



VIA EMAIL (James.Kenney@env.nm.gov)

July 9, 2026

Secretary James C. Kenney
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
Santa Fe, New Mexico 87505
James.Kenney@env.nm.gov

Re: Yucca Growth Infrastructure, LLC – YGI Microgrid

Dear Secretary Kenney:

Our office has received several complaints related to the new source review application submitted by Trinity Consultants on behalf of Yucca Growth Infrastructure, LLC (Air Quality Permit Application No. 10883). The bulk of these complaints pertain to the public comment process, which recently closed on July 6, 2026. We have reason to believe that an unknown, but potentially substantial number of the comments were fraudulently submitted without the consent or knowledge of the individuals named. We have also received similar complaints from public officials who also claim that public comments were submitted on their behalf without their consent, including individual complaints from an Albuquerque City Councilwoman and a State Representative.

Given the seriousness of these complaints, our office has opened an investigation. Protecting the integrity of the permitting process is essential to maintaining public trust, especially considering the scale of the project Yucca Growth is pursuing. We request that your Department share any information you currently have regarding these issues, as well as cooperate with us promptly should we need additional materials or clarification as the investigation proceeds. Our goal is to quickly determine the validity of these complaints and ensure that any necessary corrective actions are taken. The Department should carefully review and scrutinize the public comments being submitted in this permit matter in light of the of these issues.

We request that you please identify a point of contact within your Department who will be able to assist us in this investigation.

Secretary James Kenney

July 9, 2026

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Sincerely,

A handwritten signature in black ink, appearing to read "Billy J. Jimenez".

Billy J. Jimenez
Chief of Civil Affairs

Cc: Zachary Ogaz, General Counsel, NMED
Blaine Moffatt, GCA Bureau, NMDOJ
Evan Crocker, Consumer Protection Bureau, NMDOJ