

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2026-158-E**

Concerned Citizens of Spartanburg	)	<b>PETITION FOR DECLARATORY ORDER, PETITION FOR RULE TO SHOW CAUSE ORDER, REQUEST FOR EXPEDITED RELIEF</b>
County and Southern Alliance for	)	
Clean Energy,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
Valara Holdings, LLC,	)	
	)	
Respondent.	)	

Concerned Citizens of Spartanburg County and the Southern Alliance for Clean Energy file these petitions because Valara Holdings, LLC, is actively constructing a large data center and 450-megawatt gas-fired power plant in Spartanburg County in violation of the clear requirements of South Carolina law. By failing to comply with South Carolina law, Valara is evading the transparency required by law and failing to disclose important information to the public and to this Commission. Valara’s power plant will be a significant source of harmful air pollution in Spartanburg County, including carcinogenic formaldehyde pollution. An order from this Commission is essential to require Valara to obey the law, to require Valara to inform the public and this Commission what it is doing, and to protect the public, air, and environment of the surrounding communities, Spartanburg County, and South Carolina.

Pursuant to S.C. Code Ann. Regs. 103-825 and other applicable law, Concerned Citizens of Spartanburg County (“Concerned Citizens”) and Southern Alliance for Clean

Energy (“SACE”) (collectively, “Petitioners”) respectfully request that the Public Service Commission of South Carolina (“Commission”) issue a declaratory order finding that the 450-megawatt (“MW”) electric generating plant (the “Power Plant”) proposed by Valara at 4000 South Pine Street Spartanburg, South Carolina 29302 (the “Site”) to power the Valara data center (the “Data Center”) constitutes a “major utility facility” as defined by the S.C. Utility Facility Siting and Environmental Protection Act (“Siting Act”), S.C. Code Ann. § 58-33-20(2)(a), and as such, requires a certificate of environmental compatibility and public convenience and necessity (“CECPCN”) before Valara can lawfully continue construction at the Site.

Pursuant to S.C. Code Ann. Regs. 103-825, Petitioners further petition the Commission for a Rule to Show Cause Order requiring Valara to appear and explain why it should not cease ongoing construction at the Site pending the outcome of Petitioners’ declaratory order proceeding and any subsequent Siting Act proceeding. Petitioners seek expedited relief as to their Petition for a Rule to Show Cause given that construction is already proceeding at the Site.

#### **I. DISCLOSURE OF PETITIONERS’ INTERESTS**

1. Concerned Citizens of Spartanburg County is an association of individuals living and owning property near the proposed Data Center and Power Plant in Spartanburg, South Carolina. Affidavit of Mark Felk at ¶ 11–12.

2. Concerned Citizens’ mission is “to protect the health, safety, property, environment, and quality of life of the citizens of Spartanburg County from the proposed Valara Data Center.” *Id.* at ¶ 12. Concerned Citizens seeks to achieve this mission by “preventing harm to the environment, health, safety, and surrounding communities from

the proposed data center,” “requiring Valara to thoroughly disclose the environmental impact, negative health consequences and energy requirements of their proposal,” and “requir[ing] Valara to halt operation of the data center and power plant.” *Id.* at ¶ 13.

3. Members of Concerned Citizens include, among other individuals, Mark Felk, Ricky Heath, and Kip Darwin. *See generally, e.g.,* Affidavit of Mark Felk; Affidavit of Ricky Heath; Affidavit of William Darwin. In order to ensure the Commission appreciates the severity of the situation, we detail below some of the concerns expressed by those who live and own homes near the proposed Data Center and Power Plant.

4. Mr. Felk and his wife reside and own a home at 1005 Oak Creek Drive, just 1500 feet from the Site where the proposed Data Center and Power Plant are being constructed. Affidavit of Mark Felk at ¶¶ 2, 5. Mr. Felk is deeply concerned about the Data Center and Power Plant proposal and ongoing construction at the Site. Mr. Felk has lived at his home since 1995 and has always enjoyed the peace and solace he experiences there. Affidavit of Mark Felk at ¶ 5. Unfortunately, his once-dream home has now become a nightmare due to ongoing construction of the Data Center and Power Plant, and the eventual operation of these facilities. *Id.* at ¶ 4.

5. Mr. Felk is harmed by the lack of transparency surrounding the proposal because he is not able to understand the full scope of what is being proposed and the full scope of harmful impacts. *Id.* at ¶¶ 10, 19. Not knowing this information causes Mr. Felk significant concern and takes away from his peace and solace. *Id.* at ¶ 23. Mr. Felk is also being harmed from the tree clearing, noise, dust, and traffic caused by ongoing construction at the Site, *id.* at ¶¶ 15–18, and will be harmed by the significant air pollution from future operation of the Power Plant, *id.* at ¶ 21.

6. Mr. Heath and his wife reside and own a home at 1009 Oak Creek Drive, also across South Pine Street from the Data Center and Power Plant and, like Mr. Felk, he is already being impacted by ongoing construction at the Site and is worried about the host of environmental, health, and community impacts that the Data Center and Power Plant will bring. Affidavit of Ricky Heath at ¶¶ 2, 10–13.

7. Mr. Heath has lived in Spartanburg, and at his home near the Site, for over twenty years. *Id.* at ¶ 2. Mr. Heath first learned about the proposed Data Center in 2025. *Id.* at ¶ 4. He didn't come to understand the full scope of the proposal—particularly, the 450 megawatts of onsite power generation—until earlier this year in 2026. *Id.* at ¶ 6.

8. Mr. Heath is currently being harmed by ongoing construction on the Site, specifically, the tree clearing and loss of wildlife habitat that is occurring and which he has historically valued about the Site. *Id.* at ¶ 10. Mr. Heath can also hear construction noise from the Site at times, particularly when it is otherwise very quiet around his home. *Id.* at ¶ 12. In addition to the harm Mr. Heath is experiencing from the construction, he is deeply concerned about how operation of the Data Center and Power Plant will impact him and the lack of transparency surrounding the proposal. *Id.* at ¶¶ 13, 21. Mr. Heath is very concerned by the harm he will experience from the air pollution and noise pollution during operation of the Power Plant and Data Center, and the water use required by the Data Center and Power Plant. *Id.* at ¶¶ 15–20.

9. Mr. Darwin owns a home and resides with his family at 3 Matchlock Commons in a neighborhood across South Pine Street from the Data Center and Power Plant. Affidavit of William Darwin at ¶ 2. Like Mr. Felk and Mr. Heath, Mr. Darwin is deeply troubled by the impact the Data Center and Power Plant will have on his use and

enjoyment of his property and his quality of life. *See generally* Affidavit of William Darwin.

10. Mr. Darwin has lived in Spartanburg his entire life, with the exception of the three years he spent in Columbia during law school. *Id.* at ¶ 3. Mr. Darwin has lived in his current home since 2004. *Id.* at ¶ 2. Mr. Darwin is very concerned about how construction and operation of the Power Plant will harm him and his use and enjoyment of his home. *Id.* at ¶¶ 10–11. He is concerned that the noise pollution and air pollution from operation of the Power Plant will harm his health, his family’s health, and his quality of life. *Id.* at ¶ 11. Mr. Darwin is also harmed by the lack of transparency surrounding the facility and the fact that the public has not been adequately informed about the full scale of the Data Center and Power Plant, or the full scope of impacts these facilities will have on the surrounding neighborhoods. *Id.* at ¶ 12–14.

11. For these reasons, Concerned Citizens of Spartanburg County and its members have a significant interest in ensuring the Data Center and Power Plant comply with all applicable local, state, and federal law, including the Siting Act, and that Valara does not continue to proceed with construction without these necessary approvals. If Valara were required to halt construction pending the outcome of Petitioners’ Declaratory Order Petition and were required to receive Commission approval under the Siting Act, many of Concerned Citizens’ members’ harms would be addressed. *See* Affidavit of Mark Felk at ¶¶ 27–29, Affidavit of Ricky Heath at ¶¶ 23–26, Affidavit of William Darwin at ¶¶ 15–18.

12. The Southern Alliance for Clean Energy is a non-profit organization whose mission is to promote responsible and equitable energy choices for clean, safe, and healthy communities throughout the Southeast. SACE has members across South Carolina who

have an interest in ensuring that electric generating plants like those planned at the Valara Data Center comply with the environmental review required under the Siting Act. SACE also has a member who, like Mr. Felk, Mr. Heath, and Mr. Darwin, lives very near to the Data Center and Power Plant and will thus be directly affected by the proposal.

13. SACE's principal address is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has in-state staff in South Carolina.

## II. THE SUBJECT OF THE PETITIONS

14. Valara is currently constructing a massive data center in Spartanburg County, South Carolina. To power this data center, Valara proposes to build a 450-MW electric generating plant—a capacity equal to other utility-owned gas plants in South Carolina and well above the 75-MW threshold triggering compliance with the Siting Act (six times the threshold, in fact). Valara's Power Plant will be made up of a combination of gas-fired generators and gas-fired turbines.

15. The Siting Act mandates that “[*n*]o person shall commence to construct a major utility facility without first having obtained a certificate issued with respect to such facility by the commission.” S.C. Code Ann. § 58-33-110(1) (emphasis added). A major utility facility is defined as an “electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts,” § 58-33-20(2)(a), and “commence to construct” means “any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility.” *Id.* § 58-33-20(3).

16. Despite the Siting Act requiring approval of electric generating plants that exceed 75 MW *before* construction commences on such plants, Valara has not submitted

any application for Siting Act approval, even while it proceeds with construction at a rapid pace.

17. Based on information provided by Concerned Citizens, whose members live adjacent to and near the Data Center and Power Plant, Valara is proceeding with significant clearing and grading activities on the Site—activities expressly prohibited under the Siting Act prior to receipt of a CECPCN from the Commission. S.C. Code Ann. § 58-33-110(1); *see, e.g.* Affidavit of Mark Felk at ¶ 15 (describing clearing at the Site).

18. According to South Carolina Department of Environmental Services (“DES”) emails obtained through the Freedom of Information Act, construction on the Power Plant began in March 2026. *See* Attachment 1 (April 2026 email exchange between DES and Post & Courier reporter where DES states “construction of the engines approved by last air permit [ ] began last month”).

19. As large-scale data centers continue to locate in South Carolina and as data center developers and companies increasingly begin to build utility-scale electric generating facilities to power their data centers, a declaratory order confirming the applicability of the Siting Act to these electric generating facilities is of critical importance.

### **III. LEGAL BACKGROUND**

20. The core purpose of the Siting Act, which was first enacted in 1971, is to require pre-construction review of major utility facilities to ensure that the need for those facilities is balanced against their environmental impacts. S.C. Code Ann. § 58-33-160(1). As such, the Siting Act, S.C. Code Ann. § 58-33-10 *et seq.*, provides that no person shall commence to construct a “major utility facility” without first receiving a CECPCN from the Commission. S.C. Code Ann. § 58-33-110(1).

21. The term “person” means “any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, and shall include the South Carolina Public Service Authority.” S.C. Code Ann. § 58 33-20(5).

22. The term “commence to construct” means any “clearing of land, excavation, or other action that would adversely affect the natural environment of the site.” S.C. Code Ann. § 58 33-20(3).

23. A “major utility facility” is defined to include any electric generating plant and associated facilities “designed for, or capable of, operation at a capacity of more than seventy-five megawatts.” *Id.* § 58-33- 20(2).

24. An applicant for a certificate is required to file an application with the Commission that contains: (i) a description of the location and of the major utility facility to be built; (ii) a summary of any studies which have been made by or for the applicant of the environmental impact of the major utility facility; (iii) a statement explaining the need for the major utility facility; and (iv) any other information the applicant may consider relevant or as the commission may by regulation or order require. S.C. Code Ann. § 58-33-110 (10).

25. In seeking a certificate, the applicant must provide credible information demonstrating that the facility to be built has been compared to other generation options in terms of cost, reliability, schedule constraints, fuel cost and availability, transmission constraints and costs, ancillary services capabilities, current and reasonably expected future environmental costs and restrictions, that the facility supports system efficiency and

reliability in light of those considerations, and any other regulatory implications deemed legally or reasonably necessary for consideration by the Commission. S.C. Code Ann. § 58-33-110 (8)(a).

26. Prior to granting a CECPCN, the Commission must find and determine: the need for the facility, the probable environmental impact, whether that impact is justified in light of alternative technologies and other relevant considerations, whether the facility will serve the interests of “system economy and reliability,” whether there is reasonable compliance with applicable state and local laws and, finally, “that public convenience and necessity require the construction of the facility.” S.C. Code Ann. § 58-33-160(1). The Siting Act also requires the Commission to ensure that certain notice, hearing, and procedural requirements are met, including requiring notice to persons residing in municipalities where any portion of the major utility facility is to be located. S.C. Code Ann. §§ 58-33-120(2)-(4) (notice), 58-33-130 (hearings), 58-33-140 (required parties), 58-33-150 (record requirements).

27. The Office of Regulatory Staff, the Department of Environmental Services, the Department of Natural Resources, and the Department of Parks, Recreation and Tourism are statutory parties to Siting Act proceedings. S.C. Code Ann. § 58-33-140(1).

28. Siting Act review is a critical step in the regulatory process for construction of a major electric generating plant, as it requires an applicant to provide public notice to affected communities, undertake a full examination of the facility’s environmental impacts and available alternatives, and demonstrate the legal compliance of its proposal.

#### **IV. STATEMENT OF FACTS AND DISCUSSION**

##### **a. The Valara Data Center and Power Plant**

29. Upon information and belief, the public at large first learned of Valara's Data Center in early 2025 when the Post and Courier reported that Spartanburg County Council had held an initial reading and vote to approve a tax break for "[a]n undisclosed company," referred to under the code name "Project Moc-1."<sup>1</sup>

30. The Post and Courier further reported that then-Councilman (now Commissioner) David Britt stated that the project was "not a data center"<sup>2</sup> and would "not use more power than the site's existing facility."<sup>3</sup>

31. In April 2025, Spartanburg County approved a fee-in-lieu of tax ("FILOT") agreement for the project.<sup>4</sup>

32. Shortly after receiving this tax break from the County, Valara applied to the South Carolina Department of Environmental Services ("DES") for a Clean Air Act permit authorizing air pollution from approximately 50 MW of onsite power generation.<sup>5</sup>

33. On July 18, 2025, DES issued a public notice announcing a comment period for Valara's draft Clean Air Act permit.<sup>6</sup> In the draft permit, DES explained that "[t]he facility will construct a data center" and "[t]his data center is powered by twenty-four 2103 kW natural gas generators[.]"<sup>7</sup> Just two months later, on September 17, 2025, DES issued a final air permit authorizing construction and operation of the twenty-four 2,103 kW gas-

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<sup>1</sup> Max White, *Spartanburg County Could See a \$2.8 Billion Investment, One of the Largest Ever in SC. What to Know*, POST & COURIER (Feb. 18, 2025), <https://perma.cc/462Q-QQQD>.

<sup>2</sup> Although Valara has referred to the facility as a "high-performance computing center," upon information and belief, there is no meaningful difference between a high-performance computing facility and a data center in terms of potential environmental and community impacts, such as air pollution and noise pollution. "Data center" appears to be the colloquial and publicly familiar term for these facilities and thus this statement misled the public.

<sup>3</sup> White, *supra* note 1.

<sup>4</sup> Christian Boschult, *Spartanburg data center that got tax breaks wants 400 megawatt energy production increase*, POST & COURIER (Apr. 22, 2026), <https://perma.cc/5N4H-3H7B>.

<sup>5</sup> *Id.*

<sup>6</sup> Dep't of Env't'l Servs., Public Notice: Draft Air Synthetic Minor Construction Permit (July 18, 2025) (Attachment 2).

<sup>7</sup> *Id.*

fired generators, totaling approximately 50 MW of power generation, and the associated air pollution.<sup>8</sup>

34. In December, just three months after receiving this initial air permit, Valara contacted DES about a modification to its air permit to authorize air pollution from an additional *400 MW* of onsite gas-fired generation at the Site.<sup>9</sup> This represents an eight-fold increase over Valara’s original air permit.

35. Upon information and belief, Valara’s plan to construct a total of 450 MW of onsite generation was never disclosed to the public.

36. Upon information and belief, the general public was first made aware of this massive Power Plant proposal in April 2026, when the Post and Courier published an article about the permit modification request.<sup>10</sup>

37. A 450-MW Power Plant far exceeds the Siting Act’s 75-MW threshold, and it is comparable to or even larger in size than various power plants owned by regulated utilities in South Carolina which underwent Siting Act review.<sup>11</sup>

38. According to the draft permit DES issued for Valara’s 450-MW electric generating plant, the Power Plant’s onsite generation will emit approximately 220 tons per year (“TPY”) of Nitrogen Oxides (“NO<sub>x</sub>”), 201 TPY of Carbon Monoxide (“CO”), 158 TPY of Particulate Matter (“PM<sub>2.5</sub>”), 9.5 TPY of Sulfur Dioxide (“SO<sub>2</sub>”), 60 TPY of

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<sup>8</sup> Dep’t of Env’tl Servs., Draft Statement of Basis 1 (Attachment 3).

<sup>9</sup> Boschult, *supra* note 4.

<sup>10</sup> *Id.*

<sup>11</sup> *See, e.g.* S.C. Pub. Serv. Comm’n Docket No. 1991-606-E, Order No. 92-275, <https://dms.psc.sc.gov/Attachments/Order/92c819e5-d2fa-c8c4-aa424efc60603a1c> (approving a 385 MW coal plant in Cope); S.C. Pub. Serv. Comm’n Docket No. 2001-77-E, Order No. 2001-666, <https://dms.psc.sc.gov/Attachments/Order/2090b80c-faa1-60e9-05d918cedb51b6f2> (approving a 640 MW combustion turbine proposed by Duke Power in Cherokee County); S.C. Pub. Serv. Comm’n Docket No. 2024-264-E, Order No. 2025-137, <https://dms.psc.sc.gov/Attachments/Order/cbd2a906-338e-448d-b3b9-c2ab69a63097> (approving a 178 MW expansion at Santee Cooper’s Rainey facility).

Volatile Organic Compounds (“VOC”), and 19 TPY of Hazardous Air Pollutants (“HAPs”), including 9.40 TPY of formaldehyde.<sup>12</sup>

39. Upon information and belief, these estimates, if correct, mean the Power Plant could be the largest industrial source of NO<sub>x</sub>, CO, PM<sub>2.5</sub>, SO<sub>2</sub>, and formaldehyde in Spartanburg County based on a comparison to the U.S. Environmental Protection Agency’s 2020 National Emissions Inventory (“NEI”) Data.<sup>13</sup> It could also be a top ten source of particulate matter pollution in the entire state—far exceeding the last reported emissions of the former Kohler facility that operated on the Site, also according to the U.S. Environmental Protection Agency’s 2020 NEI Data.<sup>14</sup>

40. Formaldehyde is a known human carcinogen;<sup>15</sup> particulate matter pollution can increase the risk of hospitalizations due to heart attack, pneumonia, cardiovascular issues, or, in some cases, stroke or cancer;<sup>16</sup> and NO<sub>x</sub> can worsen ground-level ozone, better known as smog, and is associated with respiratory health effects.<sup>17</sup>

41. Upon information and belief, in addition to the air pollution the Power Plant will emit into the surrounding neighborhoods, the Power Plant will operate 24/7, producing noise pollution.

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<sup>12</sup> Dep’t of Env’tl Servs., Draft Statement of Basis at 6–7 (Attachment 3).

<sup>13</sup> See EPA, 2020 National Emissions Inventory Data Retrieval Tool (select “Facility Data,” then select “South Carolina” under “State,” “SC-Spartanburg County” under “State-County,” and “Nitrogen Oxides,” “Carbon Monoxide,” “PM2.5 Primary (Filt + Cond),” “Sulfur Dioxide,” and “Formaldehyde” under “Pollutant”).

<sup>14</sup> See EPA, 2020 National Emissions Inventory Data Retrieval Tool (select “Facility Data,” then select “South Carolina” under “State,” select “PM2.5 Primary (Filt + Cond)” under “Pollutant”); see also EPA, 2020 National Emissions Inventory Data Retrieval Tool (select “Facility Data,” then select “South Carolina” under “State,” “SC-Spartanburg County” under “State-County,” and “2851 Southport Road” under “Street Address”) (listing PM<sub>2.5</sub> emissions from Kohler facility formerly at the Site as approximately 3 TPY).

<sup>15</sup> EPA, Integrated Risk Information System Toxicological Review of Formaldehyde (Inhalation), at 2 (Aug. 2024), <https://perma.cc/3HAQ-T88S>.

<sup>16</sup> EPA, Particulate Matter (PM) Basics, <https://perma.cc/68EU-3FH3>.

<sup>17</sup> EPA, Basic Information about NO<sub>2</sub>, <https://perma.cc/MNL6-BQMV>.

42. The Valara Data Center has been plagued with significant transparency failures from the start. Upon information and belief, the general public, including the impacted communities around the proposed Data Center and Power Plant, was never informed about the proposal's true nature, scale, and impact, resulting in widespread public outrage when this information came to light. Impacted community members reasonably feel misled. Affidavit of Mark Felk at ¶ 9; Affidavit of Ricky Heath at ¶ 6; Affidavit of William Darwin at ¶ 14.

43. All the while, Valara has been moving forward with construction at a rapid pace, including conducting extensive land-clearing activities at the Site and construction of the electric generating plant. *See* Affidavit of Mark Felk at ¶ 15, Attachment 1 (DES email describing ongoing construction of engines). These actions are taking place without any Commission approval.

**b. The Siting Act Requires Valara to Cease Construction and Apply for a CECPCN.**

44. The plain language of the Siting Act prohibits any “person” from commencing construction on a “major utility facility” without first obtaining a CECPCN from the Commission. Section 58-33-20(2) defines a major utility facility as any electric generating plant capable of operating at a capacity of more than 75 MW.

45. Valara is a “person,” defined as “any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local

government, municipality, any other organization, or any combination of any of the foregoing,” S.C Code Ann. § 58-33-20(5).

46. Valara’s Power Plant is an electric generating plant capable of operating at a capacity of more than 75 MW.

47. Valara is “commencing construction,” including “clearing” and “excavation,” which are “adversely affect[ing] the natural environment of the site,” § 58-33-20(3).

48. Despite moving forward with construction, Valara has neither applied for nor received a CECPCN from the Commission.

49. Valara is thus in violation of the Siting Act.

50. For these reasons, Petitioners seek a declaration from the Commission that Valara’s electric generating plant requires a CECPCN under the Siting Act.

51. Moreover, the further Valara progresses with construction at the Site, the greater the risk becomes that the Commission’s ability to conduct the required assessment of the proposed Power Plant under the Siting Act will be curtailed. Indeed, as construction progresses, Valara may contend that alternatives have been eliminated or have become increasingly unreasonable to implement, and the environmental harms that the Commission is charged with considering will become realized without adequate oversight or review.

52. Indeed, the entire purpose of a prohibition on commencing construction prior to receiving a CECPCN from the Commission is to preserve the Commission’s ability to meaningfully implement the Siting Act’s requirements and review the proposal.

53. For these reasons, Petitioners seek an Order for a Rule to Show Cause requiring Valara to appear and explain why it should not cease ongoing construction at the Site pending the outcome of Petitioners' declaratory order proceeding and any subsequent Siting Act proceeding.

#### **V. NOTICES OF APPEARANCE**

54. Petitioners' authorized representatives in this proceeding to whom all notices, pleadings, correspondence, and other documents relating to this proceeding should be directed are:

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55. Petitioners consent to electronic service in this proceeding.

#### **VI. REQUEST FOR EXPEDITED RELIEF**

56. As noted above, Valara has already commenced construction at the Site. This includes the "clearing of land" and "excavation" which "adversely affect[s] the natural

environment of the site.” S.C. Code § 58-33-20(3).

57. Accordingly, Petitioners respectfully request that the Commission consider and rule on Petitioners’ Petition for a Rule to Show Cause Order in an expeditious manner to ensure further destructive and unlawful construction activities do not continue unabated.

WHEREFORE, for the foregoing reasons, Petitioners respectfully request that the Commission grant the following relief.

1. On an expedited basis, issue an Order for a Rule to Show Cause requiring Valara to appear and explain why it should cease ongoing construction at the Site pending the outcome of Petitioners’ declaratory order proceeding and any subsequent Siting Act proceeding;
2. Issue a Declaratory Order finding that Valara’s proposed Power Plant is a “major utility facility” within the meaning of the Siting Act because it is an electric generating plant capable of operating at a capacity of over 75 MW and therefore must comply with the Act’s CECPCN requirements and the Act’s prohibition on commencing construction without a CECPCN;
3. Pursuant to S.C. Code Regs. Ann. 103–830, cause a copy of Petitioners’ Petition for a Declaratory Order and Petition for a Rule to Show Cause Order to be served upon Valara Holdings, LLC at the following address: Corporation Service Company, 100 Coastal Drive, Suite 210, Charleston, SC 29492; and
4. Grant any other relief that the Commission deems just and proper.

Respectfully submitted,

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