

Brian West

McAlester, OK
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8 September 2026

Cora Middleton, City Clerk, City of McAlester and McAlester Public Works Authority
28 E. Washington Avenue, PO Box 578, McAlester, OK 74502 · cora.middleton@cityofmcalester.com ·
918-423-9300 ext. 4956

Re: Open Records Act request — raw water for the proposed IREN data center south of Kiowa; Black Mountain Energy Storage

Under the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., I request to inspect and obtain copies of the following records of the City of McAlester and the McAlester Public Works Authority, including records held by its officers, council members and trustees individually, the City Manager and Assistant City Manager, the city attorney, public works and utility staff, and other representatives, regardless of medium and regardless of the account or device on which they were created, sent or received.

1. **The request.** The letter of 30 July 2025 from Black Mountain Energy Storage to the Assistant City Manager proposing to purchase approximately six million gallons a day of raw water to cool the proposed IREN data center, with every attachment, and any earlier or later letter, email or proposal from that company.
2. **The 29 July 2025 meeting.** Calendar entries, notes, sign-in records, presentations and follow-up correspondence for the meeting between Black Mountain Energy Storage and the Assistant City Manager that the 30 July letter refers to, and the file of Director Wimer, who told the council on 12 August that he “had been involved from the beginning of discussion,” including anything that shows when that beginning was.
3. **The 12 August 2025 action.** The agenda packet, staff memorandum, presentation and audio or video recording for the council’s authorization to negotiate a raw water purchase agreement with Black Mountain Energy Storage, and any council or trust action on the subject before or after that date.
4. **The agreement.** Every draft and version of the raw water purchase agreement, including the version at \$1 per 1,000 gallons on the agenda of 10 February 2026, with redlines, transmittals, term sheets and the recording of that meeting.
5. **Communications.** All emails, text and app messages, letters, memoranda, meeting notes, calendar entries and voicemail transcriptions sent or received by the City, the Authority, the Mayor, any council member or trustee, the City Manager, the Assistant City Manager, the city attorney or utility staff that contain or refer to any of the following, which I offer as the search terms for this item: Emerald ProjectCo Inc.; “Project Emerald”, “Emerald” or “EmeraldCo”; the Emerald ProjectCo Data Center Project; IREN, IREN Limited, Iris Energy, IE US Holdings Inc. or any affiliate; Jason Date, Evan Horn, Marat Ahmad, Lindsay Ward, Michel Skura, Jonathan Gray, Gerald Byrd, David Shaw or Giles Walsh; Black Mountain Energy Storage or Caroline O’Brien; Tipton Capital, Mitch Stevenson, Ernst & Young or ISB Group (John Dorff), in connection with the project; Floyd & Driver PLLC or David Floyd, in connection with the project; Public Service Company of Oklahoma or Jonathan Wynn, in connection with the project; the PCDC Tax Incentive District Review Committee under any name; or, in connection with a data center, “TID”, “TIF”, “incentive district”, “tax increment”, “abatement”, “data center” or “data centre”. Include in particular communications with Caroline O’Brien or anyone at Black Mountain Energy Storage, and with Pittsburg County or Floyd & Driver about the project.

6. **Analyses.** Any water-availability, yield, engineering, rate, revenue or capacity analysis prepared or received in connection with the proposed sale, including anything on the effect of a six-million-gallon-a-day withdrawal on the city's supply.
7. **Confidentiality.** Any non-disclosure, confidentiality or exclusivity agreement, or request for one, involving the City or the Authority and any party named in item 4.
8. **Since February.** Any contact from Black Mountain Energy Storage, IREN or their representatives after 10 February 2026, when the council said the negotiating table remained open.
9. **The change of counterparty.** On 21 and 27 October 2025, while the council's authorization to negotiate stood, Black Mountain Energy Storage II LLC assigned its land rights south of Kiowa to Emerald ProjectCo Inc. in five instruments recorded with the Pittsburg County Clerk — 2025-009031, 2025-009032, 2025-009035 and 2025-009036 in Book 2801, and 2025-009164 in Book 2802. Please produce any communication with Black Mountain, Emerald ProjectCo Inc., IREN or their representatives about that assignment or about who the city's counterparty was or would become, and any record showing when the city first learned of it. If the city was not told, a statement to that effect answers the item.

Period. 1 January 2025 to the date you process this request. For items that name a specific company or person, please apply no start date: those names did not appear in your records before then, so a floor adds nothing but the risk of a miss.

Specificity. This request is framed to meet 51 O.S. § 24A.5(7): the period above is the time frame, each numbered item seeks identifiable records rather than general information, and the names and phrases listed are the search terms to run. If you consider any item still not reasonably specific, tell me which one and what you need, and I will narrow it by return rather than have the request denied on that ground.

Format. Electronic, in native format with attachments and metadata intact (for example .eml or .msg, .docx, .xlsx), or searchable PDF where no native file exists. Please produce on a rolling basis as records are located rather than holding everything for one release.

Fees. This request is not for a commercial purpose. It is made by a county resident and taxpayer to determine whether those entrusted with public affairs are performing their duties, the purpose for which 51 O.S. § 24A.5 forbids a search fee. I will pay copying at the statutory rate. If you expect the cost to exceed \$50, please send an estimate before incurring it and I will narrow the request or inspect the records in person, which the Act allows at no charge. Should you require advance payment under § 24A.5(4), send the estimate and I will remit it promptly; please do not treat the request as paused before the estimate reaches me.

Withholding. If any record or part of one is withheld, please identify it (date, author, recipient, subject) and cite the specific statutory exemption, and release every reasonably segregable portion as § 24A.5 requires. Messages about public business on personal accounts or devices are records under 2009 OK AG 12. A record does not become confidential because it was placed in a litigation or investigation file (§ 24A.20).

Response. Please acknowledge receipt and tell me when I can expect the first production; the Act requires prompt, reasonable access (§ 24A.5). I am glad to talk through scope by phone if it will speed things up.

Responding online. You may also reply through the page set up for this request, whose address and code appear on the mailed copy. It lets you confirm receipt, upload records, send a written response, or tell me when you expect to produce. What you write goes on the public register as received; files are published there after they have been read for a third party's personal information, which this site does not keep. A reply by post or email is equally welcome.

Sincerely,



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