

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of GLOBALFOUNDRIES U.S. 2 LLC
For a Certificate of Public Good, pursuant to 30
V.S.A. § 231 to operate a Self-Managed Utility.

Case No. 21-1107-PET

MOTION TO INTERVENE

NOW COMES the Agency of Natural Resources (ANR), by and through its counsel, pursuant to Vermont Public Utility Commission (the "Commission" or "PUC") Rule 2.209 on Intervention, and respectfully requests permission to intervene in this proceeding. In support of this Motion, ANR submits the following Memorandum of Law.

MEMORANDUM OF LAW

On March 17, 2021, Petitioner filed a petition for a Certificate of Public Good pursuant to 30 V.S.A. § 231 to operate an independent, self-managed utility (SMU) beginning October 1, 2022. Understanding that Motions to Intervene had been required to have been submitted by May 3, 2021, ANR respectfully requests the Commission enlarge the amount of time for the instant motion to allow ANR to present additional testimony on the potential environmental impacts of the petition. While ANR has been generally aware of this matter and has consulted with the Department of Public Service (DPS) regarding the petition, recent developments in this matter have led ANR to conclude that it is appropriate to seek party status.

Pursuant to 10 V.S.A. §582, ANR has the responsibility of tracking and reporting state-wide greenhouse gas emissions by sector on an annual basis. ANR is aware of Petitioner's assertion that it will commit to reducing greenhouse gas emissions using methods alternative to compliance with the Renewable Energy Standard. In exploring emissions reduction

commitments and corresponding strategies, the Petitioner has discussed with ANR the likelihood of proposed reduction pathways to achieve greenhouse gas emission reductions by 2025 as compared to an agreed upon level of baseline emissions. In furtherance of these discussions, ANR is a recent signatory, along with the Petitioner and DPS, to a Letter of Intent that outlines the commitments that the Petitioner plans to make related to emissions reductions, acceptable methods to achieve those reductions, and how the reductions will be tracked and verified. These specific discussions did not include ANR until August of 2021, and therefore ANR did not identify the need to intervene in this matter until recently. The Letter of Intent is attached as Exhibit A, and is also discussed in separate testimony to filed by DPS.

PUC Rule 2.209(B) provides:

Permissive intervention. Upon timely application, a person may, in the discretion of the Commission, be permitted to intervene in any proceeding when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding. In exercising its discretion in this paragraph, the Commission shall consider (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.

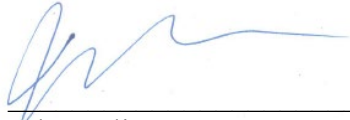
ANR has substantial interests which may be adversely affected by the outcome of this proceeding. As the state's lead environmental agency, tasked with implementing many of the requirements of the Global Warming Solutions Act and having jurisdiction over the emissions of air contaminants, generally, ANR will be able to offer its perspective on the potential impacts of Global Foundries' becoming a Self-Managed Utility and its greenhouse gas emissions and potential opportunities for emissions reductions. There is no alternative means for ANR to offer its perspective in a meaningful way. Moreover, ANR's intervention in the instant case would not unduly delay or prejudice the interests of existing parties. While a modest extension of time

may be appropriate, ANR does not intend to engage in discovery and seeks only to provide prefiled testimony on the limited issues outlined above.

For the foregoing reasons the Commission should exercise its discretion and allow ANR's permissive intervention pursuant to PUC Rule 2.209(B).

DATED at Montpelier, Vermont, this 23rd day of September, 2021.

AGENCY OF NATURAL RESOURCES



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