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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 Stowe Electric Department (“Stowe”), by and through its attorneys,
Stackpole & French Law Offices, and pursuant to Rule 2.209 of the Commission’s Rules of
Practice, and hereby moves to intervene in the above-captioned proceedings. Stowe respectfully
submits the attached Memorandum of Law in support of this motion.

DATED at Stowe, Vermont this 20th day of April 2021.

STOWE ELECTRIC DEPARTMENT

By: /S/ Michael J. Hall
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30 V.S.A. § 249)

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO INTERVENE**

On April 7, 2021 the Commission issued a *Notice of Petitions to Other Vermont Utilities* (the “Vermont Distribution Utilities” or “VDUs”) regarding the above captioned dockets. Stowe Electric Department (“Stowe”), as a VDU, now moves to intervene in both proceedings to ensure representation of its substantial interest in these proceedings. This Memorandum of Law is respectfully submitted in support of Stowe’s Motion to Intervene.

I. STOWE IS ENTITLED TO INTERVE BY RIGHT

Commission Rule 2.209(A) provides the criteria for intervention by right. Stowe demonstrates is satisfaction of the rule’s criteria as follows.

A. Stowe’s Motion is Timely.

The Commission’s Scheduling Orders in the above captioned dockets sets forth an intervention deadline of May 3, 2021. Stowe’s motion is thus timely.

B. Stowe may be Adversely Affected because it has a Substantial Interest in the Outcome of these Proceedings.

GlobalFoundries U.S. 2 LLC (“GF”) Petitions request the creation of a new category of utility, a “Self-Managed Utility” to serve its own load, and the transfer of assets

from Green Mountain Power Corporation to Vermont Electric Power Company (“VELCO”).

The creation of a new class of utility in the State of Vermont is a matter of first impression. As a VDU, Stowe has a substantial interest in the scope and eligibility criteria that may be adopted in Docket No. 21-1107-PET in definition of a Self Managed Utility. Stowe recognizes that GF is unique as it maintains a transmission level interconnection. However, the institution of a new utility class allowed to self-manage load needs to be clearly and narrowly tailored to apply only in well-defined, fact specific circumstances. Stowe has a substantial interest in the definition of a new utility class, as the adoption of a broad definition could have substantial impacts on existing load obligations and its interests may be adversely impacted by these proceedings.

With regard to Docket No. 21-1109-PET, Stowe has a substantial interest in the cost implications of the transfer of transmission assets from GMP to VELCO, as there are certain transmission cost recovery impacts to Stowe as a VDU that are implicated by the proposed transaction. This arises due to differing rates of return between the existing transmission tariff that governs cost recovery of the assets at issue, and the VELCO tariff that will govern the assets after consummation of the transaction. Although the VDUs and GMP have agreed to limit the impacts of this cost shifting through a negotiated memorandum of understanding, Stowe maintains a substantial interest in the outcome of the proposed transaction due to its cost responsibility under the governing transmission tariff, and these interests may be adversely impacted by these proceedings.

C. This Proceeding is the Exclusive Means for Stowe to Protect its Substantial Interests.

These proceedings are the only forum known to Stowe where its substantial interests set forth above can be protected.

D. Existing Parties cannot Adequately Represent Stowe's Interests.

Stowe's substantial interests set forth above will only be adequately represented if Stowe is permitted to intervene.

For the reasons set forth herein above, Stowe should be permitted to intervene as a matter of right.

II. STOWE SHOULD ALTERNATIVELY BE GRANTED PERMISSIVE INTERVENTION

Stowe alternatively moves for permissive intervention as permitted by Vt. P.U.C. Rule 2.209(B). The Commission has discretion to permit a person to intervene if there is demonstration of a substantial interest that may be affected by the outcome of the proceeding. Pursuant to the rule, the Commission considers the following factors in its discretion in analyzing permissive intervention:

(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. For the reasons set forth in Section I above, Stowe has met the requirements for permissive intervention under subparts (1) and (2) of the rule. Stowe hereby submits that its intervention shall not unduly delay the proceeding or prejudice the interests of the parties or the public.

CONCLUSION

WHEREFORE, Stowe respectfully requests that it's motion to intervene as of right be granted by the Commission. In the alternative, Stowe respectfully requests that the Commission grant it permissive intervention.

DATED at Stowe, Vermont, this 20th day of April 2021.

Respectfully submitted,

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