

BEFORE THE BOARD OF PUBLIC UTILITIES
CITY OF CHEYENNE, STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
SIGNIFICANT NONCOMPLIANCE –
META CHEYENNE DATACENTER
CHY1-2; NONCOMPLIANCE WITH
CHEYENNE CITY CODE CHAPTER 13.20

Docket No. _____

**NOTICE OF APPEAL AND REQUEST FOR RECONSIDERATION, AND PETITION
FOR CONTESTED CASE HEARING**

Goat Systems, LLC (“Goat Systems” or “Petitioner”) hereby appeals and requests reconsideration of the Notice of Significant Noncompliance – Meta Cheyenne Datacenter CHY1-2 (CHY1-2) (the “Notice”) issued by the Board of Public Utilities, Cheyenne Water and Sewer Departments (“BOPU”) on July 2, 2026, and requests a contested case hearing, pursuant to the Wyoming Administrative Procedure Act (“WAPA”) Section 16-3-107, the Office of Administrative Hearing Rules (“OAH Rules”), and Cheyenne City Code Chapters 2.92 and 13.20. In support of these requests, Petitioner advises BOPU as follows:

I. INFORMATION ABOUT THE PETITIONER:

1. The Petitioner filing this request is:

Goat Systems, LLC
c/o Tom Birmingham, Water Treatment Manager
1 Meta Way
Meta Park, CA 94025

Petitioner is represented in this matter by:

Cindy DeLancey
Holland & Hart LLP
2020 Carey Ave, Suite 800
Cheyenne, WY 82001
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222 S. Main Street, Suite 2200
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Correspondence and information related to this request should be served on the parties and counsel listed above.

II. ACTION BEING REQUESTED FOR RECONSIDERATION:

1. Petitioner appeals the Notice, which was issued by BOPU to Goat Systems on July 2, 2026 and entitled “Notice of Significant Noncompliance – Meta Cheyenne Datacenter CHY1-2 (CHY1-2), In the Matter of Noncompliance with Cheyenne City Code Chapter 13.20.”
2. The Notice alleges that Goat Systems, is an “industrial user” in significant noncompliance under 40 CFR 403.8(f)(2)(viii)(H) and in violation of Cheyenne City Code Chapter 13.20 due to the alleged presence of *Cupriavidus gilardii* bacteria in samples collected at Dry Creek and Crow Creek Water Reclamation Facilities and at the discharge point associated with the CHY1-2 site, which at the time of the sampling was under construction by Fortis Construction, Inc. (“Fortis”).
3. The Order section of the Notice assesses an administrative fine of \$10,000.00; states that the alleged violation will be publicly noticed under Cheyenne City Code Section 13.20.550; and states that BOPU will later issue a surcharge under Cheyenne City Code Section 13.20.640 to recover costs allegedly associated with the presence of the bacteria in the sanitary sewer system.
4. Petitioner appeals and requests reconsideration of the Notice, including the administrative fine and the finding that Goat Systems is in significant noncompliance, and requests a contested case hearing under the Wyoming Administrative Procedure Act, the OAH Rules, and applicable provisions of Cheyenne City Code Chapters 2.92 and 13.20.

III. GROUND FOR RECONSIDERATION AND REQUEST FOR HEARING

1. Petitioner appeals the Notice on the following grounds:
 - a. The Notice improperly named Goat Systems as the responsible party, rather than Fortis.
 - i. Fortis was the permit holder for the Temporary Authorization to Discharge Boiler Condensate and Fill/Flush Drainage for the CHY1-2 Project (Oct. 2, 2025), not Goat Systems.
 - ii. BOPU contacted Fortis—not Goat Systems—with a verbal order to cease all discharge from the facility on March 24, 2026.
 - iii. BOPU’s “Revocation of the Temporary Authorization to Discharge” letter of March 27, 2026 was addressed to Fortis, not Goat Systems, and terminated Fortis’s Temporary Authorization to Discharge.

- iv. Goat Systems was not engaged in any activities on the site related to the discharges and could not have caused a discharge of the bacteria in question.
- b. The Notice concludes that Goat Systems is an “Industrial User” without explaining the legal or factual basis for BOPU’s designation of Goat Systems as the “Industrial User” responsible for the alleged discharge activities that are the subject of the Notice.
- c. The Notice quotes several sections of the Cheyenne City Code, but does not provide any analysis or make any allegations that Goat Systems violated any of these Code Sections.
- d. The Notice does not provide any evidence to support its allegation that the bacteria discovered in the Water Reclamation Facilities were introduced from discharges originating at the CHY1-2 site.
- e. On information and belief, the construction activities conducted by Fortis do not rely on or involve *Cupriavidus gilardii* bacteria, and samples collected by Fortis concurrently with BOPU’s samples were negative for the bacteria.
- f. The Notice does not provide, and BOPU has not shared with Petitioner, any sampling data, analytical reports, chain-of-custody documents, laboratory surveys, or any analyses that support BOPU’s determination that a discharge from the CHY1-2 site was the cause of the bacteria in the treatment facilities.
- g. The Notice does not provide sufficient evidence that the March 18, 2026 sample collected at the CHY1-2 discharge point was representative of the alleged discharge or any activities associated with Fortis’ fill/flush activities, was collected and analyzed in accordance with proper QA/QC protocols, or establishes that the CHY1-2 site was the source of the bacteria detected at BOPU’s treatment facility.
- h. In issuing the Notice, BOPU did not consider potential intervening causes that may have been the source of the bacteria discovered in the sample taken from the CHY1-2 discharge point, including contaminated sampling equipment, or potential failures to follow proper QA/QC protocols in collecting and analyzing the sample from the discharge point.
- i. BOPU alleges that Goat Systems is in significant noncompliance with 40 CFR 403.8(f)(2)(viii)(H), but that section requires a determination that the violations will “adversely affect the operation or implementation of the local Pretreatment program.” The Notice does not include this determination.

- j. The Notice does not reflect the fact that discharge from the construction operations was permanently halted in March 2026. Since that time, all wastewater has been hauled offsite. To the extent any bacteria contamination occurred, it has already been fully remediated.
 - k. In light of the above, Goat Systems is not in significant noncompliance under 40 CFR 403.8(f)(2)(viii)(H).
 - l. In light of the above, the \$10,000 administrative fine is not appropriate or supported by sufficient findings, evidence, or explanation.
 - m. BOPU indicates that it will at a later date issue a surcharge to recover costs incurred by BOPU associated with the alleged discharge of the bacteria, but given the flaws outlined above, BOPU has failed to prove the causal basis for any such increased costs.
 - n. BOPU has not established that any costs it may seek to recover through a surcharge were actually caused by an act of Goat Systems.
 - o. BOPU has not established that any costs it may seek to recover through a surcharge are reasonable, necessary, properly calculated, or recoverable from Goat Systems under Cheyenne City Code Chapter 13.20.
- 2. Petitioner reserves the right to separately challenge and appeal the issuance of, and amounts requested in, the surcharge upon issuance by BOPU.
 - 3. Petitioner reserves the right to supplement or amend these grounds for appeal, request for reconsideration, and petition for a contested case hearing in a supplemental filing or in Petitioner's disclosure document, briefing, or motions, based on documents produced by BOPU, additional communication from BOPU, issuance of any surcharge invoice, discovery, expert review, further fact finding, or any new or revised grounds arising before a hearing.

IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that BOPU grant the following relief:

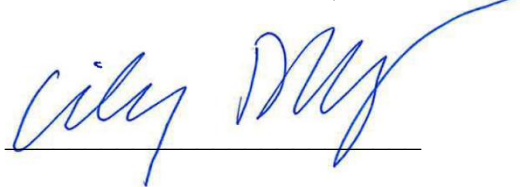
- 1. Accept this filing as Petitioner's timely written request for reconsideration of the \$10,000.00 administrative fine pursuant to Cheyenne City Code Section 13.20.710(C).
- 2. Accept the July 13, 2026 payment of the \$10,000.00 administrative fine under protest and without admission of liability.
- 3. Grant Petitioner a contested case hearing pursuant to the Wyoming Administrative Procedure Act Section 16-3-107, the OAH Rules, and Chapter 2.92 and Section

13.20.710(C) of the Cheyenne City Code, to challenge the Notice, the administrative fine, and Petitioner's alleged significant noncompliance.

4. Disapprove, withdraw, or vacate the Notice as arbitrary, capricious, an abuse of discretion, unsupported by substantial evidence, and not in accordance with applicable procedures.
5. Vacate the finding of significant noncompliance against Goat Systems.
6. Provide such other and further relief as BOPU determines just and equitable in the premises.

RESPECTFULLY SUBMITTED this 13th day of July 2026.

FOR GOAT SYSTEMS, LLC



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Melissa Reynolds
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true, full, and correct copies of the foregoing NOTICE OF APPEAL AND REQUEST FOR RECONSIDERATION, AND PETITION FOR CONTESTED CASE HEARING was served upon the following this 13th day of July 2026 by electronic mail:

Beth Lance
Lance & Hall
219 E 18th St.
Cheyenne, WY 82001
Counsel for Board of Public Utilities

A handwritten signature in blue ink, appearing to read "Cindy DeLancey", is written over a horizontal line.

Cindy DeLancey
Counsel for Goat Systems, LLC