

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: 04/26/2021

ORDER GRANTING BED’S AND VPPSA’S MOTIONS TO INTERVENE

These cases concern 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 and Green Mountain Power Corporation’s (“GMP”) petition for approval to modify its service territory, pursuant to 30 V.S.A. § 249.

On April 12, 2021, the City of Burlington Electric Department (“BED”) filed in both cases an identical 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). BED argues that it has a substantial interest in these cases because the removal of GlobalFoundries’ “retail load from [Green Mountain Power Corporation (“GMP”)]’s service territory has the potential to shift costs previously borne by GMP to the other [Vermont electric distribution utilities] and their customers.”¹ BED argues that costs allocated amongst the Vermont distribution utilities “based upon their retail load, such as Standard Offer, baseload renewable power, and transmission costs” will be affected should the Commission approve GlobalFoundries’ proposal and GMP’s request to amend its service territory.² BED also argues that these proceedings provide BED

¹ BED, *Motion to Intervene* (4/12/21) at 3.

² BED, *Motion to Intervene* (4/12/21) at 3.

with the exclusive means by which to protect its substantial interests and that its interests will not be represented by existing parties in the cases.³

Also on April 12, 2021, Vermont Public Power Supply Authority (“VPPSA”) filed in both cases an identical 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). VPPSA also argues that it, on behalf of its members, has a substantial interest in these cases because the removal of GlobalFoundries’ “retail load from [Green Mountain Power Corporation (“GMP”)]’s service territory has the potential to shift costs previously borne by GMP to the other [Vermont electric distribution utilities] and their customers.”⁴ VPPSA argues that costs allocated amongst the Vermont distribution utilities “based upon their retail load, such as Standard Offer, baseload renewable power, and transmission costs” will be affected should the Commission approve GlobalFoundries’ proposal and GMP’s request to amend its service territory.⁵

In a filing made on April 15, 2021, GMP advised the Commission that it has no objection to BED’s or VPPSA’s intervention. Further, “GMP and the other utilities are in the process of finalizing a Memorandum of Understanding (“MOU”)” that “addresses items raised in VPPSA’s and BED’s respective Motions to Intervene,” and that would include VPPSA and BED as parties to that MOU.⁶

On April 19, 2021, GlobalFoundries filed a response in each case explaining that it has no objection to either BED’s or VPPSA’s requests to intervene.

On April 20, 2021, the Vermont Department of Public Service (“Department”) filed a response in each case. The Department has no objection to either BED’s or VPPSA’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:

³ BED, *Motion to Intervene* (3/17/21) at 3-4.

⁴ VPPSA, *Motion to Intervene* (3/17/21) at 3.

⁵ VPPSA, *Motion to Intervene* (3/17/21) at 3.

⁶ Letter from Geoffrey H. Hand, Esq., GMP, to Holly Anderson, Clerk of the Commission, dated April 15, 2021.

- (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 BED's motion, the Commission finds that BED has a substantial interest which may be adversely affected by the outcome of this proceeding, this proceeding affords the exclusive means by which BED can protect that interest, and BED's interest is not adequately represented by existing parties.⁷ BED is granted intervention as of right pursuant to Commission Rule 2.209(A).

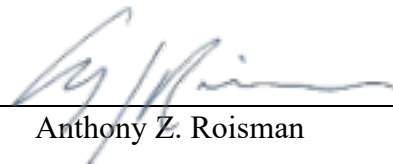
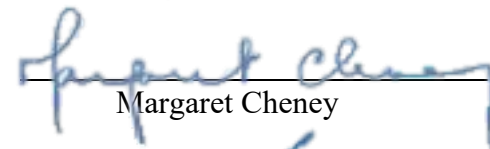

For the reasons articulated in VPPSA's motion, the Commission finds that VPPSA has a substantial interest which may be adversely affected by the outcome of this proceeding, this proceeding affords the exclusive means by which VPPSA can protect that interest, and VPPSA's interest is not adequately represented by existing parties.⁸ VPPSA is granted intervention as of right pursuant to Commission Rule 2.209(A).

⁷ The Commission does not find that BED has a substantial interest “in the precedent that may be created by allowing large customers to become Self-Managed Utilities” and is not granting intervention on that basis. BED, *Motion to Intervene* (4/12/21) at 3.

⁸ The Commission does not find that VPPSA has a substantial interest “in the precedent that may be created by allowing large customers to become Self-Managed Utilities” and is not granting intervention on that basis. VPPSA, *Motion to Intervene* (4/12/21) at 3.

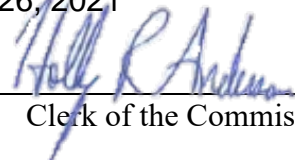
SO ORDERED.

Dated at Montpelier, Vermont, this 26th day of April, 2021.

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

OFFICE OF THE CLERK

Filed: April 26, 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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