

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-1107-PET

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| 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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Order entered: 04/07/2021

ORDER GRANTING GMP’S AND VELCO/VTRANSCO’S MOTIONS TO INTERVENE

This case concerns 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.

On March 17, 2021, Green Mountain Power Corporation (“GMP”) filed a motion 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). GMP argues that it has a substantial interest in this case because GlobalFoundries is GMP’s largest customer and sole transmission-class member, and, thus, the outcome of this case “will have a financial impact on GMP and its customers.”¹ Additionally, GMP is a party to a Memorandum of Understanding submitted in the case, GMP’s service territory will need to be altered if the proposal is approved by the Commission, and certain facilities will need to be transferred between GMP and GlobalFoundries.² GMP also submitted testimony in support of its motion to intervene.³ In its motion, GMP represented that GlobalFoundries supports its request to intervene.

On March 19, 2021, Vermont Electric Power Company, Inc. (“VELCO”) and Vermont Transco LLC (“VTransco”) (collectively “VELCO/VTransco”) jointly filed a motion 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). VELCO/VTransco argue that they have a substantial interest in this case because “they are parties to the Transmission MOU” and “have

¹ GMP, *Motion to Intervene* (3/17/21) at 1.

² GMP, *Motion to Intervene* (3/17/21) at 1-2.

³ See pf. of Josh Castonguay; pf. of Scott R. Anderson; exh. GMP-SRA-2.

assumed specific and unique obligations related to” GlobalFoundries’ proposal.⁴ In their motion, VELCO/VTransco represented that both GMP and GlobalFoundries support their request to intervene.

On March 31, 2021, the Vermont Department of Public Service (“Department”) filed separate responses to each motion to intervene. The Department has no objection to either GMP’s or VELCO/VTransco’s requests to intervene.

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.

For the reasons articulated in GMP’s motion, the Commission finds that GMP has a substantial interest which may be adversely affected by the outcome of this proceeding, this

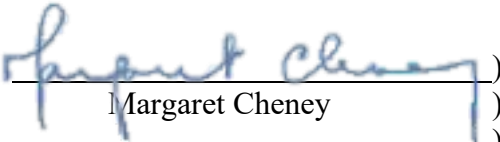

⁴ VELCO/VTransco, *Motion to Intervene* (3/19/21) at 2. Examples of these obligations include the transfer of certain facilities from GMP to VTransco, VTransco’s role as Vermont’s transmission provider, and VELCO’s role as payment agent for certain make-whole provisions.

proceeding affords the exclusive means by which GMP can protect that interest, and GMP's interest is not adequately represented by existing parties. GMP is granted intervention as of right pursuant to Commission Rule 2.209(A).

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


SO ORDERED.

Dated at Montpelier, Vermont, this 7th day of April, 2021.

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| Margaret Cheney |) | PUBLIC UTILITY |
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| |) | COMMISSION |
| |) | |
| |) | OF VERMONT |
|  |) | |
| Sarah Hofmann |) | |

OFFICE OF THE CLERK

Filed: April 7, 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 No. 21-1107-PET - SERVICE LIST

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