

THE NASH GROUP, LLC

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THE NASH REPORT

Issue No. 1 | September 2026

The Record You Will Be Judged On

What a city needs in the file before it votes on a data center

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Published by

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Offices

Kansas City (Headquarters) | West Palm Beach

Suggested citation

Nash, Troy L. "The Record You Will Be Judged On: What a City Needs in the File Before It Votes on a Data Center." The Nash Report, Issue No. 1. Kansas City, Missouri: The Nash Group, LLC, September 2026.

Where the numbers came from

I read every source at the source on 20 September 2026. Every figure is cited where it appears and again in Appendix A. I did not estimate, model or round anything. If I could not verify it at the source, I left it out. Chapter 3 explains the method.

What I have at stake

I run a firm that sells the engagement work in Appendix C. I am telling you that up front. Chapter 8 goes into it. I have no financial relationship with any data center developer, any utility, or any opposition group named in this report, and nobody paid me to write it.

This is not legal advice

This is research. It is not legal advice and it does not create an attorney client relationship. Talk to your own counsel before you act.

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If the list above is empty, select it and press F9 to build it.

Abbreviations

ANOPR	Advance Notice of Proposed Rulemaking
DOE	United States Department of Energy
EELP	Environmental and Energy Law Program, Harvard Law School
FERC	Federal Energy Regulatory Commission
GDP	Gross Domestic Product
JLARC	Joint Legislative Audit and Review Commission, Virginia General Assembly
LBNL	Lawrence Berkeley National Laboratory
MW	Megawatt
OSTI	Office of Scientific and Technical Information, U.S. Department of Energy
PJM	PJM Interconnection, the regional grid operator for Virginia and several other eastern and midwestern states
PSC	Public Service Commission
VCEA	Virginia Clean Economy Act

Executive Summary

An application is coming, or it already landed. The clock is short, the numbers are big, and the applicant knows more about the use than your whole staff does. That gap is what this report is about. What is wrong with these decisions is not political. It is a file problem.

I read ten sources at the source on 20 September 2026. Six things came out of it. Four of them contradict something you will hear said with a straight face at a public meeting.

The national power estimate went up and got less certain at the same time. Berkeley Lab's 2025 update says 11.8 percent of U.S. electricity by 2030, inside a range of 9.5 to 15.3 percent. Quoting the middle number alone misrepresents it.

Both sides of the power bill argument are wrong, and one study proves it. Virginia's audit commission found data centers are currently paying their full cost of service, and that a typical Dominion residential customer could still see 14 to 37 dollars a month more by 2040.

Washington has not finished. FERC Docket No. RM26-4-000 on connecting big loads was open the day I read it, with the Commission directed to act by June 2026.

Opposition is organized nationally now. Data Center Watch reports at least 75 projects worth about 130 billion dollars blocked or delayed in the first quarter of 2026 alone, with active groups across 49 states.

Missouri already adopted protections. Senate Bill 4 produced approved tariffs at Ameren Missouri and Evergy, with commitments up to 17 years and collateral equal to two years of minimum bills.

The failure closest to home was about drafting. Peculiar, Missouri reversed its own approval by deleting a data center definition it had dropped into its light industrial code.

Do this first

Run the twelve questions in Chapter 6 with your planning director and your attorney in the room. Fifteen minutes. Fewer than ten yes answers means your file is thin, and a thin file is the one that gets reversed.

1. Why I Wrote This

1.1 I have taken this vote

I sat on the Kansas City Council for eight years. I chaired the Planning, Zoning and Economic Development Committee for four of them. So I have sat in the chair this report is about.

Here is what that chair feels like. A big application lands. The clock starts. The applicant knows more about the use than your entire building does. And you have to vote anyway.

That gap is the subject of this report. Not whether data centers are good. I do not take a side on that. You will not find one here.

1.2 Who I am writing to

City managers and county administrators. Planning directors and their staff. Council members, county commissioners, planning and zoning commissioners. And the city attorney, who usually gets asked last whether the record will hold.

I assume you know land use procedure. I do not assume you know anything about data centers. You should not have to.

1.3 The question

The question is not whether data centers belong in your town. That is your call. It is not mine and it is not the applicant's.

The question is narrower. When you vote, what has to be in your file for that vote to hold up? And how many towns actually have it?

Nobody is asking whether you like data centers. They are asking you to take the biggest land use vote of your career, using a code written for something else, in a room that is already organized.

1.4 What this report will not do

It will not argue for a project or against one. It will not forecast anything. I did not model demand, prices or revenue, and I did not print a number I could not open at the source.

It also will not pretend my firm is the only fix. Chapter 7 and Appendix C describe what we do, because you should know who wrote this. Most of what is in here you can do yourself for free.

2. Words I Use, and What I Mean By Them

These are the terms as I use them here. Where a source gave me the definition, I name the source. The rest is plain trade language.

Data center

JLARC calls them "specialized facilities that manage, process, and share large amounts of data." That is the plain version. How your own code defines it matters more than you think. Section 5.1 shows why.

Large load customer

The customer class Missouri created by law for very big electricity users. Data centers are in it. The state's new protections attach to this class.

Interconnection

How a big load or a generator gets hooked to the transmission system. The federal rules for this are still being written. See Section 4.2.

Tariff

The rates and terms a utility charges, approved by the state commission. A large load tariff sets those terms for the big users only.

Cost of service

What it actually costs the utility to serve a customer. Saying a class pays its full cost of service is a statement about today's rates. It is not a promise about tomorrow's system costs. Section 4.5 turns on that.

Demand charge

A charge based on how much capacity you hold, not how much power you use. Missouri set a floor on it for big users.

Ramp up period

The stretch at the start when a big customer is still growing into its full load. Missouri lets that time count toward the contract.

Retail choice

A program that lets big customers buy generation from somebody other than the local utility. JLARC flags it as a way costs can slide onto everyone else.

Open loop cooling

The older design. Most of the water evaporates. The rest goes out as wastewater. Loudoun County publishes the split. See Section 4.7.

Closed loop cooling

The newer design. It recirculates, so it loses far less.

Reclaimed water

Treated wastewater sent back out for uses that do not need drinking water. Loudoun uses it to keep data centers off the potable supply.

Potable water

Drinking water. What comes out of the tap.

Business personal property tax

The local tax on business equipment, including servers. JLARC says it is the main way a town makes money on a data center. Some towns cut the rate to win the project, which also cuts the revenue.

Special exception

A discretionary approval your board grants under standards in the code. Not a use allowed by right.

Moratorium

A temporary stop on taking or approving applications. Towns use it to buy time to write rules.

Representative sample

A sample drawn so you can say something about the whole population, with a margin of error you can state. This is what you need if you want to say what your town thinks.

Self selected sample

Whoever showed up and answered. It tells you nothing about the town. More responses do not fix it. Section 5.3 explains why that is a legal problem and not a style problem.

Margin of error

How far off a representative sample might be. If a survey report does not give you one, nobody intended for you to draw a conclusion from it.

The record

Everything the decision rests on. Staff analysis, testimony, findings, exhibits. It is what a judge reads if somebody sues. It is the thing this whole report is about.

Source: The data center definition is quoted from the Joint Legislative Audit and Review Commission, Virginia General Assembly, "Data Centers in Virginia," <https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp> (read 20 September 2026).

3. How I Built This

3.1 How I picked the sources

I wanted ten sources that cover the ground a local decision actually touches. Federal energy numbers. Federal rulemaking. An independent legislative audit. A law school analysis. State utility regulation. Adopted local ordinances. Local reporting. Outside tracking of what happens to projects.

I picked them for two reasons. None of them works for the applicant or the opposition. And every one of them is free, so you can check my work without buying anything.

3.2 How I read them

I opened every one in a browser and read it at the source on 20 September 2026. Not a summary. Not a news write up of a study. Not a search result. Not memory.

Appendix A lists each source, the day I read it, the address, and exactly what in this report came out of it. You can walk it line by line.

3.3 The rule I held myself to

A number goes in this report only if you can pull it up and find it yourself. If I could not verify it at the source, I left it out. I did not estimate anything and I did not round anything.

3.4 How I handled projections

When a source projects something, I say it is that source's projection. I give the range, not the middle, when the source publishes a range. And I say by when.

When a source publishes a warning about its own work, I print the warning next to the finding. Chapter 8 does the same thing for this report.

4. What the Record Says

4.1 The national power number moved

Lawrence Berkeley National Laboratory put out the 2025 update of the national estimate. Congress asked for it. The record carries report number LBNL-2001758 and DOI 10.71468/P1RP4F, dated 18 June 2026.

The abstract says data centers "could account for 11.8% of total U.S. electricity by 2030." It says the range runs "between 9.5 and 15.3% of total U.S. electricity use by 2030." And it says the 2024 report's range was "6.7% to 12.0% of total U.S. electricity by 2028."

Table 1. What the national estimate said in 2024, and what it says now

Report	Middle estimate	Range	By when
2024 Data Center Energy Usage Report	Not given in the 2025 abstract	6.7 to 12.0 percent	2028
2025 Update (LBNL-2001758)	11.8 percent	9.5 to 15.3 percent	2030

Read that twice. The middle number went up. The range got wider at the same time. So the honest line in your staff report is that the estimate rose and so did the uncertainty. Anybody who stands up and calls 11.8 percent a forecast is quoting the middle of a band.

DOE says its own modeling has limits. The estimates come from projected shipments of data center equipment, and they do not directly address growth in grid or on site energy supply. Put that in the staff report too.

Source: Lawrence Berkeley National Laboratory, sponsored by the U.S. Department of Energy, record hosted by OSTI. "United States Data Center Energy Usage Report: 2025 Update." Technical Report, 18 June 2026. <https://www.osti.gov/biblio/3374245> (read 20 September 2026)

4.2 Washington has not finished writing the rules

FERC has an open docket on hooking big loads to the interstate transmission system. Docket No. RM26-4-000.

The page says that on 23 October 2025 the Secretary of Energy, acting under section 403 of the Department of Energy Organization Act, directed the Commission on this. It carries a notice extending the comment period on the proposed ANOPR. And it says FERC is to act on the docket by June 2026.

Here is what that means for you. The federal rules are not done. So write your local text to survive a rule that does not exist yet, and say so in the staff report. A file that admits the ground is moving is stronger than one that stays quiet about it.

Source: Federal Energy Regulatory Commission. "Interconnection of Large Loads to the Interstate Transmission System (Docket No. RM26-4-000)." <https://www.ferc.gov/rm26-4> (read 20 September 2026)

4.3 Opposition is organized now

Data Center Watch is a research project of 10a Labs. It says the first quarter of 2026 "produced the largest single-quarter concentration of blocked and delayed data center projects on record."

It reports at least 75 projects worth roughly 130 billion dollars blocked or delayed in that one quarter. It says that roughly matches all of 2025 in three months. The research window it gives is January 2026 to March 2026.

It also reports more than 300 state data center bills filed in the first six weeks of 2026. Statewide moratorium proposals in 14 states, from both parties. Maine came within one House vote of the first statewide ban in the country. And the number of active opposition groups has more than doubled since the end of 2025, now across 49 states.

Their earlier report covered May 2024 to March 2025 across 28 states. That one put the figure at 64 billion dollars blocked or delayed. It calls the opposition bipartisan. Republicans raise tax breaks and grid strain more often. Democrats raise environment and water more often.

Opposition is not something a town works up from scratch anymore. There is a playbook and it travels. It will show up in your jurisdiction already written. If you are planning for concern to build slowly, you are planning for a world that is gone.

Data Center Watch publishes a caution about its own numbers, so I am printing it. The report says blaming delays only on local opposition oversimplifies a complex landscape, and that permitting, infrastructure, utility availability, incentives and market conditions all matter. It also says some figures are estimates that may change.

Source: Data Center Watch. "Q1 2026: Data Center Watch Report." Research timeline January 2026 to March 2026. <https://www.datacenterwatch.org/q1-2026> (read 20 September 2026)

Source: Data Center Watch. "\$64 billion of data center projects have been blocked or delayed amid local opposition." Research timeline May 2024 to March 2025. <https://www.datacenterwatch.org/report> (read 20 September 2026)

4.4 The one place that studied it properly

In 2023 Virginia's legislature told its audit commission to study what data centers do to the state. JLARC did the work. It is the best public study of a grown up data center market that I know of.

I give it weight for one reason. JLARC does not work for the industry and it does not work for the opposition. It works for the legislature.

The study says Northern Virginia is the largest data center market in the world. It puts the region at 13 percent of all reported data center capacity worldwide and 25 percent of capacity in the Americas.

Table 2. What Virginia says the industry brings the state each year

What	Reported figure
Jobs	74,000
Labor income	5.5 billion dollars
GDP	9.1 billion dollars
Northern Virginia share of world capacity	13 percent
Northern Virginia share of capacity in the Americas	25 percent
Data center share of total local revenue, five mature markets	Less than 1 percent to 31 percent

On jobs, industry representatives told JLARC that a typical 250,000 square foot building may have about 50 full time workers, about half of them contract. Building one usually takes 12 to 18 months, with about 1,500 workers on site at the peak.

Table 3. The two job numbers, which are not the same number

Phase	Workers reported to JLARC	How long
Running a typical 250,000 square foot building	About 50 full time, roughly half of them contract	Ongoing
Building one, at the peak	About 1,500 on site	About 12 to 18 months

Those are two different numbers about two different years. Mix them up in front of a crowd and somebody will correct you. That correction costs you more than the number was ever worth.

On power, JLARC says Virginia's demand was basically flat from 2006 to 2020. Efficiency ate the growth. Then it says an independent forecast it commissioned shows unconstrained demand for power in Virginia would double within ten years, with data centers as the main driver. It says that forecast largely matches PJM's.

Source: Joint Legislative Audit and Review Commission, Virginia General Assembly. "Data Centers in Virginia." <https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp> (read 20 September 2026)

4.5 Everybody in the room is wrong about the power bill

This is the most useful thing in this report. One study knocks down both talking points. That is why it is hard to argue with.

JLARC hired an independent firm to look at whether data centers pay their share under current rates. The answer was yes. The study found current rates appropriately allocate costs to the customers responsible for incurring them, including data centers. JLARC's own heading says data centers are currently paying their full cost of service.

Then the same study says everyone's costs are going up anyway. A lot of new generation and transmission has to get built that otherwise would not, and somebody pays for it. Supply will struggle to keep up, so prices rise for everybody. And leaning on imported power means more exposure when market prices spike.

It puts a number on it. A typical Dominion Energy residential customer could see generation and transmission costs go up an estimated 14 to 37 dollars a month in constant dollars by 2040, separate from inflation.

The man who says data centers are freeloading is not describing Virginia. The man who says there is no effect on your bill is not describing Virginia either. They are each reading half of one study.

JLARC names risks that almost never come up at a zoning hearing. Utilities could overbuild if the forecast demand never shows or if a big data center closes, and the leftover cost lands on existing customers. Co-ops are worse. A co-op is owned by its members, so an unpaid data center bill gets paid by everybody else, and JLARC says a big enough bill could bankrupt the co-op. Retail choice is a third route for costs to slide sideways.

If your service territory is a co-op, put that paragraph in your staff report by itself.

There is a serious argument the other way, and your file is better for having it. On 5 March 2025 Harvard's Electricity Law Initiative published a paper by Director Ari Peskoe and Legal Fellow Eliza Martin. They argue utilities are forcing ratepayers to fund discounted rates for data centers. Their logic is that utilities make money by building things, so serving data centers pays well and pushes utilities toward attractive rates. They say they reviewed nearly 50 regulatory proceedings, and they point at rate structures and secret contracts as the way costs get moved onto the public.

I am not telling you which one is right. I am telling you that a hearing with only one of them on the table is not a hearing. It is a presentation, and people can tell.

Source: Joint Legislative Audit and Review Commission, Virginia General Assembly. "Data Centers in Virginia." <https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp> (read 20 September 2026)

Source: Harvard Law School Environmental and Energy Law Program, Electricity Law Initiative. Eliza Martin and Ari Peskoe, "Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech's Power." 5 March 2025. <https://eelp.law.harvard.edu/extracting-profits-from-the-public-how-utility-ratepayers-are-paying-for-big-techs-power/> (read 20 September 2026)

4.6 Missouri already did something about it

The Missouri Public Service Commission says Senate Bill 4 passed in 2025 and Governor Kehoe signed it. It made the Commission set rates for large load customers, data centers included, that reflect their share of the costs. And it made the Commission keep residential and commercial customers from being charged unjust or unreasonable costs from serving those big users.

Two of Missouri's three regulated electric utilities already have approved large load tariffs. Ameren Missouri and Evergy. Liberty Utilities is still in progress, case number ET-2026-0184.

Table 4. What Missouri already requires of big power users

Protection	What the Commission says it requires
Minimum service contract	12 years, plus an optional 5 year ramp up, so up to 17 years
Financial security	Credit and liquidity tests, plus collateral equal to two years of minimum monthly bills
Getting out early	24 months written notice and an exit fee. Less notice adds an early termination fee
Minimum monthly bill	A demand charge set at 80 percent of the agreed rate
Cost stabilization recovery	Meant to make sure big users pay their full cost of service
Optional programs	Renewable and carbon free programs, at the customer's own expense

Evergy serves Kansas City. So if you are a Missouri jurisdiction, you are not starting from zero on protecting ratepayers. You are starting from an adopted tariff. Your file should say which protections already apply before your council argues about adding more. A council that does not know what already exists cannot tell the room the truth.

Source: Missouri Public Service Commission. "Utility Tariffs for Large Load Customers in Missouri."
https://psc.mo.gov/General/Utility_Tariffs_for_Large_Load_Customers (read 20 September 2026)

4.7 What two counties actually put on paper

Fairfax and Loudoun both did the work in public and both publish it free. Copy their thinking. Do not copy their numbers. Section 5.2 says why.

Table 5. What two Virginia counties actually adopted

County	What they did	Dates they publish
Fairfax	Rewrote the zoning rules for data centers. Noise studies are listed with the related materials	Directed 19 March 2024. Adopted 10 September 2024. Effective 11 September 2024
Loudoun	Built a special exception process so the board and the public see water impacts before the vote	Established March 2025

Fairfax says its Board directed staff on 19 March 2024 to write a zoning amendment strengthening the county's data center rules. The Board adopted it on 10 September 2024 and it took effect 11 September 2024. The county lists noise study requirements with the related materials.

Pay attention to noise. It is the impact most often left to be worked out application by application. It is also the one most likely to generate calls after the building is running, which is exactly when you have no leverage left.

Loudoun publishes a water page that is more honest than most of the argument. The county says early data centers leaned heavily on water cooling, that modern ones use direct cooling, air cooling or liquid coolants and are far less reliant on local water, and that Loudoun facilities use a mix.

The numbers are on the page. Loudoun Water's reclaimed system delivered more than 750 million gallons to roughly 40 customers in 2025, which kept that demand off the drinking supply. On an average day, data centers are 9 percent of total potable water use. In the old open loop designs, 75 to 85 percent of cooling water evaporates and 15 to 25 percent comes back out as wastewater.

The county also says its special exception process, set up by the Board in March 2025, gives officials and the public a better look at water impacts before a project is approved. That is the part you can copy. Not a number. A step that puts the number in front of you before you vote.

Source: Fairfax County, Virginia, Department of Planning and Development. "Data Centers, Adopted Zoning Ordinance Amendment." <https://www.fairfaxcounty.gov/planning-development/data-centers> (read 20 September 2026)

Source: Loudoun County, Virginia, County Administrator. "Data Centers: Water Considerations." <https://www.loudoun.gov/6402/Water-Considerations> (read 20 September 2026)

5. Five Ways This Goes Wrong

Every one of these is tied to something that happened or to a finding in Chapter 4. None of them is about whether data centers are good.

Table 6. The five ways it goes wrong, and what each one rests on

Failure	What it rests on
5.1 The definition	Peculiar, Missouri, reported by KSHB 41 on 21 October 2024
5.2 The borrowed number	JLARC's range of less than 1 percent to 31 percent of local revenue
5.3 The online survey	Basic sampling. No outside figure claimed
5.4 The late start	Timing, drawn from the Peculiar account and Loudoun's published process
5.5 The unread question	JLARC's cost of service finding set next to the Harvard paper

5.1 The definition

On 21 October 2024 KSHB 41 reported that Peculiar, Missouri blocked a data center after residents objected. The project would have covered 500 acres, with multiple buildings next to homes and businesses.

Now look at how it happened. Peculiar had approved the zoning by dropping a data center definition into its existing light industrial code. The Board of Aldermen reversed itself by taking that definition back out.

Alderman Robert Wells told the station that staff misled the board by comparing data centers to software computer equipment manufacturing, and that there was nothing really to go by. Residents from Peculiar and Raymore filled the room. One of them, Chad Buck, built a Facebook group of nearly 1,000 people against the project. The station notes that is about one sixth of the town.

Peculiar did not lose on the merits. It lost on a definition, in public, after it had already approved the thing, with the paper saying staff misled the board.

Here is what would have stopped it. Not a different opinion about data centers. Not better messaging. A plain language write up of the use, published before the first reading, by somebody with nothing to gain from the answer. That document is cheap. A reversal is not.

Source: KSHB 41 News, Kansas City, by Isabella Ledonne. "Peculiar reverses zoning for data center after cries from neighbors." 21 October 2024. <https://www.kshb.com/news/local-news/peculiar-reverses-zoning-for-data-center-after-cries-from-neighbors> (read 20 September 2026)

5.2 The borrowed number

Somebody brings a fiscal impact figure from the next county over. It gets repeated until the town treats it as its own.

JLARC shows you the danger. Across the five Virginia localities with mature data center markets, data center revenue ran from less than 1 percent to 31 percent of total local revenue. JLARC also notes some localities cut their business personal property tax rate on computer equipment to attract the industry, which also cuts what they collect.

A revenue projection is your rate schedule and your assessor's practice, or it is nothing. If the number in your packet did not come from those two things, it is not a projection about your town. It is a story with a dollar sign on it.

5.3 The online survey

A town posts a form, gets four hundred answers, and reports it as what the community thinks. It is not, and more answers will not fix it.

Only the people who went looking answered. Those are the same people who already came to the hearing. You learned nothing you did not already know.

This is not a style problem. It is an evidence problem. A self selected survey cannot support a finding about what a town thinks. So if your decision leans on it, that part of your file falls apart the first time somebody asks one good question about sampling. A representative survey with published methods and a stated margin of error holds up. That is the difference, and it is not cosmetic.

5.4 The late start

This one is about timing, not motive. If the first public meeting happens after the site is tied up and the incentive terms are drafted, people will call it theater. And from where they sit, that is a reasonable read.

Once a town decides the process was staged, more engagement does not fix it. It proves the point.

The fix is boring and it works. Say in advance what this process can and cannot decide. Say who is paying for it. Say what is already settled and what is actually still open. Tell people three things are locked and two are open, and they will argue about the two. Tell them everything is open when it is not, and they will stop believing anything else you say. Loudoun's special exception process in Section 4.7 is one published way to put the hard thing in front of people early.

5.5 Nobody read the power question

The council votes and nobody in the building has read a primary source on cost allocation. The applicant's packet says no impact. The opponent's flyer says residents will pay for it. Both go in the file with nothing behind them, and the board has no way to choose.

Section 4.5 has the real answer, and it is more interesting than either flyer. It is also free. Not having it is not a budget problem. It is a homework problem.

6. Twelve Questions to Ask Yourself

6.1 Where these came from

I took every failure in Chapter 5 and every finding in Chapter 4 that touches a local file, and turned each one into a question you can answer from your own materials in one sitting.

Be clear about what this is. It is my professional judgment, not a tested instrument. There is no science in the scoring. What it does is show you your gaps while they are still cheap to close.

6.2 The questions

Do this with your planning director and your attorney in the room. Fifteen minutes.

1. Does your code define data center as its own use, with its own standards, instead of borrowing a definition written for warehouses or light industrial?
2. If a resident asked tonight which section of your code covers this, could staff say it without looking?
3. Do you know whether your state has adopted large load protections, and can you say what they require?
4. Is the revenue number in your packet built from your own rates and your own assessor's method?
5. Can you say the permanent job number and the construction job number separately, and say where each came from?
6. Has anybody on your staff read a primary source on this, not just the applicant's packet and a trade article?
7. Do you know what your residents think from a representative sample, not just the hearing room and an online form?
8. Have you published, in advance, what this process can and cannot decide, and who is paying for it?
9. Is the strongest argument against the project in your own file, from a credible source?
10. Do you have noise, water and decommissioning standards in writing, instead of a plan to negotiate them deal by deal?
11. Does your file say the federal rules are unfinished, and explain how your text is written to survive them?
12. If somebody sued you tomorrow, could you hand a judge the file and be comfortable?

6.3 What your answers mean

Ten to twelve yes. You are deciding. Your file can carry the weight either way you vote.

Six to nine yes. You have gaps and you probably already know which ones. Cheap to fix now. Expensive to fix later.

Five or fewer yes. You are not deciding, you are reacting. The best thing you can do is buy time to build the file.

Count them again. Eleven of the twelve are about your file, not about the technology. That is this whole report in one line.

7. This Is Record Work, Not Public Relations

Everything above adds up to one thing. What is wrong with these decisions is not political. It is evidentiary. So let me say plainly how I think about the work.

A land use decision does not end in the hearing room. It gets defended later, on the file you built. That file is a legal instrument. It either holds up the finding your board made or it does not. You find out in a lawsuit, in the next rezoning, or at the next election.

Public relations sells persuasion. Persuasion is not evidence. A report written by a firm that also argues for the outcome is impeachable on its face, and opposing counsel will not have to work hard for it.

A report from a third party with published methods, disclosed funding, a stated margin of error and no position on the outcome is different. That one is evidence. It holds up when somebody goes after it.

The question is not whether people liked the meeting. The question is whether the file survives somebody who is paid to take it apart.

That is why we will not advocate for a client. The day we would testify for your application, everything we ever wrote for you becomes your lawyer's exhibit instead of an independent finding. The neutrality is not manners. It is the thing that makes the document worth having.

8. What This Report Cannot Tell You

I would rather say this myself than have you find it.

Ten sources is ten sources. I chose them because they are independent and free, not at random. A different ten could shift the emphasis. I do not know of evidence that would flip anything in Chapter 4, but I did not go looking for every study in the world.

Most of the hard numbers are from Virginia. Virginia is not Missouri. Different regulator, different taxes, different grid operator. Do not move their figures to your town. Section 5.2 is about exactly that mistake.

This is a snapshot. I read everything on 20 September 2026. The FERC docket in Section 4.2 was open that day and may have closed. The Liberty case in Section 4.6 was still running. The legislative counts in Section 4.3 move weekly. Check all three before you lean on them.

Some of it is self reported. The job numbers in Table 3 came from industry representatives talking to JLARC, and JLARC says so. The Data Center Watch counts come from their own method and include estimates they say may change. I did not audit either one.

The twelve questions are judgment. I built them from the failures in Chapter 5. Nobody tested them for reliability. The score is not a measurement.

I have an interest here. I run a firm that sells the engagement work in Appendix C. I am telling you that instead of hiding it. What keeps it honest is that every finding in Chapter 4 is free and you can check it yourself. I have no financial relationship with any data center developer, any utility, or any opposition group named in this report, and nobody paid me to write it.

There is a lot I did not cover. Construction methods. Site engineering. TIF structures. Workforce agreements. Which cooling technology is better. Any of those could matter in your case.

9. What I Would Do

9.1 What I take from all this

The national power estimate went up and got less certain at the same time. Quoting the middle number alone misrepresents the source.

The federal rules were unfinished on the day I read them. Write your text to survive them and say so in the file.

Organized opposition is a national capability now. Plan for it as a condition, not a surprise.

The best study we have says data centers pay their full cost of service today and residential bills still go up. Anybody using half of that is misleading the room.

Missouri already adopted real protections. A Missouri file should say which ones apply before the council debates more.

The closest failure to home turned on drafting, not on the merits.

9.2 Seven things to do

Run the twelve questions in Chapter 6 before your first public hearing.

Define the use in your own code, on its own terms, with its own standards. Do not borrow a definition written for something else.

Get a plain language write up of the use from somebody with nothing to gain, and publish it before the first reading.

Find out what your residents actually think with a survey that can support the claim, and publish the method and the margin of error with it.

Publish the scope, the funding and the decision rights before the first meeting.

Put the strongest argument against in your own file, and state which state protections already apply.

Write down noise, water and decommissioning standards instead of negotiating them one deal at a time.

Do those seven and you may still take heat. That is the job. But you will have a file that holds, and on everything I read for this report, that is the part you actually control.

References

Ten sources. I opened and read every one at the source on 20 September 2026.

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4. Data Center Watch. "\$64 billion of data center projects have been blocked or delayed amid local opposition." Research window May 2024 to March 2025. <https://www.datacenterwatch.org/report>
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Appendix A: Source Verification Log

Every row says what I read, when I read it, where it lives, and exactly what in this report came out of it. You can walk it line by line.

Table 7. Source verification log

No.	Publisher	Title	Date	What came from it
1	Lawrence Berkeley National Laboratory, sponsored by U.S. DOE; record hosted by OSTI	United States Data Center Energy Usage Report: 2025 Update	Technical report dated 18 June 2026	11.8 percent by 2030; range 9.5 to 15.3 percent; the 2024 range of 6.7 to 12.0 percent by 2028; report number LBNL-2001758; DOI 10.71468/P1RP4F
2	Federal Energy Regulatory Commission	Interconnection of Large Loads to the Interstate Transmission System, Docket No. RM26-4-000	Docket open the day I read it	The 23 October 2025 direction from the Secretary of Energy under section 403; the notice extending the ANOPR comment period; FERC to act by June 2026
3	Data Center Watch, a research project of 10a Labs	Q1 2026 Report	Research window January to March 2026	At least 75 projects worth about 130 billion dollars; more than 300 state bills in six weeks; moratorium proposals in 14 states; Maine one House vote short; groups doubled since the end of 2025, across 49 states
4	Data Center Watch	\$64 billion of data center projects have been blocked or delayed amid local opposition	Research window May 2024 to March 2025	The 64 billion dollar figure; 28 states; the bipartisan split; their own caution about attributing delays
5	Joint Legislative Audit and Review Commission, Virginia General Assembly	Data Centers in Virginia	Study directed in 2023	13 percent of world and 25 percent of Americas capacity; 74,000 jobs, 5.5 billion dollars labor income, 9.1 billion dollars GDP; local revenue from under 1

				percent to 31 percent; about 50 full time per 250,000 square feet; 12 to 18 month build with about 1,500 at peak; demand doubling in ten years; the full cost of service finding; 14 to 37 dollars a month by 2040; the co-op and retail choice risks
6	Harvard Law School Environmental and Energy Law Program, Electricity Law Initiative; Eliza Martin and Ari Peskoe	Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech's Power	5 March 2025	The argument that utilities push discounted data center rates onto ratepayers; the review of nearly 50 regulatory proceedings; rate structures and secret contracts
7	Missouri Public Service Commission	Utility Tariffs for Large Load Customers in Missouri	Undated web page	Senate Bill 4 of 2025 signed by Governor Kehoe; Ameren Missouri and Evergy tariffs approved; Liberty case ET-2026-0184 in progress; 12 years plus a 5 year ramp; collateral of two years of minimum bills; 24 month notice and exit fees; demand charge at 80 percent; cost stabilization recovery
8	Loudoun County, Virginia, County Administrator	Data Centers: Water Considerations	Undated page citing 2025 figures	More than 750 million gallons of reclaimed water to about 40 customers in 2025; 9 percent of average day potable use; open loop losses of 75 to 85 percent with 15 to 25 percent as wastewater; the special exception process from March 2025

9	Fairfax County, Virginia, Department of Planning and Development	Data Centers: Adopted Zoning Ordinance Amendment	Directed 19 March 2024; adopted 10 September 2024; effective 11 September 2024	The sequence and the dates of the amendment; noise study requirements listed with the related materials
10	KSHB 41 News, Kansas City; Isabella Ledonne	Peculiar reverses zoning for data center after cries from neighbors	21 October 2024	The 500 acre project; the definition added to the light industrial code and then removed; Alderman Robert Wells quoted; resident Chad Buck; the group of nearly 1,000, about one sixth of the town

Appendix B: The Twelve Questions

Reprinted so you can hand it around. My judgment, not a tested instrument. See Section 6.1.

1. Does your code define data center as its own use, with its own standards, instead of borrowing a definition written for warehouses or light industrial?
2. If a resident asked tonight which section of your code covers this, could staff say it without looking?
3. Do you know whether your state has adopted large load protections, and can you say what they require?
4. Is the revenue number in your packet built from your own rates and your own assessor's method?
5. Can you say the permanent job number and the construction job number separately, and say where each came from?
6. Has anybody on your staff read a primary source on this, not just the applicant's packet and a trade article?
7. Do you know what your residents think from a representative sample, not just the hearing room and an online form?
8. Have you published, in advance, what this process can and cannot decide, and who is paying for it?
9. Is the strongest argument against the project in your own file, from a credible source?
10. Do you have noise, water and decommissioning standards in writing, instead of a plan to negotiate them deal by deal?
11. Does your file say the federal rules are unfinished, and explain how your text is written to survive them?
12. If somebody sued you tomorrow, could you hand a judge the file and be comfortable?

Ten to twelve yes. You are deciding. Your file can carry the weight either way you vote.

Six to nine yes. You have gaps and you probably already know which ones. Cheap to fix now. Expensive to fix later.

Five or fewer yes. You are not deciding, you are reacting. The best thing you can do is buy time to build the file.

Appendix C: What My Firm Does

I am putting this here because Chapter 8 says I have an interest, and you should be able to see exactly what it is.

C.1 The seven services

Emerging Industry Register and Briefing

We tell your town what is coming and write it in plain language. What the use is, what it needs, and what it does not do. This is the document Peculiar did not have.

Representative Community Assessment

A real survey by phone or mail, with the method and the margin of error published, so you can actually say what your town thinks. This is the fix for Section 5.3.

In Person Engagement Campaign

Town halls with live translation. Tables where people already gather. Church partnerships. Door knocking and walking audits. Built for the households that never open an email.

Owned Channel Strategy

We use the channels you already pay for. A utility bill insert hits every house. It costs you nothing you are not already spending.

Neutrality and Scope Protocol

Ground rules in writing, published before the first meeting, saying what this process can and cannot decide. Who is paying. How to complain. This is the fix for Section 5.4.

Findings Report Built For The Code

The report written so it drops straight into a code update or a text amendment. Verbatim record, participation log, methods appendix. We do not write your code. We write the record your code gets built on.

Governing Body and Staff Readiness

We get your council, your commission and your staff ready for the room. What they will ask. Which questions have real answers. Where your file is thin. And how to run a meeting that an angry room still calls fair.

C.2 The six conditions

These apply to every job, no exceptions. Read them as protection for your file, because that is what they are. See Chapter 7.

The findings are public

Released in full, on a date we set before the work starts. There is no private version, so nobody can say later that one got buried.

We do not advocate

We will not testify for your application, show up as your representative, or lobby your board. That is what keeps the findings worth something.

The jurisdiction is told first

Before we talk to one resident, the city or county knows who we are, what we are doing, and who is paying. Nobody finds out later, because finding out later is the story.

Our name goes on the method, never the outcome

You can say you hired The Nash Group to run independent engagement. You cannot say or imply that we support the project.

No contingency, ever

Our fee never depends on an approval, a permit, a vote or a closing. A contingent fee buys a conclusion, and we do not sell conclusions.

One side per project

We will not take the applicant and the jurisdiction on the same project in the same cycle. If we have one, the other gets a no.

If any one of those six is a problem, we are not the right firm, and I will say so in the first meeting. That is not posturing. It is the only reason the work is worth anything.

About the Author

I am the CEO and founder of The Nash Group. I spent eight years on the Kansas City Council, from 1999 to 2007, and I chaired the Planning, Zoning and Economic Development Committee from 2003 to 2007. I hold a doctorate in education from Saint Louis University, a law degree and an MBA from UMKC, a master of public health from Brown, and a master of urban planning from USC. I teach real estate fundamentals, principles and development as an assistant teaching professor at a major university, and I still build. I wrote this from the chair that has to take the vote, because I have sat in it.

About the firm

The Nash Group builds affordable housing for its own account. We also advise public and private clients on development, market analysis, deal structuring, community and stakeholder engagement, urban planning, and emerging industry engagement. We are headquartered in Kansas City, Missouri, with an office in West Palm Beach, Florida.

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