

**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 OF ALLEARTH RENEWABLES, INC.

AllEarth Renewables, Inc. (“AER”) moves to intervene in the above cases pursuant to Vermont Public Utility Commission (“Commission”) Rule 2.209. In support of this motion, AER states:

1. AER is a Vermont corporation engaged in, among other things, the manufacture and sale of dual-axis solar trackers, ground mount solar systems and other products. AER has been in business since 2005, and is a Vermont-based employer. AER and companies under its umbrella have developed more than 25 MW of wind and solar energy facilities, and manufactured over 7,000 dual-axis solar trackers. The majority of AER’s efforts are concentrated within Vermont.
2. There is a clear, direct and ongoing relationship between the composition of the state’s electric utilities and the development of renewable energy in Vermont. Commission Rule 5.100, for example, uses a weighted average of distribution utility rates in determining net metering rates. Vermont’s standard offer program allocates the power and the power costs from standard offer renewable energy projects to the state’s utilities, continuing a methodology that has been largely in place since the promulgation of Commission Rule 4.100 in response to PURPA. Vermont’s efforts under the Renewable Energy Standard statutes and the recently enacted Global Warming Solutions Act, and AER’s ability to contribute to those efforts through the sale and installation of its products, are also impacted by the structure of Vermont’s utilities and the relationships between them.
3. In addition to impacting the pricing components of renewable energy programs, the structure and composition of Vermont’s electric utilities is pertinent to issues of grid

quality, structure and access, as evidenced in recent Commission cases such as the Green Mountain Power TGFOV and SHEI investigation matters.¹

4. As a longstanding and successful renewable energy enterprise, AER is also in a position to contribute to the Commission's consideration of the relationship of the proposed transactions to renewable energy development in both the near and more distant future.
5. No other party in this matter is in a position to fully protect or represent AER's unique interests. As of the filing of this motion, ePUC shows no other intervention requests from any other renewable energy enterprise in these cases, and the broad interests of the Department of Public Service as a statutory party are not the same as those of AER.
6. No party will be prejudiced by, and this matter will not be delayed by, AER's intervention, as this motion is filed in well in advance of the deadline established by the Commission in its Scheduling Conference Order issued by the Commission in this matter.
7. AER meets the test for intervention as of right under Commission Rule 2.209(A), under which such intervention is mandated in one of 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.
8. For the reasons in sections 1 through 6 above, AER is entitled to intervene as of right under the third of these criteria. As a Vermont renewable energy business, AER has and will continue to have significant relationships with Green Mountain Power and the other Vermont distribution utilities and the regulatory process surrounding renewable energy deployment in Vermont, and prospective withdrawal of Vermont's largest electric customer from the service territory of the state's largest electric utility should be weighed by the Commission carefully and with input from diverse parties. No other party can protect or articulate AER's interests, and this proceeding is the sole forum for consideration of those interests.
9. Even if it were to be determined that AER is not entitled to intervention as of right, AER meets the test for permissive intervention under Commission Rule 2.209(B), which substantially overlaps with the third test of Rule 2.209(A) and allows discretionary intervention where the applicant "demonstrates a substantial interest which may be affected by the outcome of the proceeding, and requires the Commission to consider:

¹ See Case nos. 19-0441-TF and 20-3304-PET.

- (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 interest of existing parties or of the public.*

10. AER respectfully submits that permissive intervention is appropriate upon consideration of these factors if intervention of right is not allowed. As noted earlier, its interests are not adequately protected by other parties, there are no alternative means for protecting AER's interests, and AER's intervention will have no negative impact on the schedule put in place by the Commission's Scheduling Order.

For these reasons, AER respectfully requests that the Commission grant this motion and allow AER full intervention in this matter.

Dated this 27th day of April, 2021.

AllEarth Renewables, Inc.

By: /s/ **David Mullett**

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