

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Petition of GlobalFoundries U.S. 2 LLC requesting )  
a certificate of public good, pursuant to 30 V.S.A. § 231, ) Case No. 21-1107-PET  
to operate a Self-Managed Utility )

Petition of Green Mountain Power Corporation for )  
approval to modify service territory pursuant to ) Case No. 21-1109-PET  
30 V.S.A. § 249 )

**STIPULATED-TO MOTION TO AMEND  
THE SCHEDULING CONFERENCE ORDER**

Green Mountain Power Corporation (“GMP”), GLOBALFOUNDRIES U.S. 2 LLC (“GF”), and the Conservation Law Foundation (“CLF”) move to amend the Scheduling Conference Order dated April 16, 2021 (the “Current Scheduling Order”) and respectfully request that the Public Utility Commission (the “Commission”) adopt the Proposed Revised Schedule. CLF’s unopposed Motion to Intervene remains pending. GMP, GF, and CLF stipulate as follows. Copies of the Current Scheduling Order and the Proposed Revised Schedule are appended hereto. The Vermont Department of Public Services, Vermont Public Power Supply Authority, Burlington Electric Department, Stowe Electric Department, AllEarth Renewables, Inc., and Renewable Energy Vermont have all consented to the Proposed Revised Schedule. GMP and GF also consent, provided that the Commission determines that the Proposed Revised Schedule affords adequate time for the Commission to issue a decision before year end. CLF consents upon the reservation of its right to seek later amendments to the schedule if reasonable accommodation or manifest injustice so requires.

GMP, GF, and CLF incorporate the following memorandum of law in support of the present stipulated-to motion.

## MEMORANDUM

The Vermont Rules of Civil Procedure generally apply in Commission proceedings. *See, e.g.*, Commission Rules 2.103 and 2.105. Vermont Rule of Civil Procedure 16.2 empowers the Commission to modify a scheduling order to provide litigants with reasonable accommodations or to prevent manifest injustice to litigants. *See also* Commission Rule 2.212 (permitting the Commission to modify a scheduling conference order); Commission Rule 2.207 (adopting V.R.C.P. 6(b), which allows extensions of time for good cause). Rule 16.2 is satisfied under the circumstances addressed by this motion.

The Commission acknowledged in the Current Scheduling Order that procedural issues were likely to arise in the above-captioned matters because the April 30, 2021 discovery deadline preceded the May 3, 2021 intervention deadline. *See* Current Scheduling Order at 3. The Commission also proposed a solution to such issues: “For any intervenors who are not able to submit discovery by April 30, 2021, the Commission will request that the parties propose a revised schedule that provides those intervenors an opportunity to conduct a total of two rounds of discovery.” *See id.*

Good cause exists to adopt the Proposed Revised Schedule because CLF timely moved to intervene on May 3, 2021 and was thus unable to submit discovery requests by the April 30, 2021 deadline. The Proposed Revised Schedule is reasonable because it allows Intervenors to submit a round of discovery requests by May 28, 2021 and provides for a total of two potential rounds of discovery in the proceeding for all parties. That date is efficacious because it provides Intervenors approximately two weeks to review GMP and GF’s responses to the Commission’s Requests for Information. Those responses may inform the scope and topics of Intervenors’ discovery requests. The Proposed Revised Schedule also promotes a just process by

accommodating motions deadlines, should Intervenors determine motions become necessary in the proceedings. Motions are a critical means of raising issues to the Commission and preserving those issues. Litigants may suffer manifest injustices if the schedule does not accommodate motions. The Proposed Revised Schedule is also reasonable in that it maintains the brisk pace of these proceedings by extending deadlines only modestly. The Proposed Revised Schedule does not significantly impact the duration of the proceedings.

#### Conclusion

GMP, GF, and CLF respectfully request the Commission to adopt the Proposed Revised Schedule.

Dated at Montpelier, Vermont, this 14th day of May 2021.  
CONSERVATION LAW FOUNDATION

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Dated at Burlington, Vermont, this 14th day of May 2021.  
GLOBALFOUNDRIES U.U. 2 LLC

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Dated at Burlington, Vermont, this 14th day of May 2021.  
GREEN MOUNTAIN POWER CORPORATION

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