Doña Ana County

Doña Ana County Government • 845 N. Motel Blvd., Las Cruces, NM 88007 • (575) 647-7200

October 28, 2026

To Whom It May Concern:

This letter is to provide the Project Jupiter Companies with formal notice that Doña Ana County believes the path the Companies are currently on regarding power connections with El Paso Electric may lead to a breach of the obligations contained in the Industrial Revenue Bonds and their related documents and commitments, and to encourage the Companies to work with County management and the Commissioners to identify a path forward that honors the commitments and the spirit of the project when the IRBs were approved.

As discussed earlier this month, the Commissioners are committed to ensuring no adverse impact to availability of electricity to current electric utility customers, and no adverse impact to their rates. The Commissioners are also committed to ensuring that any energy production associated with the project is done in a manner that minimizes impact to the environment within the County. Announcements of plans to connect the Project Jupiter site to the El Paso Electric utility grid run counter to the stated intent in the IRBs and related documents for the Project to be self-powered through a micro-grid, and announcements of green energy projects somewhere else in New Mexico as some type of offset for emissions here does not reduce environmental impact within the County.

By writing this letter, we wish for the Companies to be aware of the County's stance related to these areas, and to clearly state that connection to the utility grid under the current IRB structure would be viewed as a breach of the obligations contained therein. We encourage the Companies to work with County management and the Commissioners to identify options that will meet the power needs of the Project while still ensuring the intent of the IRB commitments is met.

Thank you, and we look forward to working with you.

Sincerely,

Stephen Lopez, Acting County Manager
Doña Ana County

Debrah Weir, Acting County Manager
Doña Ana County

Cc:

Alonzo Maestas, Interim County Attorney