

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	
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Case No. 21-1109-PET

Petition of Green Mountain Power Corporation for approval to modify service territory pursuant to 30 V.S.A. § 249	
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Order entered: 10/22/2021

ORDER AMENDING THE SCHEDULE

These cases concern GlobalFoundries U.S. 2 LLC’s (“GlobalFoundries”) petition for a certificate of public good (“CPG”), 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 September 30, 2021, the Vermont Public Utility Commission (“Commission”) issued an order amending the schedule in this case.

On October 12, 2021, the Vermont Department of Public Service (“Department”) and the Vermont Agency of Natural Resources (“ANR”) filed a joint motion to further amend the schedule to allow ANR “additional time to examine the underlying calculations upon which the [manufacturing process projects carbon dioxide equivalent (MTCO₂e) reduction] estimate is based, and to explore further options for MTCO₂e reductions.”¹ The Department also requires additional time to determine whether a memorandum of understanding (“MOU”) is appropriate. Thus, the Department and ANR recommend extending the schedule deadlines by approximately

¹ Department of Public Service and Agency of Natural Resources’ Joint Motion to Amend Schedule (10/12/21) at 2.

four weeks. The Vermont Agency of Commerce and Community Development agrees with and supports the Department and ANR's motion.²

On October 13, 2021, and October 14, 2021, respectively, AllEarth Renewables, Inc. ("AllEarth") and Conservation Law Foundation ("CLF") filed separate responses to the motion to amend the schedule, concurring in the need for additional time, but both arguing for a two-week extension of the schedule deadlines rather than the proposed four-week extension. CLF articulates a need for additional time for the legal briefing schedule based on the discovery provided on October 12, 2021.

On October 14, 2021, GlobalFoundries and GMP each filed a response to the motion to amend the schedule. GlobalFoundries concurs in the Department and ANR's request as appropriate. GMP does not oppose an extension "but also would find a separate, shorter extension for the briefing deadlines appropriate as suggested by" CLF and AllEarth.³

Based on the reasons articulated by the parties and the unanimous agreement that the schedule should be amended to allow additional time, the Commission amends the schedule. We agree with GMP, CLF, and AllEarth that the justification offered by the Department and ANR for an extension of time to reach an agreement on the Greenhouse Gas Reduction Plan does not relate to the legal briefing requested in the case. CLF offers a basis for extending the legal briefing schedule and requests an additional two weeks. The shorter extension is also favored by AllEarth and GMP. We recognize the need for additional time to prepare the legal briefing requested but view the legal briefing as independent of the MOU-negotiation process, so we set a three-week extension on the legal briefing schedule. The schedule is amended as follows.

November 8, 2021	Deadline for initial briefs by all parties on pre-hearing legal issues: (1) Commission jurisdiction and (2) treatment of GlobalFoundries' tenants
November 15, 2021	Deadline for filing MOUs/other proposals and supporting testimony and evidence
November 22, 2021	Deadline for reply briefs on pre-hearing legal issues
November 29, 2021	Discovery requests served on the parties filing an MOU/proposal; Commission information requests on the parties filing an

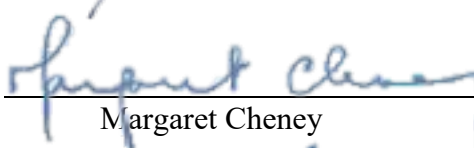
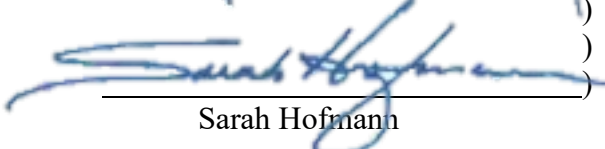
² Department of Public Service and Agency of Natural Resources' Joint Motion to Amend Schedule (10/12/21) at 3.

³ Letter from Geoffrey H. Hand, Esq., to Holly Anderson, Clerk of the Commission, dated October 14, 2021.

	MOU/proposal
December 13, 2021	Parties' responses to discovery requests and Commission information requests
January 4, 2021	Deadline for rebuttal testimony from non-filing parties
TBD	Commission decision on pre-hearing legal issues

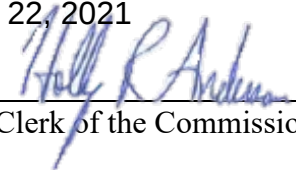
SO ORDERED.

Dated at Montpelier, Vermont, this 22nd day of October, 2021.

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

OFFICE OF THE CLERK

Filed: October 22, 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

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