

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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**DEPARTMENT OF PUBLIC SERVICE'S RESPONSE TO ALLEARTH
RENEWABLES, INC.'S MOTION TO AMEND SCHEDULE**

On September 20, 2021, AllEarth Renewables, Inc. (AllEarth) filed a motion with the Public Utility Commission (Commission) requesting that the Commission amend the existing schedules for these proceedings to allow for parties to submit legal briefing on the Commission's jurisdictional authority to approve GlobalFoundries U.S. 2 LLC's (GF) petition. AllEarth requests that instead of holding the evidentiary hearings that are currently scheduled and duly noticed for October 14 and 15, 2021, the Commission set an October 15 deadline for submitting legal briefs on jurisdiction. Evidentiary hearings would then be held at some undetermined date in the future after the Commission rules on the legal briefing on the jurisdictional issues.

The Department of Public Service (Department) does not support AllEarth's motion. Jurisdiction is a foundational issue that may be presented at any point in a proceeding before the Commission.¹ The Department also recognizes the underlying value in resolving issues related to jurisdiction as expeditiously as possible to encourage efficient use of scarce regulatory resources.

¹ See V.R.C.P. 12(h)(3).

However, jurisdiction is a legal issue that can be adequately and thoroughly addressed through the parties' post-hearing legal briefs. Indeed, that briefing is likely to be benefit from the development of a more robust evidentiary record at the evidentiary hearings, where parties and the Commission will have the opportunity to examine witnesses on issues related to the Commission's jurisdictional authority. The Department, accordingly, does not support AER's request to amend the schedule to defer evidentiary hearings to allow for briefing on jurisdiction.

Dated at Montpelier, Vermont, this 22nd day of September, 2021.

Vermont Department of Public Service

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