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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)

MOTION TO INTERVENE

NOW COMES Vermont Public Power Supply Authority (“VPPSA”), by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and pursuant to Rule 2.209 of the Commission’s Rules of Practice, hereby moves to intervene in the above-captioned proceedings on behalf of its member utilities.¹ In support of this motion, VPPSA respectfully submits the accompanying Memorandum of Law.

DATED at Burlington, Vermont, this 12th day of April 2021.

VERMONT PUBLIC POWER SUPPLY
AUTHORITY

By: /s/ William F. Ellis
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¹ VPPSA’s Members are: Barton Village, Inc. Electric Department; Village of Enosburg Falls Water & Light Department, Inc.; Town of Hardwick Electric Department; Village of Jacksonville Electric Company; Village of Johnson Water & Light Department; Village of Ludlow Electric Light Department; Village of Lyndonville Electric Department; Village of Morrisville Water & Light Department; Town of Northfield Electric Department; Village of Orleans Electric Department; Swanton Village, Inc. Electric Department.

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**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO INTERVENE**

Through its *Notice of Petitions to Other Vermont Utilities* dated April 7, 2021, the Commission gave notice of the above-captioned proceedings to VPPSA’s members and the other Vermont Distribution Utilities (“VDUs”), noting that they “may have consequences for other Vermont utilities.” VPPSA is aware of the potential consequences, and now moves to intervene in both proceedings to protect its members’ substantial interests as outlined below, and respectfully submits this Memorandum of Law in support of its Motion to Intervene.

I. VPPSA IS ENTITLED TO INTERVENTION AS OF RIGHT

VPPSA seeks intervention as of right under Rule 2.209(A), which provides in part:

Upon timely application, a person shall be permitted to intervene in any proceeding... 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.

Vt. P.U.C. Rule 2.209(A)(3). As outlined below, VPPSA satisfies the criteria entitling it to intervention as of right.

A. VPPSA's Motion to Intervene is Timely.

The proposed schedules filed by the Petitioners and discussed last Friday with the Commission at the scheduling conference calls for motions to intervene to be filed by May 3, 2021, so VPPSA's motion is timely.

B. VPPSA has a Substantial Interest that may be Adversely Affected by the Outcome of these Proceedings.

The Petitions, if approved, will result in GlobalFoundries U.S. 2 LLC ("GF") becoming a Self-Managed Utility, thereby removing its retail load from Green Mountain Power Corporation's ("GMP's") service territory. In Vermont, there are several costs that are allocated amongst the VDUs based upon their retail load, such as Standard Offer, Baseload renewable power and transmission costs. The removal of GF's retail load from GMP's service territory has the potential to shift costs previously borne by GMP to the other VDUs and their customers. Thus, VPPSA, on behalf of its members, has a substantial interest in the financial impacts of the proposed transactions.

In addition to these financial interests, VPPSA has a substantial interest in the precedent that may be created by allowing large customers to become Self-Managed Utilities. VPPSA recognizes that GF is a unique customer in many ways, and is interested in making sure that any Commission approval of the Petitions is appropriately limited in scope. As noted above, the Commission recognizes that the Petitions may have consequences for other VDUs. For these reasons, the Commission should conclude that VPPSA has substantial interests that may be adversely impacted by these proceedings.

C. This Proceeding Provides VPPSA with the Exclusive Means by Which it can Protect its Substantial Interests.

These proceedings are the only forum of which VPPSA is aware that will allow it to protect its substantial interests.

D. VPPSA's Interests will not be Adequately Represented by Existing Parties.

VPPSA's substantial interests as outlined above will not be adequately represented unless it is allowed to intervene. In light of the foregoing, VPPSA should be allowed to intervene in this proceeding as a matter of right.

II. IN THE ALTERNATIVE, VPPSA IS ENTITLED TO PERMISSIVE INTERVENTION

In the alternative, VPPSA moves for permissive intervention. Rule 2.209(B) provides in part that the Commission, in its discretion, may permit a person to intervene when that person "demonstrates a substantial interest which may be affected by the outcome of the proceeding." Vt. P.U.C. Rule 2.209(B). In exercising its discretion, the Commission is to consider the following:

(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.

Id. As set forth above, VPPSA's substantial interests will not adequately represented in these proceedings unless it is allowed to intervene, and no alternative means for protecting VPPSA's interests exist. In addition, VPPSA's intervention will not unduly delay the proceeding or prejudice the interests of the parties or the public.

CONCLUSION

WHEREFORE, based upon the foregoing, VPPSA's motion to intervene as of right should be granted. In the alternative, VPPSA should be granted permissive intervention.

DATED at Burlington, Vermont, this 12^h day of April 2021.

Respectfully submitted,

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