



September 26, 2023

Holly Anderson, Clerk  
Vermont Public Utility Commission  
112 State Street  
Montpelier, Vermont 05620-2701

Re: Case No. 23-1364-INV  
Public Utility Commission 2023 investigation  
into rates related to electric vehicles

Dear Ms. Anderson:

By Order issued August 23, 2023 in Case No. 23-1364-INV, the Public Utility Commission (the “Commission” or “PUC”) clarified the requirements for Vermont distribution utilities (“DUs”) to file rates related to plug-in electric vehicles (“EVs” or “PEVs”) and electric vehicle supply equipment (“EVSE”) in compliance with Act No. 55, *An act relating to the Transportation Program and miscellaneous changes to laws related to transportation*.<sup>1</sup> Pursuant to the Order, DUs are asked to file PEV tariffs with the Commission by October 16, 2023, absent a PUC approved extension, to allow the necessary time for investigation and implementation of the EV charging rates before June 30, 2024, the legislative deadline. By this letter, GF Power LLC (“GF Power”), advises the Commission that pursuant to its Certificate Of Public Good (“CPG”), issued October 21, 2022, pursuant to 30 V.S.A. §§ 231 and 249 in Case No. 21-1107-PET, GF Power only supplies electricity to the GlobalFoundries Essex Facility and does not have authority to serve any retail customers or engage in the direct sale of electricity to any other member of the public.<sup>2</sup> Accordingly, GF Power lacks the authority to provide PEV charging to the general public pursuant to the terms of its approved CPG. As discussed below, GF Power respectfully submits that it should be exempt from the requirement to file PEV tariffs as called for under Act No. 55.

To assure that persons seeking PEV charging via EVSE stations at the Essex Facility, GF Power’s owner, GlobalFoundries U.S. 2 LLC (“GlobalFoundries”), intends to install, operate and maintain electric vehicle supply equipment as defined in 30 V.S.A. § 201(2). Since GlobalFoundries is not otherwise regulated by the Commission, the exemption from PUC regulation for the EV charging stations established pursuant to 30 V.S.A. § 203(7) should apply. Section 203(7) states:

Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over persons otherwise not regulated by the Commission that are engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle, as defined in 23 V.S.A. § 4(85).

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<sup>1</sup> Public Act No. 55 (2021 Vt., Bien. Sess.) (“Act 55”).

<sup>2</sup> See Case No. 21-1107-PET, CPG dated 10/21/2022 at 3 (¶19).

These persons may charge by the kWh for owned or operated electric vehicle supply equipment, as defined in section 201 of this title, but shall not be treated as an electric distribution utility just because electric vehicle supply equipment charges by the kWh.

Id. Consistent with the requirements of 30 V.S.A. § 201(2), the EVSE stations to be established by GlobalFoundries at the Essex Facility will:

(A) be located at a publicly available parking space, which does not include a parking space that is part of or associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver, vehicle, or group of drivers or vehicles including employees, tenants, visitors, residents of a common interest development, residents of an adjacent building, or customers of a business whose primary business is not electric vehicle charging;

(B) disclose all charges for the use of the electric vehicle supply equipment at the point of sale; and

(C) provide multiple payment options that allow access by the public, if a fee is required, and shall not require persons desiring to use such public electric vehicle supply equipment to pay a subscription fee or otherwise obtain a membership in any club, association, or organization as a condition of using such electric vehicle supply equipment, but may have different price schedules that are conditioned on a subscription or membership in a club, association, or organization.

Id. Accordingly, GF Power contends that it should not be necessary for it to seek an amendment to its CPG or to file an EV or PEV tariff as called for under Act No. 55 in order to assure that interested persons can charge their EVs when at the Essex Facility.

Should you have questions concerning this matter or if you disagree with GF Power's conclusions regarding its need to seek an amendment to its CPG or file a tariff to provide for PEV charging, please do not hesitate to contact me.

Respectfully submitted,

/s/

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cc: Parties of Record (via ePUC)