

Brian West

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24 September 2026

Susan Bates, City Clerk, City of Atoka
353 East A Street, Atoka, OK 74525 · susan@atokaok.org · 580-889-3341 ext. 2

Copy: Brian Cathey, Mayor, and the members of the City Council

Re: Open Records Act request — the Atoka Energy Park: the project, the Master Utility Service Agreement, and any connection to Public Service Company of Oklahoma or to data centers

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 Atoka and the Atoka Public Works Authority, including records held by its mayor, council members individually, the city clerk, the city manager or administrator, department heads, attorneys, engineers and other representatives, regardless of medium and regardless of the account or device on which they were created, sent or received.

1. **What the project is.** Every document describing the Atoka Energy Park: the project plan, prospectus, profile or presentation; the feasibility study the Collective Commitment refers to; site plans, legal descriptions and maps; the generating capacity, fuel or technology proposed; the phasing; and any environmental, water or transmission study.
2. **The Master Utility Service Agreement.** Every draft and executed version of the MUSA, with transmittal messages, redlines and counsel's comments, and every document naming its parties.
3. **The Collective Commitment.** The signed original and every executed counterpart of the "Collective Commitment from Surrounding Counties to Support the Atoka Energy Park Project"; the list showing which of Atoka, Bryan, Johnston, Pontotoc, Pushmataha, Choctaw, McCurtain, Coal and Pittsburg counties signed and when; the covering correspondence by which it was circulated; and any profit-sharing agreement, resolution or amendment made under it.
4. **Who is paying and who is being paid.** The identity of the "lender/underwriting entity" the agreement makes the approver of the project plan, with term sheets, letters of interest, commitment letters and underwriting correspondence; the "attached list of vendors" the agreement refers to; every RFP, proposal and contractor vetting record; and every application for a public benefit program made for the project, including any application, award, administration or pass-through involving the **Kiamichi Economic Development District of Oklahoma (KEDDO)**, the Economic Development Administration, USDA Rural Development or the Oklahoma Department of Commerce.
5. **The utilities.** All communications with **Public Service Company of Oklahoma**, American Electric Power, the Oklahoma Corporation Commission, the Southwest Power Pool, the Grand River Dam Authority, Western Farmers Electric Cooperative, Kiamichi Electric Cooperative or any other utility or generator concerning the Energy Park: service, interconnection, transmission, generation capacity, load studies, will-serve letters and rate discussions.
6. **Any data center.** All records mentioning a data center or data centre in connection with the Energy Park or with the City of Atoka, and any communication with IREN Limited or any IREN or IE US entity, Emerald ProjectCo Inc., Black Mountain Energy Storage, or anyone acting for them.

7. **The people and bodies named.** All communications with John Hardy, JRE Strategies, Prismecs USA, or any person acting for them, and all communications with the **Kiamichi Economic Development District of Oklahoma (KEDDO)**, its executive director or any of its staff or board members — including KEDDO board and committee papers the city received, applications KEDDO prepared, reviewed or endorsed, and any regional or district plan in which the Energy Park appears — concerning the Energy Park or any proposal to generate power in or for southeast Oklahoma.
8. **Council records.** Every agenda, agenda packet, minute entry, recording and executive-session notice of the City Council or the Atoka Public Works Authority that mentions the Energy Park, the MUSA, the Collective Commitment, a data center, or any party named above.

Period. 1 January 2024 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). The Collective Commitment was approved in open session by another county's board and is already public there, so this project is not confidential in its entirety. Section 24A.10(B) protects a prospective location only "prior to public disclosure of such prospect," and a letter circulated to nine counties and approved on a posted agenda is disclosure.

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,



Brian West
brian@mcalester.net

Enclosed, following this letter: the City of Atoka Open Records Request Form, completed. The form and this letter are one request and should be read together: box 9 summarises what is asked for and this letter sets it out in full. Box 7 is answered *Other — public interest, not commercial*, which is why the search fee the form refers to as payable "if applicable" is not applicable here.

CITY OF ATOKA
OPEN RECORDS REQUEST FORM

The governing body of the municipality has adopted this records request form. The Oklahoma Open Records Act permits a public body to require a requestor to complete a records request form to receive or view records pursuant to [51 O.S. § 24A.5\(7\)](#), as effective November 1 2025 unless a different method is mutually agreed to. Any person requesting records is only required to provide enough contact information so the municipality can notify you if the request is ready, send the request to you, or contact you if clarification is needed.

1. Name: Brian West		2. Date: 24 September 2026	
3. Email Address: brian@mcalester.net		4. Phone: [redacted]	
5. Mailing Address:			
6. Company/ Organization/ Firm (if applicable):			
7. Purpose of Request: (check one) ☐ Personal ☐ Commercial ☐ News Media (List org.): ☐ Scholar ☒ Other (specify): Public interest, not commercial		8. I prefer records to be provided: ☐ Physical Copies ☐ For Inspection ☐ Certified Copies ☒ By Email	
9. Description of request: Be as <i>specific as possible</i> , include the title or description of the specific records below, specific search terms on box 10, and a date range on box 11. Narrowing your request will help to make sure your records are produced in a timely fashion and ensures that you are provided with the specific records you seek. Records of the ATOKA ENERGY PARK, 1 January 2024 to date. My attached letter of this date sets out the same request and forms part of it. (1) WHAT THE PROJECT IS: project plan, prospectus, profile or presentation; the feasibility study; site plans, legal descriptions and maps; generating capacity, fuel or technology proposed; phasing; any environmental, water or transmission study. (2) THE MASTER UTILITY SERVICE AGREEMENT: every draft and executed version, with transmittals, redlines and counsel's comments. (3) THE COLLECTIVE COMMITMENT from surrounding counties to support the project: the signed original and every executed counterpart; which of the nine counties signed and when; the covering correspondence; any profit-sharing agreement, resolution or amendment made under it. (4) THE MONEY: the identity of the "lender/underwriting entity", with term sheets, letters of interest and commitment letters; the "attached list of vendors"; every RFP, proposal and contractor vetting record; every public benefit application, including any involving KEDDO, the Economic Development Administration, USDA Rural Development or the Oklahoma Department of Commerce. (5) THE UTILITIES: communications with Public Service Company of Oklahoma, AEP, the Corporation Commission, SPP, GRDA, Western Farmers or Kiamichi Electric about service, interconnection, transmission, generation, load studies, will-serve letters or rates. (6) ANY DATA CENTER: records mentioning a data center, and communications with IREN, Emerald ProjectCo or Black Mountain Energy Storage. (7) THE PEOPLE AND BODIES NAMED: communications with John Hardy, JRE Strategies, Prismecs USA, and with KEDDO, its director, staff or board. (8) COUNCIL RECORDS: agendas, packets, minutes, recordings and executive-session notices of the Council and the Public Works Authority.			
10. Suggested Specific Search Terms: Please separate search terms by a semi-colon; Atoka Energy Park; MUSA; energy park; Master Utility Service Agreement; Collective Commitment; Prismecs; JRE Strategies; John Hardy; KEDDO; PSO; AEP; data center; IREN; Emerald ProjectCo; Black Mountain			
11. Date Range: Starting Date (mm/dd/yyyy): 01/01/2024		Ending Date (mm/dd/yyyy): 09/24/2026	
12. Understanding the Records Request Process and the Open Records Act. - Some records can be produced promptly. Other records may require time to search in which case you will be notified when the records are ready for pickup or inspection. - By making this request for records, you agree to pay all copying and search fees, if applicable, in the amounts and under such conditions as posted in our office and on file with the county clerk. These charges are set at a level to compensate the municipality for the actual costs incurred in honoring your request. - You may be required to pay in advance if estimated costs exceed \$75 or if you have outstanding fees from prior requests. Any amount paid in excess of actual costs will be refunded. 51 O.S. § 24A.5(4) - You may be asked to clarify your request if the request does not describe the records with reasonable specificity. To have reasonable specificity, a request shall: "a) specify a general time frame within which the requested records would have been created or transmitted, b) seek identifiable records, rather than general information without any qualifiers or other specifications, and c) include search terms that are sufficiently specific to assist the public body in identifying the requested records." 51 O.S. § 24A.5(7) - The municipality may ask you to clarify your request. If the municipality has engaged with you to seek the information needed to fulfill the request and to identify the records sought by you, including providing you with general topics or a specific list of records related to the request, the request may be denied if it is still not reasonably specific. 51 O.S. § 24A.5(7), - The municipality has the ability to determine whether a request is for a commercial purpose. 51 O.S. § 24A.5 (4), 51 O.S. § 24A.40 - The public body is permitted to email records but is not required to do so. ("While a public body is free to produce records in the requested format, it is under no obligation to do so." Brooke v. Reed, 2025 OK 86, ¶ 16, 581 P.3d 86, 92) See also <i>Wagner v. Office of Sheriff of Custer Cnty.</i>, 2021 OK CIV APP 20, ¶ 6, 492 P.3d 1240, 1242. and the AG opinions 1999 OK AG 55 and 2006 OK AG 35. - A person whose request to inspect or copy a public record is denied by a public body may file a request for review with the Public Access Counselor in the Attorney General's office not later than 30 calendar days after the date of the denial. The Attorney General <i>may</i> issue advisory opinions if requested by the head of the public body or its attorney. 51 O.S. § 24A.40			