

**West Virginia Air Quality Board  
Charleston, West Virginia**

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AIR QUALITY BOARD

**Tucker United, West Virginia Highlands  
Conservancy, and Sierra Club,  
Appellants**

**v.**

**Appeal No. 25-02-AQB**

**Director, Division of Air Quality,  
Department of Environmental Protection,  
Appellee**

**and**

**Fundamental Data LLC,  
Intervenor.**

**Intervenor's Response to Appellants' Request for Discovery from Permittee**

Intervenor, Fundamental Data LLC (Fundamental), hereby responds to the Request for Discovery made by Appellants, Tucker United, West Virginia Highlands Conservancy, and Sierra Club, as follows:

1. Please disclose the identity of each person expected to be called as a witness at hearing, and, at a minimum a statement setting forth with specificity the facts alleged, the anticipated testimony and the identity of any documents relied upon in support of the anticipated testimony of each witness and whether that witness will be called as an expert.

**Response:** Fundamental does not intend to call any witnesses at the hearing, but will cross-examine witnesses presented by Appellants and Appellee, and may seek to recall witnesses if necessary.

2. With reasonable particularity, please identify the issues that are the subject of the evidentiary hearing.

**Response:** Appellants have identified issues to be addressed at the hearing in their Notice of Appeal, which Fundamental assumes will be the matters heard at the hearing. Fundamental intends to respond to the allegations made by Appellants in the course of the hearing, but at this time is not aware of any independent matters it will raise for the Board's consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "David Yaussy".

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**CERTIFICATE OF SERVICE**

I, David L. Yaussy, hereby certify that I served a copy of the foregoing *Intervenor's Response to Appellant's Request for Discovery from Permittee* on October 24, 2025, by mailing a true and correct copy via U.S. Mail, postage prepaid, and by delivering a true and correct copy via email at the addresses below:

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