



September 1, 2021

**VIA U.S. MAIL AND ELECTRONIC MAIL**

John B. Howard, Chair & Interim Chief Executive Officer  
Hon. Michelle L. Phillips, Secretary to the Commission  
James A. Denn, Public Information Officer  
New York Department of Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350

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. Howard, Ms. Phillips, and Mr. Denn,

We write to request an extension of the public comment period in the above-captioned matter due to the supplemental letter filed by Petitioner Digihost International, Inc. last week on Thursday, August 26, 2021. We respectfully request a 45-day extension of time.

As you know, the Fortistar North Tonawanda (“FNT”) facility is an approximately 60 MW fossil gas facility located in Niagara County, New York. Digihost Technology, Inc. intends to operate the FNT facility as a full-time bitcoin mining operation, which will drastically increase its GHG emissions, threatening the State’s achievement of the necessary emission reductions under the Climate Leadership and Community Protection Act (“CLCPA”) to mitigate the harmful effects of climate change.

Digihost’s August 26, 2021 Supplement to the Petition includes new and significant information that materially changes the operations and fuel sources at the power plant, and are not explained with any specificity in its letter to the Commission. These changes include plans to convert the FNT facility to burn renewable natural gas at the power plant in 2022 and to burn hydrogen at the plant in 2023, each of which are not GHG-emissions free fuel sources, which raise other serious concerns that need to be evaluated.

Digihost’s August 26, 2021 Supplement includes new information not included in the original April 15, 2021 filing with the Commission. In light of the new and material information, we request that the public deadline for comments be extended in order to appropriately and adequately provide the public additional time to evaluate and respond to the supplemental petition.

Thank you for your consideration. Please contact either of us with any questions.

Respectfully submitted,

/s/ Mandy DeRoche

Mandy DeRoche

**Earthjustice**

48 Wall Street

New York, NY 10005

Tel. 212-284-8044

mderoche@earthjustice.org

/s/ Kate Bartholomew

Kate Bartholomew, Chair

**Sierra Club Atlantic Chapter**

744 Broadway

Albany, NY 12207

Tel. 518-426-9144

atlantic.chapter@sierraclub.org