

EXHIBIT

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July 14, 2021

***Via Email***

Chase Whiting  
Conservation Law Foundation, Inc.  
15 East State Street, Suite 4  
Montpelier, VT 05602

**Re: Petition of GLOBALFOUNDRIES U.S. 2 LLC for a Certificate of Public Good  
Pursuant to 30 V.S.A. § 231 to Operate a Self-Managed Utility  
Case No.: 21-1107-PET**

**Petition of Green Mountain Power Corporation for approval to modify service  
territory pursuant to 30 V.S.A. § 249  
Case No.: 21-1109-PET**

Dear Chase:

I write in response to your letter of June 29, 2021 and our telephone conversation on June 30, 2021 regarding Conservation Law Foundation, Inc.'s ("CLF") discovery requests to GLOBALFOUNDRIES U.S. 2 LLC ("GLOBALFOUNDRIES").

As discussed in our conversation, GLOBALFOUNDRIES disagrees that the additional material sought by CLF is relevant and proportional to the needs of the case. The issue before the Public Utility Commission is a discrete one: whether GLOBALFOUNDRIES' operation of a self-managed utility to procure electricity for its Essex, Vermont facility will serve the public good. CLF seeks discovery that goes well beyond what is reasonably required to address that issue, including data and information regarding facilities in other states, on chemicals used in GLOBALFOUNDRIES' existing transmission and distribution infrastructure, and detailed, non-public information on internal operational costs.

Notwithstanding GLOBALFOUNDRIES' disagreement on the relevance and proportionality of the information sought, GLOBALFOUNDRIES is willing to provide supplemental responses in a number of areas in a spirit of compromise. I expect that we will serve these supplemental responses, which will be provided without waiver of any objections, by this Friday, July 16.

I address below each of the requests covered in your June 29 letter. Except in select cases, I have not wasted time and space restating our objections or engaging in argument about the sufficiency of our responses; our objections stand, and I have devoted our attention primarily to attempting to find a productive path to resolve any disputes where we can.

**Interrogatory No. CLF.GF.1:** Your original request sought the identity of each person at GLOBALFOUNDRIES and Mubadala Investment Company with knowledge of the self-managed utility. In our conversation, you indicated you would be willing to accept disclosure of the individuals who were directly and centrally involved in the development of the self-managed utility proposal at GLOBALFOUNDRIES. We will agree to provide a supplemental discovery response responding to that narrowed request.

**Interrogatory No. CLF.GF.2.d:** Your request seeks the annual energy consumption from tenants leasing space at GLOBALFOUNDRIES' Essex facility. As explained in our response to Interrogatory No. CLF.GF.2.e, GLOBALFOUNDRIES only meters electricity usage for one tenant, ASK-IntTag. While it remains unclear why the precise amount of electricity consumed by this one third-party tenant is relevant to—let alone proportional to the needs of—this case, GLOBALFOUNDRIES is willing to disclose this information. It is in the process of confirming whether its tenant considers this information competitively sensitive, such that a protective order will be required prior to production.

**Interrogatory No. CLF.GF.6:** Your request seeks information on whether existing transmission or distribution equipment or servicing inventory at the Essex facility is insulated with or contains sulfur hexafluoride or perfluorocarbons. GLOBALFOUNDRIES will provide a supplemental response answering this request.

**Interrogatory No. CLF.GF. 8.a.:** Your request seeks information on efforts and persons involved in seeking the support of the Department of Public Service for GLOBALFOUNDRIES' and GMP's proposals. The request has nothing to do with whether the substance of the proposal will serve the public good; as such, it is both irrelevant and not proportional to the needs of the case. GLOBALFOUNDRIES stands on its objection.

**Interrogatories No. CLF.GF.10.c and CLF.GF.10d:** These requests seek supplemental information regarding GLOBALFOUNDRIES' response to Interrogatory no Q.PSD.GF.4, relating to incidental operations that may bring the self-managed utility within the scope of 30 V.S.A. § 203(2). Without waiving its objections, GLOBALFOUNDRIES will provide a supplemental response to these requests.

**Interrogatory No. 11.a.:** You request the value of exports from the Essex facility for each year GLOBALFOUNDRIES has owned it. As explained in our conversation on June 30, that is precisely what GLOBALFOUNDRIES provided. Accordingly, there does not appear to be any issue with the sufficiency of GLOBALFOUNDRIES' response.

**Interrogatories No. CLF.GF.12.a and CLF.GF.12.d:** Request CLF.GF.12.a seeks to have GLOBALFOUNDRIES "identify and describe all other costs that GF includes in the category of "operational cost of the site to support manufacturing." While GLOBALFOUNDRIES disagrees that detailed discovery into its internal costs is relevant and proportional to the needs of the case, it has identified other cost areas it tracks as part of its operational costs of the site to support manufacturing. It is not clear what additional information is sought, nor why further details on GLOBALFOUNDRIES' internal costs bear on whether the proposed self-managed utility will

serve the public good. GLOBALFOUNDRIES thus declines to provide a supplemental response to CLF.GF.12.a.

Request CLF.GF.12d. seeks the “annual wages paid to employees at the Vermont facility for each of the last five years.” As GLOBALFOUNDRIES has provided the requested data, there does not appear to be any grounds for dispute over its response.

**Interrogatory No. CLF.GF.16.b:** This request seeks information on the means that have been employed to calculate the Scope 2 emissions for the Essex facility. As described in GLOBALFOUNDRIES’ initial response, the calculation is straightforward: GLOBALFOUNDRIES multiplies its electricity consumption (approximate figures for which were disclosed in Mr. Rieder’s prefiled testimony) by an emissions factor supplied by Green Mountain Power. You have asked that GLOBALFOUNDRIES supplement with the actual data used in those calculations. GLOBALFOUNDRIES is gathering those figures and will provide a supplemental response. It is confirming with Green Mountain Power whether the emissions factor is confidential, such that it would need to be produced subject to a protective order.

**Interrogatory Nos. CLF.GF. 17.a. and CLF.GF.17.b:** These requests seek emissions data on facilities in Malta and East Fishkill, New York. Notwithstanding the lack of relevance and proportionality to the needs of the case, GLOBALFOUNDRIES will provide a supplemental response to the request.

**Requests to Produce—Privilege:** CLF has issued a broad set of requests that would include a large volume of privileged communications and draft documents preparatory to filing the petitions at issue in these proceedings. You have asked that we identify whether documents were withheld pursuant to privilege objections for various requests, and prepare a privilege log detailing the bases for claims of privilege. Our first, threshold objection to these requests is on relevance and proportionality grounds, hence we do not intend to produce a privilege log—and, indeed, to do so would be an exercise in pointless busywork, just as it would be to require CLF to prepare a privilege log for every communication sent or received in the process of drafting a complaint in one of its lawsuits.

Without waiving those relevance and proportionality objections, I can confirm that documents would be subject to be withheld on privilege grounds in response to Request to Produce Nos. CLF.GF.1 (a broad request seeking any documents “review, relied on, or referred to” in responding to interrogatories and requests to admit, which necessarily include privileged communications), CLF.GF.3 (seeking documents related to specific aspects of GLOBALFOUNDRIES’ proposal), CLF.GF.4 (seeking all documents reviewed, relied on, or referred to in preparing the Petition, MOU, and Letter of Intent), CLF.GF.5 (seeking all documents reviewed, relied on, or referred to in responding to Green Mountain Power’s petition), CLF.GF.6 (seeking communications related to the Petition, MOU, and Letter of Intent), CLF.GF.7 (seeking all drafts of the MOU and Letter of Intent), CLF.GF.8 (seeking documents and communications relating to the procurement of power for East Fishkill and Malta facilities), and CLF.GF.13 (seeking communications regarding efforts to obtain support from DPS for the proposal).

**Request to Produce No. CLF.GF.2:** Your initial request sought “all organization charts for GF and Mubadala Investment Company.” In our conversation, you indicated that you would be willing to accept organization charts for GLOBALFOUNDRIES. We will provide a supplemental response to this request with an organization chart for GLOBALFOUNDRIES.

**Request to Produce No. CLF.GF.3:** This request seeks documents relating to specific aspects of GLOBALFOUNDRIES’ proposal, including the decision to operate the self-managed utility within a division of GLOBALFOUNDRIES and the decision to seek exemption from certain regulatory requirements. GLOBALFOUNDRIES does not have any responsive, non-privileged documents bearing on these requests.

**Request to Produce No. CLF.GF.6:** This request seeks all communications between GLOBALFOUNDRIES employees, and between GLOBALFOUNDRIES, GMP, VTransco, and any employee of the State of Vermont, pertaining to the Petition, MOU, and Letter of Intent. GLOBALFOUNDRIES has objected to this broad, burdensome request on relevance and proportionality grounds, and has objected as well to providing communications subject to attorney-client privilege, work product doctrine, and common interest privilege. GLOBALFOUNDRIES did produce communications with employees of the State of Vermont, without waiver of its objections. As it is not clear how such broad discovery into communications preparatory to the current proceeding is relevant or at all proportional to the needs of this case, GLOBALFOUNDRIES stands on its objections.

**Requests to Produce Nos. CLF.GF.8.a and CLF.GF.8.b:** These requests seek detailed information concerning procurement of electricity at two New York facilities, including confidential, non-public contracts and communications. These facilities are not subject to regulation by Vermont’s Public Utility Commission, and the details of their power procurement are not properly within the scope of discovery in this proceeding. As the information sought is not relevant and proportional to the needs of this case, GLOBALFOUNDRIES stands on its objections.

**Requests to Produce Nos. CLF.GF.9 and CLF.GF.10:** These requests seek documents and communications concerning “to any plan GF has to cease investments in the Essex facility, close the Essex facility, or transfer ownership of the Essex facility.” GLOBALFOUNDRIES does not have any such plan at present, hence no responsive documents exist.

**Request to Produce No. CLF.GF.15:** This request seeks “the 2020 Unit Cost based upon all costs and benefits, not merely electricity costs, realized at Your Malta facility, East Fishkill facility, and Essex facility.” Based on our discussion, I understand that this request was based on a misreading of the table appearing on page 4 of GLOBALFOUNDRIES’ petition and that you have withdrawn it. If that is not the case, please follow up with me to clarify.

**Request to Produce No. CLF.GF.16:** This request seeks leases and electricity usage documentation for GLOBALFOUNDRIES’ tenants. As discussed above, GLOBALFOUNDRIES will provide a supplemental interrogatory response disclosing the electricity usage for the one tenant whose electricity is metered, ASK-IntTag, subject to the



potential need for a protective order. Additionally, GLOBALFOUNDRIES will produce a copy of the ASK-IntTag lease with any confidential data redacted.

If you have any questions or wish to discuss the above, do not hesitate to contact me or Shap Smith. We are optimistic that we will be able to resolve a good number of CLF's concerns within the parameters above, and would welcome further discussion to the extent it may be productive.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Justin B. Barnard".

Justin B. Barnard