter. Eurelectric, "What is 24/7 carbon free energy matching?," https://www.eurelectric.org/in-detail/247-2/.
13. Algernon D.Ammassa, "Oracle provides upbeat report on Project Jupiter," *Albuquerque Journal*, September 8, 2026.
14. Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico, dated February 25, 2025. https://www.dropbox.com/scl/fi/2fqpqua3bl6mmcu6848d0/MOU-BPDA-and-MLG-Feb.-2025.pdf?rlkey=03ugfo19nlhrv2d9br3s2k24i&amp%3Bdl=0
15. Algernon D.Ammassa, "Oracle provides upbeat report on Project Jupiter."
16. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea," *New York Times*, December 7, 2025.
17. BorderPlex Digital Assets, "Leadership," August 25, 2025. Original link is here: https://www.borderplexdigital.com/ leadership. Archived link is here: https://web.archive.org/ web/20250830095814/https://www.borderplexdigital.com/ leadership.
18. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter," *Santa Fe New Mexican*, May 31, 2026.
19. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists," *The Candle*, June 1, 2026.
20. Nicholas Gilmore, "Governor's Office leaned on Cabinet heads to get fracking waste regulation change 'over the finish line'," *Santa Fe New Mexican*, September 15, 2025.
21. BorderPlex Digital Assets, "Leadership."
22. *The Candle* states that the total number of pages was "20+ million," based on "the stated Purpose in the Contract." LinkedIn, "New Mexico Environment Department," January 15, 2026, https://www.linkedin.com/posts/a-major-achievement-for-the-new-mexico-environment-share-7417715723122429953-FuAj/. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists," *The Candle*, June 1, 2026.
23. LinkedIn, "New Mexico Environment Department," January 15, 2026. Bruce Wetherbee, "Former NM Economic Secretary Alicia Keyes Scores Big No-bid Deal Converting State Enviro Data for 'Apaluma'," *The Candle*, March 20, 2026.
24. LinkedIn, "New Mexico Environment Department," January 15, 2026.
25. LinkedIn, "Lane Gaddy," archived on September 14, 2026, at https://web.archive.org/web/20260914185516/https://www.linkedin.com/in/lanegaddy.
26. AQB 26-57(P), October 29, 2026 Hearing on Motions for Discovery, at 2:28:35. *Organ Mountain News*, https://www.organmountainnews.com/dona-ana-county-project-jupiter-irb-breach-notice-2026/
27. See Appendix A.
28. Doña Ana County, "Project Overview," archived on September 14, 2026, at https://web.archive.org/web/20260914171335/https://www.donaana.gov/departments/administration/economic_development/project_jupiter/index.php.
29. U.S. Bureau of Labor Statistics, "Economy at a Glance: New Mexico," https://www.bls.gov/eag/eag.nm.htm
30. Heath Haussamen, "Project Jupiter betrays us again by skipping reports," *Haussamen.com*, June 30, 2026. Annie Ersinghaus, "Jupiter Watch: June 17th, 2026," YouTube, June 17, 2026, https://www.youtube.com/watch?v=XuDyrYDEsHs.

31. Abigail Salas, "Project Jupiter 'out of compliance', say Doña Ana County Commissioners and staff," *KRWG*, June 25, 2026. https://www.krwg.org/krwg-news/2026-06-25/project-jupiter-out-of-compliance-says-dona-ana-county-commissioners-and-staff. "Doña Ana County issues new breach notice to Project Jupiter developers," *Albuquerque Journal*. https://www.abqjournal.com/news/dona-ana-county-issues-new-breach-notice-to-project-jupiter-developers/3160223

32. Joshua Bowling, "New Mexico land commissioner blocks Project Jupiter-related pipeline from building on state land," *Source NM*, July 16, 2026.

33. State of New Mexico Commissioner of Public Lands Stephanie Garcia Richard, Letter to Mark Vedral Energy Transfer's Senior Director of Land and Projects, dated July 14, 2026. https://www.nmstatelands.org/wp-content/up-loads/2026/07/2026-07-14-Letter-re-Informal-Request-for-Reconsideration_Final.pdf

34. Nicholas Gilmore, "New Mexico Supreme Court pauses Project Jupiter permitting processes," *Searchlight New Mexico*, August 25, 2026.

35. Gabrielle Lopez, "New Mexico DOJ files support for Project Jupiter permit petitions," *KVIA*, September 3, 2026.

36. Joshua Bowling, "New Mexico AG to investigate 'alleged fraudulent' letters supporting Project Jupiter data center," *Source NM*, July 9, 2026.

37. Serena Johnson, "Project Jupiter pushback continues as state senators prepare legislation," *KRWG*, August 17, 2026. Aliyah Chavez, "Project Jupiter pushback continues as state senators prepare legislation," *KOAT Action 7 News*, September 3, 2026

38. Jason Groves, "Lawmakers host Project Jupiter listening session at New Mexico State," *Las Cruces Sun News*, August 12, 2026.

39. Julia Goldberg, "New Mexico lawmakers announce proposed statewide moratorium on data centers," *Source NM*, July 2, 2026. "Doña Ana Democrats defend data center moratorium; Republicans question impact," *Searchlight New Mexico*, August 13, 2026. Facebook, "Micaela Lara Cadena for New Mexico," post on September 18, 2026, https:// http://www.facebook.com/laracadena4nm

40. Joshua Bowling, "Climate advocacy org urges New Mexico leaders to adopt data center moratorium," *Source NM*, July 7, 2026.

41. The contribution was made on August 26, 2026. Between June and August 2026, Oracle made $59,850 in contributions to five state-level candidates and committees: The Speaker Fund ($31,000), Deb Haaland ($12,400), the New Mexico House Democratic Campaign Committee ($11,200), Meredith Dixon ($5,000) and PAC United ($250). New Mexico Campaign Finance Information System Data Download, https://login.cfis.sos.state.nm.us/%23/dataDownload accessed September 16, 2026. Clara Bates and Julia Gentin, "Data center leaders donate to Haaland even as she supports data center pause," *Searchlight New Mexico*, September 16, 2026.

43. Robert Walton, "Avangrid ends PNM acquisition bid, sees 'no clear timing' to resolve New Mexico PRC's rejection of deal," *Utility Dive*, January 2, 2024.

44. Joshua Bowling, "New Mexico utility regulators rule PNM, private equity firm must undo controversial $400M stock sale," *Source NM*, July 2, 2026.

45. Sareen Habeshian, "Trump announces billions in private sector AI investment," *Axios*, January 21, 2026. "Announcing the Stargate Project," OpenAI, January 21, 2025.

46. Michaelbommarito.com, "datacenter state rankings: top 10 by investment, power, and project count," https://michaelbommarito.com/wiki/datacenters/geography/rankings/.

47. Hubexo, "5 Most Expensive Planned Data Centers Under Construction [2025]," https://na.hubexo.com/5-most-expensive-planned-data-centers-under-construction/. For Chat GPT query, see: https://chatgpt.com/s/t_69d32ffaaca48191bf724f813a4cf8db.

48. Stack Infrastructure, https://www.stackinfra.com/. Peter Rudegeair, Anissa Gardizy and Matt Wirz, "Cracks in Oracle's AI Data-Center Build-Out Appear in Massive New Mexico Project," *Wall Street Journal*, September 25, 2026.

49. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea," *New York Times*, December 7, 2025.

50. Diego Mendoza-Moyers, "Austin-based company says it plans to spend $165 billion on New Mexico data center campus near El Paso. Here's what to know.," *El Paso Matters*, August 17, 2025.

51. LinkedIn, "Lanham Napier," archived on September 15, 2026, at https://web.archive.org/web/20260915161003/https://www.linkedin.com/in/lanhamnapier. LinkedIn, "BuildGroup," archived on September 15, 2026, at https://web.archive.org/web/20260915161107/https://www.linkedin.com/company/thebuildgroup/.

52. Miriam Sitz, "Rackspace CEO Lanham Napier Retires," *San Antonio Report*, February 10, 2014.

53. Goodreads, "Billion or Bust!: Growing a Tech Company in Texas," https://www.goodreads.com/en/book/show/45870252-billion-or-bust.

54. "Rice welcomes 3 new members to board of trustees" (press release), Rice University, June 23, 2025.

55. FEC, "Campaign Finance Data," https://www.fec.gov/data/, accessed May 18, 2026.

56. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea," *New York Times*, December 7, 2025.

57. Daniel J. Chacón, "New Mexico's economic development secretary resigns," *Santa Fe New Mexican*, June 29, 2023.

58. LinkedIn, "Alicia J. Keyes," archived on September 15, 2026, at https://www.linkedin.com/in/aliciajkeyes505/.

59. Veronica Martinez, "Santa Teresa BorderPlex keeps growing with third Asian company set to open in 2021," *Las Cruces Sun News*, December 9, 2020.

60. "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists," *The Candle*, June 1, 2026.

61. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings," *Santa Fe New Mexican*, July 17, 2026.

62. Diego Mendoza-Moyers, "Austin-based company says it plans to spend $165 billion on New Mexico data center campus near El Paso. Here's what to know.," *El Paso Matters*, August 17, 2025.

63. See here: https://web.archive.org/web/20251103192146/ht-tps://http://www.borderplexdigital.com/leadership

64. Stack Infrastructure, https://www.stackinfra.com/.

65. "STACK Infrastructure Partners with Amazon to Invest in Northwest Louisiana Communities" (press release), Stack Infrastructure, June 10, 2026. Ian Robinson, "How is STACK Infrastructure linked to Caddo, Bossier data center deals?," *Shreveport Times*, January 7, 2026.

66. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus," *Santa Fe New Mexican*, February 25, 2025.

67. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus." Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote," *El Paso Matters*, September 19, 2025. Diego Mendoza Moyers, "Tech giants OpenAI, Oracle behind $165 billion data center campus near El Paso," *El Paso Matters*, September 25, 2025.

68. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus."

69. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus."

70. Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico, dated February 25, 2025. https://www.dropbox.com/scl/fi/2fqpqua3bl6m-mcu6848d0/MOU-BPDAand-MLG-Feb.-2025.pdf?rlkey=03ugfo19nlhrv2d9br3s2k24i&dl=0

71. "Governor signs Strategic Water Supply and environmental protection bills" (press release), Office of Governor Michelle Lujan Grisham, April 8, 2025.

72. Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico.

73. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter," *Santa Fe New Mexican*, May 31, 2026.

74. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus."

75. Doña Ana County, "Project Overview," archived on September 14, 2026, at https://web.archive.org/web/ 20260914171335/https://www.donaana.gov/departments/ administration/economic_development/project_jupiter/ index.php.

76. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter."

77. Ari Phillips, "Massive New Mexico data center tries to 'greenwash' environmental impact with fuel cell proposal," *Oil & Gas Watch*, May 28, 2026. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter."

78. Joshua Bowling, "Project Jupiter's plan relies on natural gas – its impact on air quality remains unclear," *Source NM*, December 2, 2025.

79. "Governor signs landmark energy legislation, establishing New Mexico as a national leader in renewable transition efforts" (press release), Office of Governor Michelle Lujan Grisham, May 22, 2019.

80. Mike Easterling, "New Mexico governor announces deal for $5B digital infrastructure campus."

81. "STACK Infrastructure Reinforces Responsible Development Principles through Project Jupiter in New Mexico" (press release), Stack Infrastructure, August 28, 2025.

82. "[T]he State of New Mexico understands and agrees BPD or the operator of the microgrid facility will not be considered a public utility under New Mexico law as long as it only provides power to itself or its tenants; provided that, if BDP offers electricity to the general public or connects to a portion of the grid operated by a public utility, then it may become subject to regulations and other statutory requirements applicable to public utilities or it may elect to seek to form a rural electric cooperative." Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico.

83. Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico.

84. Memorandum of Understanding Between BorderPlex Digital Assets and the State of New Mexico.

85. House Bill 93 (2025), Amendments in Context, New Mexico Legislature, March 21, 2025. https://www.nmlegis.gov/Ses-sions/25%20Regular/Amendments_In_Context/HB0093.pdf

86. Joshua Bowling, "Project Jupiter pits demand for data against New Mexico's finite natural resources," *Source NM*, October 29, 2025.

87. Joshua Bowling, "Project Jupiter pits demand for data against New Mexico's finite natural resources."

88. "A person who only provides self-source generation sales from a self-source generation resource to that person's employees or tenants, when the service or commodity is not resold to or used by others, shall not be considered an electric public utility [and thus not subject to the ETA]. ... Energy generated and sold from a self-source generation resource that is owned in whole or in part by a qualified microgrid shall not be considered retail sales ... until 2035, whether serving the qualified microgrid or purchased in whole or in part by the electric public utility to provide service. By 2045, all of the energy that a qualified microgrid generates and sells shall be from net-zero carbon resources." House Bill 93 (2025), Amendments in Context, New Mexico Legislature, March 21, 2025. https://www.nm-legis.gov/Sessions/25%20Regular/Amend-ments_In_Context/HB0093.pdf

89. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea," *New York Times*, December 7, 2025.

90. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea."

91. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter."

92. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter."

93. Diego Mendoza-Moyers, "Tech giants OpenAI, Oracle behind $165 billion data center campus near El Paso," *El Paso Matters*, September 25, 2025.

94. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea."

95. New Mexico Legislature, "2026 Regular Session - SB 235," https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&amp%3BLegType=B&amp%3BLegNo=235&amp%3Byear=26&amp%3Bfbclid=IwY2xjawSrhSRleHRuA2FlbQIxMABicmlkETFuZllUN3l0N1BwS0puV1A1c3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHpN3pEocJ5-ieIoNZ3TmhhoA05BTe7pYlmLPmwCeH4Upf0D-fMveMbgmSPp6_aem_Pvch-DHMw5LvfYPwue_tsA. Jason Groves, "Steinborn's introduces bill to require green energy for data centers," *Las Cruces Sun News*, January 16, 2026. "While you were sleeping: Senate passes microgrid bill and more," *Source NM*, February 16, 2026.

96. Mike Cook, "Wrapping up the legislative session," *Las Cruces Bulletin*, March 2, 2026.

97. "Doña Ana County approves historic IRB for $165 billion 'Project Jupiter' data-center campus" (press release), Doña Ana County, September 19, 2025.

98. Martin Paredes, "Project Jupiter: The El Paso Connection to the Santa Teresa Data Center," *El Paso News*, September 18, 2025.

99. Nicholas Gilmore and Alaina Mencinger, "Behind-the-scenes deals in New Mexico paved the road to Project Jupiter." Heath Haussamen, "Project Jupiter votes broke law, scorched earth," *Haussamen.com*, December 8, 2025.

100. Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote," *El Paso Matters*, September 19, 2025.

101. Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote."

102. "NMELC Responds to Doxxing Incident by Doña Ana County Commissioner" (press release), New Mexico Environmental Law Center, September 8, 2025.

103. "NMELC Responds to Doxxing Incident by Doña Ana County Commissioner."

104. Doña Ana County, "Project Overview," archived on September 14, 2026, at https://web.archive.org/web/20260914171335/https://www.donaana.gov/departments/administration/economic_development/project_jupiter/index.php.

105. Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote."

106. Noah Raess, "County commissioners approve Project Jupiter," *Las Cruces Bulletin*, September 19, 2025.

107. "NMELC Files Lawsuit Against Doña Ana County Commission for Open Meetings Act Violations" (press release), New Mexico Environmental Law Center, February 9, 2026.

108. "Court denies motion to dismiss NMELC lawsuit," *Las Cruces Bulletin*, March 25, 2026.

109. Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote."

110. Diego Mendoza-Moyers, "$165 billion Project Jupiter data center campus to move forward after tense vote."

111. Heath Haussamen, "Project Jupiter water-use claim rankles opponents and supporters," *Haussamen.com*, April 7, 2026.

112. Memorandum of Understanding between Doña Ana County and Project Jupiter, September 22, 2025. https:// http://www.dropbox.com/scl/fi/g7grx51208uvk0bkjqasu/MOU-DACand-Project-Jupiter-Sept.-2025.pdf?rlkey=c66jnivcx7o60yq0a8nd1s7io&dl=0

113. Alaina Mencinger, "Project Jupiter will need nearly 1 million gallons of water a day – where will it come from?," *Santa Fe New Mexican*, April 6, 2026.

114. Project Jupiter Community Benefits Agreement, November 12, 2025. The agreement is contained in all three sets of IRB documents (Series 2025A, Subseries 2025B and Sub-series 2025C). Available here: DONA ANA COUNTY, NEW MEXICO AND YUCCA GROWTH INFRASTRUCTURE, LLC LEASE AGREEMENT, November 1, 2025, p. 156. https://www.dropbox.com/scl/fi/y8qibi4odvu9449gbdwll/IRB-Series-2025A-Executed.pdf?rlkey=t8m5zu4yr7kdvwch0cj4uonwf&amp%3Bdl=0

115. Heath Haussamen, "Final Project Jupiter agreements grew exponentially," *Haussamen.com*, December 18, 2025.

116. Heath Haussamen, "Project Jupiter water-use claim rankles opponents and supporters," *Haussamen.com*, April 7, 2026.

117. Heath Haussamen, "Project Jupiter will use more water than previously disclosed," *Houssamen.com*,April 9, 2026.

118. Peter Goodman, "Residents push back on 'Project Jupiter' water concerns," *Las Cruces Sun News*, June 13, 2026.

119. Heath Haussamen, "County to investigate Project Jupiter's water use," *Haussamen.com*, April 14, 2026.

120. "County Commissioners Adopt Resolution on Project Jupiter Communications" (press release), Doña Ana County, April 14, 2026.

121. Damien Willis, "County attorney: Scott Andrews' exit was negotiated separation, not simple resignation," *Organ Mountain News*, August 30, 2026.

122. Heath Haussamen, "County to investigate Project Jupiter's water use."

123. Heath Haussamen, "Project Jupiter 'back on better footing,' commission chairman says," *Houssamen.com*, May 21, 2026.

124. Joshua Bowling, "Town hall on Project Jupiter data center changed to 'community open house and career fair'," *Source NM*, June 11, 2026.

125. The developers will rely on the Camino Real Regional Utility Authority only for drinking water used for office purposes. Julia Robin, "Get the facts about Project Jupiter's water usage," *Santa Fe New Mexican*, May 30, 2026.

126. Nicholas Gilmore and Alaina Mencinger, "Project Jupiter developers overhaul data center's power plan," *Santa Fe New Mexican*, April 28, 2026.

127. Alaina Mencinger, "Project Jupiter will need nearly 1 million gallons of water a day – where will it come from?," *Santa Fe New Mexican*, April 6, 2026. Phone call with J.R. Hennessey, deputy district manager, Las Cruces Water Rights District IV, New Mexico Office of the State Engineer on June 2, 2026.

128. Santa Teresa Capital LLC, Application for Permit to Change an Existing Water Right, File no. LRG 3150-E, New Mexico Office of the State Engineer, filed October 21, 2025. https://www.dropbox.com/scl/fi/tfpjmrg1z7eo2gpja6zdq/OSE-Santa-Teresa-Capital-Emergency-Well.pdf?rlkey=hbq0w7j5lupifpf98jbwam9ri&dl=0

129. Alaina Mencinger, "Project Jupiter will need nearly 1 million gallons of water a day – where will it come from?"

130. Emergency Verified Petition for Writ of Mandamus and Request for Stay, Center for Biological Diversity v. Elizabeth Anderson and Santa Teresa Capital LLC, Case No. S-1-SC-41580, New Mexico Supreme Court, filed on August 20, 2026. https://www.dropbox.com/scl/fi/zs53uiwi4e7rwvt-fv0i0i/CBD-v.-Anderson-Emergency-Verified-Petition.pdf?rlkey=omb0l7jbysn9a996iepmteyxx&dl=0

131. Justin Garcia, "Santa Teresa development inches forward," *Las Cruces Bulletin*, January 17, 2025.

132. In The Matter of the Application by Tulla Resources Group Pty Ltd and Santa Teresa Capital LLC for a Permit to Change Points of Diversion and Place and Purpose of Use Under the Water-Use Leasing Act, NMSA 1978, §§ 72-6-1 To -7 Within the Lower Rio Grande Underground Water Basin in the State of New Mexico, Hearing No. 21-025 OSE, File No. LRG-3150-E into LRG-17825, New Mexico State Engineer, filed August 20, 2025, p. 17. https://api.realfile.rtsclients.com/PublicFiles/5f809ddfc9864dad89f9d03375144a14/a3304a88-9226-4245-8053-088e86c73e8f/2025-08-20%20Report%20%20Recommendation.pdf

133. THEMAC Resources, "Copper Flat Mine," https://themacresourcesgroup.com/copper_flat_mine.

134. In The Matter of the Application by Tulla Resources Group Pty Ltd and Santa Teresa Capital LLC.

135. In The Matter of the Application by Tulla Resources Group Pty Ltd and Santa Teresa Capital LLC, p. 65-66.

136. In The Matter of the Application by Tulla Resources Group Pty Ltd and Santa Teresa Capital LLC, p. 9-10.

137. In The Matter of the Application by Tulla Resources Group Pty Ltd and Santa Teresa Capital LLC, p. 9-10.

138. John Burnett, "Worries over water as a giant data center moves into the New Mexico desert," *NPR*, June 14, 2026.

139. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed August 22, 2026.

140. LinkedIn, "Lane Gaddy," archived on September 14, 2026, at https://web.archive.org/web/20260914185516/https://www.linkedin.com/in/lanegaddy.

141. W Silver Recycling, https://www.wsilver.com/index.php.

142. "Lane Gaddy, El Paso Entrepreneur, businessman," *El Paso Inc.*, June 27, 2016 (updated February 2, 2023).

143. LinkedIn, "Lane Gaddy,"archived on September 14, 2026, at https://web.archive.org/web/20260914185516/https://www.linkedin.com/in/lanegaddy. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed August 22, 2026..

144. "Public Service Board welcomes new member" (press release), El Paso Water, April 10, 2025.

145. MCAmericas, https://mcamericas.org/.

146. MCAmericas Holdings Inc. 2023 Annual Report. https://mca-foundation-production.s3.amazonaws.com/annual_reports/documents/000/000/018/original/MCA_AR_2023_FINAL.pdf?1712163731

147. "Public Service Board welcomes new member."

148. "Meet our Board Member – Allison Glass" (press release), Paso Del Norte Community Foundation, March 26, 2019.

149. La Nube, "Board of Directors," https://la-nube.org/about/board-of-directors.

150. Nicholas Gilmore, "Project Jupiter developers overhaul data center's power plan," *Santa Fe New Mexican*, April 28, 2026.

151. Justin Horwath, "Project Jupiter developers revise plan, swapping gas turbines for fuel-cell system," *Albuquerque Journal*, April 28, 2026.

152. Justin Horwath, "Project Jupiter developers revise plan, swapping gas turbines for fuel-cell system."

153. Ellen Thomas, "Local data center opposition claims its latest victim: Oracle's Project Jupiter gas plant," *Business Insider*, May 7, 2026.

154. "Bloom Energy Announces World's Largest Fuel Cell Installation in History" (press release), Bloom Energy, November 7, 2024.

155. New Mexico Environment Department, "Public Notices," https://www.env.nm.gov/public-notices/. Justin Horwath, "Project Jupiter developers revise plan, swapping gas turbines for fuel-cell system."

156. Danielle Prokop, "U.S. Supreme Court approves Texas v. New Mexico settlement to end Rio Grande water dispute," *Source NM*, May 28, 2026.

157. Oracle, "The Facts About Project Jupiter's Water Usage," archived on September 14, 2026, at https://web.archive.org/web/20260914205214/https://www.oracle.com/news/announcement/blog/the-facts-about-project-jupiter-water-usage-2026-06-16/.

158. Emergency Verified Petition for Writ of Mandamus and Request for Stay, Center for Biological Diversity v. Elizabeth Anderson and Santa Teresa Capital LLC, Case No. S-1-SC-41580, New Mexico Supreme Court, filed on August 20, 2026, p. 20 PDF. https://www.dropbox.com/scl/fi/ zs53uiwi4e7rwvtfv0i0i/CBD-v.-Anderson-Emergency-Verified-Petition.pdf?rlkey=omb0l7jbysn9a996iepmteyxx&dl=0

159. Susan Montoya Bryan, "US Supreme Court settles long-running water dispute over dwindling Rio Grande," *Associated Press,* May 27, 2026.

160. Susan Montoya Bryan, "U.S. Supreme Court settles long-running Texas-New Mexico water dispute over Rio Grande."

161. Beth Bard and Norm Gaume, "Drinking Water, Taxpayers, Pecans, and the Lower Rio Grande Settlement," New Mexico Water Advocates, March 3, 2026.

162. Letter from Colin Cox and Gail Evans, Center for Biological Diversity, to Office of the State Engineer, District 4 Office, Re: Protest of Application No. LRG-03150-PODS0 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico, dated January 9, 2026. https://www.dropbox.com/scl/fi/x2qroo1xsyxvfdt2l8zaa/OSE-CBD-Protest-of-Santa-Teresa-Capital-Emergency-Well-Permit-Application-1.9.26.pdf?rlkey=kfp4gbr8k7focgb53xmt3af16&amp%3Bdl=0

163. New Mexico Environment Department, "James C. Kenney," https://www.env.nm.gov/general/james-c-kenney/.

164. Bruce Wetherbee, "Former NM Economic Secretary Alicia Keyes Scores Big No-bid Deal Converting State Enviro Data for 'Apaluma'," *The Candle*, March 20, 2026. LinkedIn, "Alicia J. Keyes," https://www.linkedin.com/in/aliciajkeyes505/, accessed June 26, 2026. Apaluma, "Illuminating Government Data," accessed June 29, 2026.

165. BorderPlex Digital Assets, "Leadership," archived on August 25, 2025, at https://web.archive.org/web/ 20250830095814/https://www.borderplexdigital.com/lead-ership.

166. *The Candle* states that the total number of pages was "20+ million," based on "the stated Purpose in the Contract." LinkedIn, "New Mexico Environment Department," January 15, 2026, https://www.linkedin.com/posts/a-major-achievement-for-the-new-mexico-environment-share-7417715723122429953-FuAj/. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists," *The Candle*, June 1, 2026.

167. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists."

168. "Former Secretary Keyes and Apaluma Added to a Second NMED Contract Valued at $977,354, and Promoted by Kenney," *The Candle*, March 27, 2026.

169. Notice of Air Quality Permit Application, Acoma LLC to NMED for East and West Microgrids, dated October 9, 2025.

170. New Mexico Environment Department, "Public Notices," https://www.env.nm.gov/public-notices/. See: Doña Ana County and Yucca Growth Infrastructure, LLC-YGI Microgrid.

171. LinkedIn, "New Mexico Environment Department," January 15, 2026, https://www.linkedin.com/posts/a-major-achievement-for-the-new-mexico-environment-share-7417715723122429953-FuAj/. Bruce Wetherbee, "Former NM Economic Secretary Alicia Keyes Scores Big No-bid Deal Converting State Enviro Data for 'Apaluma'," *The Candle*, March 20, 2026.

172. LinkedIn, "New Mexico Environment Department," January 15, 2026, https://www.linkedin.com/posts/a-major-achievement-for-the-new-mexico-environment-share-7417715723122429953-FuAj/.

173. "Former Secretary Keyes and Apaluma Added to a Second NMED Contract Valued at $977,354, and Promoted by Kenney," *The Candle*, March 27, 2026.

174. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists.,"

175. New Mexico Economic Development, "Job Training Incentive Program Results – FY2026," https://www.edd.newmexico.gov/programs-and-services/business-development/job-training-incentive-program/program-results/. JTIP – FY2026 Program Results, https://www.edd.newmex/-ico.gov/wp-content/uploads/2026/06/JTIP-FY26-Results.pdf.

176. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings," *Santa Fe New Mexican*, July 17, 2026

177. Bruce Wetherbee, "At Recent WQCC Meetings, NMED Did Not Disclose Its AI Data Contracts Involving Project Jupiter Consultant and Lobbyists."

178. Nicholas Gilmore, "Governor's Office leaned on Cabinet heads to get fracking waste regulation change 'over the finish line'," *Santa Fe New Mexican*, September 15, 2025.

179. Renewell Energy, https://renewellenergy.com/.

180. New Mexico Secretary of State Lobbyist Index, https://login.cfis.sos.state.nm.us/, accessed September 14, 2026.

181. Bradfute's employment with Marathon Oil Company terminated 1/1/2025. Her employment with Tallgrass ended July 8, 2024. New Mexico Secretary of State Lobbyist Index, https://login.cfis.sos.state.nm.us/%23/exploreLobbyist accessed September 14, 2026.

182. New Mexico Secretary of State Lobbyist Index, https://lo/-gin.cfis.sos.state.nm.us/#/exploreLobbyist, accessed September 14, 2026.

183. New Mexico Campaign Finance Information System Data Download, https://login.cfis.sos.state.nm.us/%23/dataDown-load, accessed June 17, 2026.

184. New Mexico Secretary of State Lobbyist Index, https://lo/-gin.cfis.sos.state.nm.us/#/exploreLobbyist, accessed September 14, 2026.

185. Joshua Bowling, "Hearing for Project Jupiter data center's air quality permit application rescheduled to September," *Source NM*, July 31, 2026.

186. Algernon D'Ammassa, "NM Supreme Court pauses Project Jupiter air permit," *Albuquerque Journal*, August 23, 2026. Algernon D'Ammassa, "Water well authorization for Project Jupiter temporarily halted," *Albuquerque Journal*, August 24, 2026.

187. Julia Gentin, "Why Project Jupiter opponents are taking 'trial by ambush' complaint to NM Supreme Court," *Searchlight New Mexico*, August 19, 2026.

188. Julia Gentin, "Why Project Jupiter opponents are taking 'trial by ambush' complaint to NM Supreme Court."

189. Julia Gentin, "Why Project Jupiter opponents are taking 'trial by ambush' complaint to NM Supreme Court."

190. "New Mexico Supreme Court Pauses Illegal Water Use for Project Jupiter Construction" (press release), Center for Biological Diversity, August 24, 2026.

191. Jenny Kinsey, "Water can flow again for construction of massive Project Jupiter data center," *KNPR* (Mountain West News Bureau), September 23, 2026. https://knpr.org/2026-09-23/water-can-flow-again-for-construction-of-massive-project-jupiter-data-center

192. Nicholas Gilmore, "New Mexico Supreme Court pauses Project Jupiter permitting processes," *Searchlight New Mexico*, August 25, 2026.

193. Joshua Bowling, "New Mexico's top court denies Project Jupiter request to partially resume air quality case," *Source NM*, September 1, 2026.

194. Julia Gentin, "New Mexico attorney general backs environmental groups in Project Jupiter battle," *Searchlight New Mexico*, September 4, 2026.

195. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings," *Santa Fe New Mexican*, July 17, 2026.

196. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings."

197. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings."

198. NM Foundation for Open Government v. Doña Ana County Board of Commissioners and the Doña Ana County Records Custodian, Case no. D-307-CV-2026-01788, Doña Ana County Court, filed on June 22, 2026. Complaint available here: https://www.dropbox.com/scl/fi/52dpndkj9t746yp4v4n4s/NM-Foundation-for-Open-Government-v.-Do-a-Ana-County-Board-of-Commissioners.pdf?rlkey=b72wgxulkqtz62jwwa0nxcp30&amp%3Bdl=0. Algernon D'Ammassa, "New lawsuit claims county withheld public documents on Project Jupiter," *Albuquerque Journal*, June 23, 2026.

199. Algernon D'Ammassa, "New lawsuit claims county withheld public documents on Project Jupiter."

200. NM Foundation for Open Government v. Doña Ana County Board of Commissioners and the Doña Ana County Records Custodian.

201. State Ethics Commission v. Elevate New Mexico, Case no. D-202-CV-2026-03769, Bernalillo County Court, filed on April 17, 2026. Complaint available here: https://www.dropbox.com/scl/fi/cbz3v4jeuijmiknl52z7x/State-Ethics-Commission-v.-Elevate-New-Mexico-complaint.pdf?rlkey=wil2ohpvojsvbsvifmp6bgtu1&amp%3Bdl=0. "State Ethics Commission files lawsuit against Elevate New Mexico, a Virginia corporation, for violations of the Lobbyist Regulation Act" (press release), State Ethics Commission, April 23, 2026.

202. State Ethics Commission v. Elevate New Mexico. "State Ethics Commission files lawsuit against Elevate New Mexico, a Virginia corporation, for violations of the Lobbyist Regulation Act."

203. Fallon Fischer, "NM State Ethics Commission reaches settlement with group behind Project Jupiter ads," *KRQE*, August 11, 2026.

204. Christina Stock, "Protest filed against Green Chile Pipeline in southern New Mexico," *Roswell Daily Record*, April 23, 2026.

205. Alaina Mencinger, "Federal agency files protest in natural gas pipeline project in Southern New Mexico," *Santa Fe New Mexican*, Apr 17, 2026.

206. New Mexico Environmental Law Center v. Board of County Commissioners of the County of Doña Ana, Case no. D-307-CV-202600398, Las Cruces District Court, filed on February 6, 2026. Complaint available here: https://www.dropbox.com/scl/fi/rca9f5azc5u40cghikuug/NMELC-v.-The-Board-of-County-Commissioners-of-the-County-of-Dona-Ana-complaint.pdf?rlkey=ubmqmdgdllt9wdueuf7ac8fsa&amp%3Bdl=0. Algernon D'Ammassa, "Environmental group sues county over Project Jupiter financing," *Albuquerque Journal*, February 10, 2026.

207. Algernon D'Ammassa, "Environmental group sues county over Project Jupiter financing."

208. Letter from Colin Cox and Gail Evans, Center for Biological Diversity, to Office of the State Engineer, District 4 Office, Re: Protest of Application No. LRG-03150-PODS0 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico, dated January 9, 2026.

209. Letter from Colin Cox and Gail Evans, Center for Biological Diversity, to Office of the State Engineer, District 4 Office, p. 3.

210. Letter from Colin Cox and Gail Evans, Center for Biological Diversity, to Office of the State Engineer, District 4 Office, p. 3.

211. Letter from Colin Cox and Gail Evans, Center for Biological Diversity, to Office of the State Engineer, District 4 Office, p. 3.

212. Jose Saldana Jr. v. Board of County Commissioners of the County of Dona Ana, Case no. D-307-CV-202502766, Las Cruces District Court, filed on October 17, 2025. Complaint available here: https://www.dropbox.com/scl/fi/oy6uxxnyy2hb82oi5jyol/Empowerment-Congress-v-County-of-Dona-Ana-complaint.pdf?rlkey=kgzp58pxl0b38rhcnphr3os0l&amp%3Bdl=0ountyof-Dona-Ana-complaint.pdf? https://www.dropbox.com/scl/fi/oy6uxxnyy2hb82oi5jyol/Empowerment-Congress-v-County-of-Dona-Ana-complaint.pdf?rlkey=kgzp58pxl0b38rhcnphr3os0l&amp%3Bdl=0. Algernon D'Ammassa, "Judge: Project Jupiter lawsuit to proceed," *Albuquerque Journal*, March 24, 2026.

213. "Court denies motion to dismiss NMELC lawsuit," *Las Cruces Bulletin*, March 25, 2026.

214. Docket, Jose Saldana Jr. v. Board of County Commissioners of the County of Dona Ana, archived on September 14, 2026 at https://web.archive.org/web/20260914230925/https://caselook/-up.nmcourts.gov/caselookup/app.

215. "WED: Legal challenges to Project Jupiter funding meet headwinds," *KUNM/Albuquerque Journal*, November 26, 2025.

216. Docket, Jose Saldana Jr. v. Board of County Commissioners of the County of Dona Ana.

217. "Judge allows lawsuit over Project Jupiter incentives to move forward," *Organ Mountain News*, March 22, 2026.

218. "Court denies motion to dismiss NMELC lawsuit," *Las Cruces Bulletin*, March 25, 2026.

219. Leah March, "$165B bond for massive AI data center project in Doña Ana County clears hurdle," *Albuquerque Business First*, August 26, 2025.

220. BorderPlex Digital Assets, https://www.borderplexdigital.com/.

221. Diego Mendoza-Moyers, "Austin-based company says it plans to spend $165 billion on New Mexico data center campus near El Paso. Here's what to know.," *El Paso Matters*, August 27, 2025.

222. Josh Pitcock, "Oracle Advances American AI Innovation and Local Economic Prosperity in New Mexico" (press release), Oracle, January 23, 2026.

223. New Mexico Secretary of State Business Search, accessed September 14, 2026. For screenshots of the two relevant filings, see https://www.dropbox.com/scl/fi/tm3qalybj2v6ujga3148z/Yucca-Growth-Infrastructure-Name-Change-Amendment.jpeg?rlkey=pfhq8u1dehjnzaklqyaf9pf8h&dl=0 and https://www.dropbox.com/scl/fi/07tz6jofra4tymjz2r7uq/Yucca-Growth-Infrastructure-Purchaser-Name-Change-Amendment.jpeg?rlkey=8b5l2k5192a42i6cdc53rm53i&dl=0.

224. New Mexico Secretary of State Business Search, accessed September 14, 2026. For a screenshot, see: https://www.dropbox.com/scl/fi/84bcsiy1ziuo3ruaid16b/Green-Chile-Ventures-Oracle-Filings.jpg?rlkey=786aoayg9nb7hvus9v0411xth&dl=0. See also IRB agreements in Appendix D.

225. Prior Notice Request for Authorization under the Blanket Certificate, filed by Energy Transfer with the Federal Energy Regulatory Commission on January 29, 2026. https://ukozvhzgrcnkcatjqfoo.supabase.co/storage/v1/object/public/03-07-nga/2026_01_29_Green_Chile_Project_Application__rec_d6_61dd15c7.pdf

226. "Green Chile pipeline wins federal approval in New Mexico," *Underground Infrastructure*, May 8, 2026.

227. Energy Transfer, "History," https://www.energytransfer.com/history/.

228. Josh Pitcock, "Oracle Advances American AI Innovation and Local Economic Prosperity in New Mexico."

229. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed July 7, 2026.

230. "DTE Energy enters agreements to supply power and storage for Oracle data center," *Investing.com*, October 31, 2025.

231. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed July 7, 2026.

232. Josh Pitcock, "Oracle Advances American AI Innovation and Local Economic Prosperity in New Mexico."

233. Josh Pitcock, "Oracle Advances American AI Innovation and Local Economic Prosperity in New Mexico."

234. Rob Copeland and Mike Isaac, "OpenAI Leans Toward Waiting Until Next Year for I.P.O.," *New York Times*, June 25, 2026.

235. State of Delaware Corporate Entity Search, https://icis.corp.delaware.gov/ecorp/entitysearch/Name-Search.aspx, accessed July 7, 2026.

236. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed July 7, 2026.

237. New Mexico Secretary of State Business Search, https://en/-terprise.sos.nm.gov/search/business, accessed July 7, 2026.

238. Dan Swinhoe, "Stack joins multi-billion-dollar data center & microgrid project in New Mexico," *Data Center Dynamics*, August 29, 2025.

239. State of Delaware Corporate Entity Search, https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx, accessed July 7, 2026.

240. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed July 7, 2026.

241. Gillian Barkhurst and Algernon D'Ammassa, "Project Jupiter developers to change company name after criticism from Acoma Pueblo," *Albuquerque Journal*, April 22, 2026.

242. Doña Ana County, "Project Jupiter," https://www.donaana.gov/about_us/economic_development_projects.php.

243. Dan Swinhoe, "Stack joins multi-billion-dollar data center & microgrid project in New Mexico," *Data Center Dynamics*, August 29, 2025.

244. Data Center Map, "Stack Infrastructure," https://www.datacentermap.com/c/stack-infrastructure/.

245. Stack Infrastructure, "Contact Stack Infrastructure," https://www.stackinfra.com/about/contact/.

246. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/search/business, accessed July 7, 2026.

247. State of Delaware Corporate Entity Search, https://icis.corp.delaware.gov/ecorp/entitysearch/Name-Search.aspx, accessed July 7, 2026. New Mexico Secretary of State Business Search, https://enterprise.sos.nm.gov/ search/business, accessed July 7, 2026.

248. Dan Swinhoe, "Stack joins multi-billion-dollar data center & microgrid project in New Mexico," *Data Center Dynamics*, August 29, 2025.

249. Dan Swinhoe, "Stack joins multi-billion-dollar data center & microgrid project in New Mexico."

250. Nicholas Gilmore and Alaina Mencinger, "Project Jupiter developers overhaul data center's power plan," *Santa Fe New Mexican*, April 28, 2026.

251. Nicholas Gilmore and Alaina Mencinger, "Project Jupiter developers overhaul data center's power plan."

252. LinkedIn, "Lane Gaddy," archived on September 14, 2026, at https://web.archive.org/web/20260914185516/https://www.linkedin.com/in/lanegaddy.

253. Santa Teresa Capital LLC, Application for Permit to Change an Existing Water Right, File no. LRG 3150-E, New Mexico Office of the State Engineer, filed October 21, 2025. https://www.dropbox.com/scl/fi/tfpjmrg1z7eo2gpja6zdq/OSE-Santa-Teresa-Capital-Emergency-Well.pdf?rlkey=hbq0w7j5lupifpf98jbwam9ri&amp%3Bdl=0

254. Nicholas Gilmore and Alaina Mencinger, "Project Jupiter developers overhaul data center's power plan."

255. Matthew Reichbach, "Project Jupiter pivots to fuel cells after backlash over emissions," *Albuquerque Business First*, April 28, 2026.

256. Joshua Bowling, "Ethics Commission sues pro-Project Jupiter group; Elevate New Mexico was behind massive ad campaign for data center complex," *Las Cruces Sun-News*, April 28, 2026.

257. Fallon Fischer, "NM State Ethics Commission reaches settlement with group behind Project Jupiter ads," *KRQE*, August 11, 2026.

258. Leah March, "$165B bond for massive AI data center project in Doña Ana County clears hurdle," *Albuquerque Business First*, August 26, 2025.

259. "Oracle, BorderPlex, and Bloom Energy to Power Project Jupiter with Cleaner, Water-Efficient Fuel Cell Technology" (press release), Oracle, April 27, 2026.

260. Algernon D'Ammassa, "Oracle to fund cleanup of oil-and-gas wells," *Albuquerque Journal*, May 22, 2026. "Oracle Teams Up with Well Done Foundation to Plug Abandoned Oil and Gas Wells in New Mexico" (press release), May 20, 2026.

261. "Project Jupiter says new partnership will save 21 million gallons of water a year," *KFOX14*, August 12, 2026.

262. "Governor announces partnership with BorderPlex Digital – Digital infrastructure campus represents $5 billion investment in Santa Teresa; expected to create 1,000 jobs" (press release), Office of Governor Michelle Lujan Grisham, February 25, 2025.

263. See here: https://donaanaconm.portal.civicclerk.com/event/684/files/attachment/15418.

264. "Doña Ana County approves historic IRB for $165 billion "Project Jupiter" data-center campus" (press release), Doña Ana County, September 19, 2025.

265. Ellen Thomas, "Local data center opposition claims its latest victim: Oracle's Project Jupiter gas plant," *Business Insider*, May 7, 2026.

266. News coverage did not specify which company made the donation. Jason Groves, "Project Jupiter donates $50,000 to local food pantry," *Las Cruces Sun News*, December 10, 2025.

267. Joshua Bowling, "NMED says data center Project Jupiter's air quality applications 'incomplete' — for now," *Source NM*, December 19, 2025.

268. News coverage did not specify which company made the donation, though both Stack Infrastructure and BorderPlex Digital Assets were cited. "Project Jupiter announces $1.5 million donation to Boys & Girls Club," *The Las Cruces Bulletin*, January 18, 2026.

269. Mark Baugh, "Proposed 17-mile natural gas pipeline for Project Jupiter data center under review," *KFOX14*, March 23,2026.

270. "Oracle, as part of Project Jupiter, Supports Hands-On Education Park for Families in Southern New Mexico" (press release), Oracle, February 23, 2026.

271. "Through Project Jupiter, Oracle Launches Scholarships to Support College Students in Doña Ana County" (press release), Oracle, March 16, 2026.

272. Danielle Prokop, "NM state land commissioner rejects application for gas pipeline to power Project Jupiter data center," *Source NM*, March 31, 2026.

273. Danielle Prokop, "NM environment officials will hold public hearing on Project Jupiter air permits, push back decision," *Source NM*, March 25, 2026.

274. Danielle Prokop, "New Mexico environmental groups seek federal regulators to deny pipeline for Project Jupiter," *Source NM*, April 14, 2026.

275. Heath Haussamen, "County to investigate Project Jupiter's water use," *Houssamen.com*, April 14, 2026.

276. Gillian Barkhurst and Algernon D'Ammassa, "Project Jupiter developers to change company name after criticism from Acoma Pueblo," *Albuquerque Journal*, April 22, 2026.

277. Julia Gentin, "Group that urged New Mexicans to support Project Jupiter discloses finances after ethics case," *Searchlight New Mexico*, August 12, 2026.

278. Nicholas Gilmore and Alaina Mencinger, "Project Jupiter developers overhaul data center's power plan," *Santa Fe New Mexican*, April 28, 2026.

279. Danielle Prokop, "BLM fast-tracks 'Green Chile' pipeline construction review for NM data center Project Jupiter," *Source NM*, May 7, 2026.

280. Danielle Prokop, "BLM fast-tracks 'Green Chile' pipeline construction review for NM data center Project Jupiter."

281. "Oracle Teams Up with Well Done Foundation to Plug Abandoned Oil and Gas Wells in New Mexico" (press release), Oracle, May 20, 2026.

282. "Oracle Launches New Campaign Highlighting Commitments to Doña Ana County" (press release), Oracle, May 26, 2026.

283. Doña Ana County Board of County Commissioners Special Meeting/Work Session, June 9, 2026. Jason Groves, "Project Jupiter hosts job fair amid transparency push," *Las Cruces Sun News*, June 10, 2026.

284. Jason Groves, "Project Jupiter open house draws critics, supporters and job seekers," *Las Cruces Sun News*, June 19, 2026.

285. Algernon D'Ammassa, "New lawsuit claims county withheld public documents on Project Jupiter," *Albuquerque Journal*, June 23, 2026.

286. Joshua Bowling, "New Mexico residents say their names used without permission to support Project Jupiter data center," *Source NM*, June 30, 2026.

287. "$12 million approved to support more than 440 jobs this quarter" (press release), New Mexico Economic Development Department, July 1, 2026.

288. Julia Goldberg, "New Mexico lawmakers announce proposed statewide moratorium on data centers," *Source NM*, July 2, 2026. Algernon D'Ammassa, "Las Cruces senators organize Project Jupiter community meeting, oppose air permits," *Albuquerque Journal*, July 2, 2026.

289. Joshua Bowling, "New Mexico Environment Department to hold hearing for Project Jupiter data center air quality permit," *Source NM*, July 7, 2026.

290. "Fact Sheet: New Mexico Needs a Data Center Moratorium Now," Food and Water Watch, July 7, 2026. https:// http://www.foodandwaterwatch.org/wp-content/uploads/ 2026/07/FSW_2607_NMNeedsADataCenterMoratoriumNow.pdf

291. Joshua Bowling, "New Mexico AG to investigate 'alleged fraudulent' letters supporting Project Jupiter data center," *Source NM*, July 9, 2026.

292. Joshua Bowling, "New Mexico land commissioner blocks Project Jupiter-related pipeline from building on state land," *Source NM*, July 16, 2026.

293. Joshua Bowling, "NM Environment Department schedules October hearing for Project Jupiter air quality permit," *Source NM*, July 16, 2026.

294. Nicholas Gilmore and Julia Gentin, "Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings," *Santa Fe New Mexican*, July 17, 2026.

295. Jason Groves, "Doña Ana parts ways with County Manager Scott Andrews," *Las Cruces Sun News*, July 21, 2026.

296. Joshua Bowling, "New Mexico county adopts data center moratorium as residents protest Spaceport proposal," *Source NM*, July 22, 2026.

297. Resolution 2027-012, Rio Arriba County Board of County Commissioners, July 23, 2026. https://default.salsalabs.org/Tef45a374-235f-4bcb-9236-1336645c159e/43ed8623-f6a7-4219-aa68-ead74aef13b1

298. Algernon D'Ammassa, "Project Jupiter update sparks scuffle, arrests," *Albuquerque Journal*, July 28, 2026.

299. Joshua Bowling, "Hearing for Project Jupiter data center's air quality permit application rescheduled to September," *Source NM*, July 31, 2026.

300. Project Jupiter July 2026 Consolidated Annual Report, July 31, 2026. https://www.dropbox.com/scl/fi/gr7el860quz55hpkul4vr/Project-Jupiter-2026-Annual-Report-7.31.26.pdf?rlkey=tfdlay2stbjewxyc8l4mjyy8g&dl=0

301. New Energy Economy's Motion To Dismiss YGI's Permit Application as Not Ripe for Adjudication, In the Matter of: The Application of Yucca Growth Infrastructure, LLC, for an Air Quality Permit, AQB 26-57, NO.10883, August 4, 2026. https://default.salsalabs.org/T4eaa166b-2d38-483b-86f8-8c0ccf4e5f13/43ed8623-f6a7-4219-aa68-ead74aef13b1

302. Algernon D'Ammassa, "Doña Ana commissioners mull citizen's committee to monitor Project Jupiter," *Albuquerque Journal*, August 4, 2026.

303. Algernon D'Ammassa, "Hundreds pack senators' Project Jupiter town hall," *Albuquerque Journal*, August 12, 2026.

304. Julia Gentin, "Project Jupiter critics call foul over hearing officer's discovery denial," *Searchlight New Mexico*, August 14, 2026.

305. "Project Jupiter says new partnership will save 21 million gallons of water a year," *KFOX14*, August 12, 2026.

306. Julia Gentin, "Group that urged New Mexicans to support Project Jupiter discloses finances after ethics case," *Searchlight New Mexico*, August 12, 2026.

307. Joshua Bowling, "Proposed gas pipeline for Project Jupiter data center delayed to 2027, filings show," *Source NM*, August 17, 2026.

308. Julia Gentin, "Group asks state Supreme Court to table Project Jupiter air quality permit process," *Santa Fe New Mexican*, August 19, 2026.

309. Damien Willis, "Project Jupiter hearing officer recuses after groups allege bias," *Organ Mountain News*, August 24, 2026.

310. Nicholas Gilmore, "New Mexico Supreme Court pauses Project Jupiter permitting processes," *Searchlight New Mexico*, August 25, 2026.

311. Nicholas Gilmore, "New Mexico Supreme Court pauses Project Jupiter permitting processes."

312. Joshua Bowling, "US Rep. Stansbury calls on New Mexico agencies to provide Project Jupiter water information," *Source NM*, August 24, 2026.

313. Julia Gentin, "Project Jupiter developers urge New Mexico Supreme Court to get permit process moving again," *Searchlight New Mexico*, September 3, 2026.

314. Julia Gentin, "New Mexico attorney general backs environmental groups in Project Jupiter battle," *Searchlight New Mexico*, September 4, 2026.

315. Martin Paredes, "Project Jupiter: The El Paso Connection to the Santa Teresa Data Center," *El Paso News*, September 18, 2025. David Segal, "A Mysterious Company Came to Town With a $165 Billion Idea," *New York Times*, December 7, 2025.

316. Joshua Bowling, "New Mexico Supreme Court rejects 2 Project Jupiter challenges, allows permitting process to resume," *Source NM*, September 17, 2026.

317. Joshua Bowling, "New Mexico AG challenges federal commission's review of proposed Project Jupiter gas pipeline," *Source NM*, October 6, 2026.

318. Joshua Bowling, "Contested New Mexico hearing officer for Project Jupiter air quality permit hearing recuses himself," *Source NM*, August 24, 2026.

319. Algernon D'Ammassa, "Project Jupiter air permit faces new delay," *Albuquerque Journal*, November 6, 2026.

320. Julia Gentin, "Group that urged New Mexicans to support Project Jupiter discloses finances after ethics case," *Searchlight New Mexico*, August 12, 2026; republished by the *Santa Fe New Mexican*. https://www.santafenewmexican.com/news/local_news/group-that-urged-new-mexicans-to-support-project-jupiter-discloses-finances-after-ethics-case/article_8b118bec-e23b-44a9-a9ab-743515a91db0.html

321. "New Mexico Supreme Court Asked to Stop Illegal Water Use for Project Jupiter Construction" (press release), Center for Biological Diversity, August 20, 2026. https://biologicaldiversity.org/w/news/press-releases/new-mexico-supreme-court-asked-to-stop-illegal-water-use-for-project-jupiter-construction-2026-08-20/

322. "Oracle sends force majeure notice to Project Jupiter developers to protect itself from liability," *Searchlight New Mexico*. https://searchlightnm.org/oracle-sends-force-majeure-notice-to-project-jupiter-developers-to-protect-itself-from-liability/

323. House Bill 93 (2025), final version, New Mexico Legislature. https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0093.pdf. Alicia Inez Guzmán, "How a law to allow microgrids made way for a massive data center in New Mexico," *High Country News*, October 29, 2026. https://www.hcn.org/articles/how-a-law-to-allow-microgrids-made-way-for-a-massive-data-center-in-new-mexico/

324. "Doña Ana County issues new breach notice to Project Jupiter developers," *Albuquerque Journal*. https://www.abqjournal.com/news/dona-ana-county-issues-new-breach-notice-to-project-jupiter-developers/3160223

325. Water Foundation, "Water and Data Centers" (white paper), July 2026. https://waterfdn.org/wp-content/uploads/2026/07/Water-Data-Centers-2026.pdf

326. New Mexico Environmental Law Center, Notice of Joinder re: New Energy Economy's Motion to Dismiss, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, October 22, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-10-22-AQB-26-57-NMELCs-Ntc-of-Joinder-re_-NEE-MTD-filed.pdf

327. Order on Various Motions, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, November 6, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-11-06-AQB-26-57-Order-on-Various-Mtns-filed.pdf

328. Doña Ana County, "Project Jupiter," https://www.donaana.gov/about_us/project_jupiter/index.php

329. Isla Binnie and Jaspreet Singh, "Oracle cites force majeure to shield itself on controversial data center, Bloomberg News reports," *Reuters*, September 24, 2026. https://www.reuters.com/business/oracle-cites-force-majeure-shield-itself-controversial-data-center-bloomberg-2026-09-24/

330. Notice of Substitution of Hearing Officer, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, October 2, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/10/2026-10-02-AQB-26-57-Notice-of-Substitution-of-Hearing-Officer.pdf

331. New Energy Economy's Motion to Dismiss Application Without Prejudice, with Exhibits A–B, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, October 14, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-10-14-AQB-26-57-NEEs-MTD-App-w-o-Prejudice-Exs.-A-B-filed.pdf

332. "Oracle outlines Project Jupiter energy deals, $1M flood gift and local hiring push," *Citizen Portal*. https://citizenportal.ai/articles/10951233/new-mexico/dona-ana-county/oracle-outlines-project-jupiter-energy-deals-1m-flood-gift-and-local-hiring-push

333. "Project Jupiter Microgrid Cuts Permitted Emissions by 35%, Including Greenhouse Gases, in Response to NMED Review and Public Comment" (press release), Oracle, October 15, 2026. https://www.oracle.com/news/announcement/project-jupiter-microgrid-cuts-permitted-emissions-by-35-percent-2026-10-15/

334. Second Amended Scheduling Order, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, October 16, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-10-16-AQB-26-57-2nd-Amnd-Sch-Order-filed.pdf

335. AQB 26-57(P), October 26, 2026 Hearing on Motion to Dismiss.

336. *Organ Mountain News*, https://www.organmountainnews.com/dona-ana-county-project-jupiter-irb-breach-notice-2026/

337. Joint Motion to Vacate December 7, 2026 Hearing, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, November 3, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-11-03-AQB-26-57-Jnt-Mtn-to-Vacate-Dec7-Hrg-filed.pdf

338. New Energy Economy's Renewed Motion to Dismiss Application Without Prejudice, In the Matter of the Application of Yucca Growth Infrastructure, LLC, No. AQB 26-57(P), New Mexico Environment Department, November 4, 2026. https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/07/2026-11-04-AQB-26-57-NEEs-Renewed-MTD-App-w-o-Prejudice-filed.pdf

339. AQB 26-57(P), October 29, 2026 Hearing on Motions for Discovery, at 2:28:35.

340. Algernon D'Ammassa, "Doña Ana County seeks answers on Project Jupiter water use," *Albuquerque Journal*, April 14, 2026. https://www.abqjournal.com/news/doa-ana-county-seeks-answers-on-project-jupiter-water-use/3022316

341. Josh Pitcock, "Project Jupiter Water Facts: How We Source and Use Water Responsibly," Oracle (blog), April 27, 2026. https://www.oracle.com/news/announcement/blog/project-jupiter-water-facts-2026-04-27/

342. "The Dark Side of Project Jupiter: Unpacking a proposed $165B AI project in Southern NM," ProgressNow New Mexico. https://progressnownm.org/the-dark-side-of-project-jupiter-unpacking-a-proposed-165b-ai-project-in-southern-nm/

343. Intervenors Oracle America Cloud Services LLC and Yucca Growth Infrastructure, LLC's Opposed Motion to Supplement the Record Under Rule 1-075(I), p. 4, *Saldaña v. Board of County Commissioners of the County of Doña Ana*, D-307-CV-202502766 (May 29, 2026).