



October 14, 2022

VIA ELECTRONIC MAIL

Rory M. Christian, Chair & Chief Executive Officer
Hon. Michelle L. Phillips, Secretary to the Commission
James A. Denn, Director, Public Affairs
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350
secretary@dps.ny.gov

Re: Case No. 21-M-0238, *Petition of Fortistar North Tonawanda Inc. and Digihost International Inc. for a Declaratory Ruling Regarding Application of Section 70 and 83 of the New York State Public Service Law and the Alternative, Approval of the Proposed Transaction Pursuant to Sections 70 and 83.*

Dear Mr. Christian, Ms. Philips, and Mr. Denn,

Please find attached a Petition for Rehearing of the Public Service Commission's September 15, 2022 Declaratory Ruling on Upstream Transfer Transaction, filed on behalf of Earthjustice, Clean Air Coalition of Western New York, Buffalo Niagara Waterkeeper, Deborah Q. Gondek, Karen Hance, and Sierra Club – Atlantic Chapter in the above-captioned case. A copy of this brief is being delivered to the Secretary for filing and being served on the active parties.

Respectfully submitted,

/s/ Dror Ladin
Dror Ladin
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cc: Hon. Michelle L. Phillips, Secretary (via electronic mail)
Active Party List (via electronic mail)

Enclosures