

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	
---	--

Order entered: 06/01/2021

**ORDER GRANTING ACCD’S MOTION TO INTERVENE AND
ATTORNEY HALL’S MOTION TO APPEAR *PRO HAC VICE* ON BEHALF OF STOWE ELECTRIC**

These cases concern GlobalFoundries U.S. 2 LLC’s (“GlobalFoundries”) petition for a certificate of public good, pursuant to 30 V.S.A. § 231, to operate an independent, self-managed utility beginning October 1, 2022, under *de minimis* regulation appropriate to its function and Green Mountain Power Corporation’s (“GMP”) petition for approval to modify its service territory, pursuant to 30 V.S.A. § 249.

On May 14, 2021, the Agency of Commerce and Community Development (“ACCD”) filed in both cases virtually identical motions to intervene as of right, pursuant to Commission Rule 2.209(A), or in the alternative, by permission, pursuant to Commission Rule 2.209(B). ACCD argues that it has a substantial interest “to illustrate . . . the nature and degree of impact on the Vermont economy potentially arising from” these companion proposals.¹ ACCD writes, “Participating in [these extraordinary cases] will afford ACCD an opportunity to help inform the Commission’s decision making through the introduction of testimony concerning potential impacts on state policies, priorities, and programs from ACCD’s perspective.”² ACCD also

¹ ACCD, *Motions to Intervene* (5/14/21) at 2.

² ACCD, *Motions to Intervene* (5/14/21) at 2.

argues that these proceedings provide it with the exclusive means by which to protect its substantial interests and that its interests will not be represented by existing parties in the cases.³

In a filing made on May 19, 2021, GMP advised the Commission that it has no objection to ACCD's intervention.

On May 20, 2021, the Vermont Department of Public Service ("Department") filed a response stating that it supports ACCD's intervention.

Also on May 20, 2021, ACCD filed a comment letter stating that it "has obtained an assurance of no objection" to its intervention motion "from all parties in both cases."⁴

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person shall be entitled to intervene in a proceeding in three circumstances:

- (1) when a statute confers an unconditional right to intervene;
- (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or
- (3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest, and where the applicant's interest is not adequately represented by existing parties.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis when an applicant "demonstrates a substantial interest which may be affected by the outcome of the proceeding." In exercising its discretionary authority under this provision, the Commission considers three factors:

- (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.

³ ACCD, *Motions to Intervene* (5/14/21) at 2-3.

⁴ Letter from John W. Kessler, Esq., to Holly Anderson, Clerk of the Commission, dated May 20, 2021.

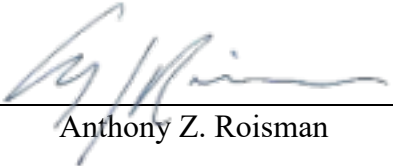
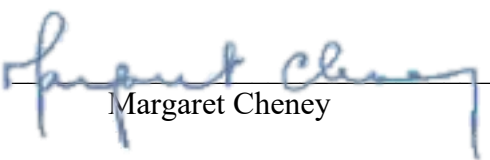
As an initial matter, and as acknowledged by ACCD, its motion is not timely because the deadline for motions to intervene was May 3, 2021. ACCD requests that the Commission enlarge the time for filing and consider ACCD's motion. No party objects to ACCD's motion as untimely. The Commission grants ACCD's request and considers its motion to intervene. However, as a matter of practice, parties appearing before the Commission are expected to file motions or extension requests as soon as possible, but generally not less than three days before an established deadline. While last-minute requests such as ACCD's may be necessary in certain circumstances, they should be avoided whenever practicable. Additionally, the Commission has just set an amended schedule in this case to accommodate the intervening parties. ACCD will be held to that schedule.

For the reasons articulated in ACCD's motion, the Commission finds that ACCD has a substantial interest that may be adversely affected by the outcome of this proceeding, this proceeding affords the exclusive means by which ACCD can protect that interest, and ACCD's interest is not adequately represented by existing parties. ACCD is granted intervention as of right pursuant to Commission Rule 2.209(A).

Additionally, pending before the Commission is Attorney Michael Hall's request to appear *pro hac vice* on behalf of the Town of Stowe Electric Department. In our May 19 Order, we requested Attorney Hall to identify co-counsel, pursuant to Commission Rule 2.201(C), before we rule on the motion. On May 23, 2021, Attorney Edward B. French, Jr., of Stackpole & French Law Offices, entered an appearance in these cases as co-counsel. Accordingly, Attorney Hall's motion to appear *pro hac vice* on behalf of the Town of Stowe Electric Department is granted.

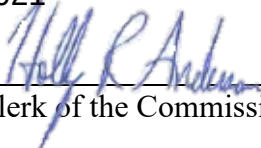
SO ORDERED.

Dated at Montpelier, Vermont, this 1st day of June, 2021.

	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	COMMISSION
	)	
	)	OF VERMONT
Margaret Cheney	)	

OFFICE OF THE CLERK

Filed: June 1, 2021

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case Nos. 21-1107-PET & 21-1109-PET – JOINT SERVICE LIST

Parties:

Justin B Barnard (for GLOBALFOUNDRIES U.S. 2 LLC)
Dinse P.C.
209 Battery Street
Burlington, VT 05401
jbarnard@dinse.com

Debra L. Bouffard, Esq. (for Vermont Electric Power Company, Inc.)
Sheehey Furlong & Behm (for Vermont Transco LLC)
30 Main Street, 6th Floor
P.O. Box 66
Burlington, VT 05402-0066
dbouffard@sheeheyvt.com

Daniel C. Burke, Esq. (for Vermont Department of Public Service)
Vermont Department of Public Service
112 State Street
Third Floor
Montpelier, VT 05620-2601
dan.burke@vermont.gov

William F. Ellis (for Vermont Public Power Supply Authority)
McNeil, Leddy & Sheahan (for City of Burlington Electric Department)
271 South Union Street
Burlington, VT 05401
wellis@mcneilvt.com

James Gibbons (for City of Burlington Electric Department)
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
jgibbons@burlingtonelectric.com

Geoffrey Hand, Esq. (for Green Mountain Power Corporation)
Dunkiel Saunders Elliot Raubvogel & Hand,
PLLC
91 College Street
PO Box 545
Burlington, VT 05402
ghand@dunkielsaunders.com

Ken Nolan
Vermont Public Power Supply Authority
P.O. Box 126
Waterbury Center, VT 05677
knolan@vppsa.com

(for Vermont Public Power Supply Authority)

S Mark Sciarrotta
Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701
msciarrotta@velco.com

(for Vermont Electric Power Company, Inc.)
(for Vermont Transco LLC)

Shapleigh Smith, Jr.
Dinse P.C.
209 Battery Street
Burlington, VT 05401
ssmith@dinse.com

(for GLOBALFOUNDRIES U.S. 2 LLC)

Victoria M. Westgate, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand,
PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
vwestgate@dunkielsaunders.com

(for Green Mountain Power Corporation)

**Michael J. Hall, Esq.
Stackpole & French Law Offices
PO Box 819
Stowe, VT 05672
mhall@stackpolefrench.com

(for Town of Stowe Electric Department)

David Mullett, Esq.
AllEarth Renewables, Inc.
94 Harvest Lane
Williston, VT 05495
dmullett@allearthrenewables.com

(for All Earth Renewables, Inc.)

Olivia Campbell Andersen
Renewable Energy Vermont
33 Court St.
Montpelier, VT 05602
olivia@revermont.org

(for Renewable Energy Vermont)

^John W Kessler
National Life Bldg, 6th Floor
Montpelier, VT 05620
john.kessler@vermont.gov

(for Agency of Commerce and Community
Development)

Chase Whiting, Esq.
Conservation Law
Foundation
CLF 15 East State Street,
Suite 4
Montpelier, VT 05602
cwhiting@clf.org

(for Conservation Law Foundation)