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STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21-1107-PET

Petition of GlobalFoundries U.S. 2 LLC requesting )  
a certificate of public good, pursuant to 30 V.S.A. § 231, )  
to operate a Self-Managed Utility )

Case No. 21-1109-PET

Petition of Green Mountain Power Corporation for )  
approval to modify service territory pursuant to )  
30 V.S.A. § 249 )

**MOTION TO INTERVENE**

**NOW COMES** City of Burlington Electric Department (“BED”), by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and pursuant to Rule 2.209 of the Commission’s Rules of Practice, hereby moves to intervene in the above-captioned proceedings. In support of this motion, BED respectfully submits the accompanying Memorandum of Law.

DATED at Burlington, Vermont, this 12<sup>th</sup> day of April 2021.

BURLINGTON ELECTRIC DEPARTMENT

By: /s/ William F. Ellis  
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A Member of the Firm  
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A. BED's Motion to Intervene is Timely.

The proposed schedules filed by the Petitioners and discussed last Friday with the Commission at the scheduling conference calls for motions to intervene to be filed by May 3, 2021, so BED's motion is timely.

B. BED has a Substantial Interest that may be Adversely Affected by the Outcome of this Proceeding.

The Petitions, if approved, will result in GlobalFoundries U.S. 2 LLC ("GF") becoming a Self-Managed Utility, thereby removing its retail load from Green Mountain Power Corporation's ("GMP's") service territory. In Vermont, there are several costs that are allocated amongst the VDUs based upon their retail load, such as Standard Offer, Baseload renewable power and transmission costs. The removal of GF's retail load from GMP's service territory has the potential to shift costs previously borne by GMP to the other VDUs and their customers. Thus, BED has a substantial interest in the financial impacts of the proposed transactions.

In addition to these financial interests, BED has a substantial interest in the precedent that may be created by allowing large customers to become Self-Managed Utilities. BED recognizes that GF is a unique customer in many ways, and is interested in making sure that any Commission approval of the Petitions is appropriately limited in scope. As noted above, the Commission recognizes that the Petitions may have consequences for other VDUs. For these reasons, the Commission should conclude that BED has substantial interests that may be adversely impacted by these proceedings.

C. This Proceeding Provides BED with the Exclusive Means by Which it can Protect its Substantial Interests.

These proceedings are the only forum of which BED is aware that will allow it to protect its substantial interests.

D. BED's Interests will not be Adequately Represented by Existing Parties.

BED's substantial interests as outlined above will not be adequately represented unless it is allowed to intervene. In light of the foregoing, BED should be allowed to intervene in this proceeding as a matter of right.

**II. IN THE ALTERNATIVE, BED IS ENTITLED TO PERMISSIVE INTERVENTION**

In the alternative, BED moves for permissive intervention. Rule 2.209(B) provides in part that the Commission, in its discretion, may permit a person to intervene when that person "demonstrates a substantial interest which may be affected by the outcome of the proceeding." Vt. P.U.C. Rule 2.209(B). In exercising its discretion, the Commission is to consider the following:

(1) whether the applicant's interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

*Id.* As set forth above, BED's substantial interest will not adequately represented in these proceedings unless it is allowed to intervene, and no alternative means for protecting BED's interests exist. In addition, BED's intervention will not unduly delay the proceeding or prejudice the interests of the parties or the public.

**CONCLUSION**

WHEREFORE, based upon the foregoing, BED's motion to intervene as of right should be granted. In the alternative, BED should be granted permissive intervention.

DATED at Burlington, Vermont, this 12<sup>th</sup> day of April 2021.

Respectfully submitted,

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