

**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)

RULE 56(c) STATEMENT

Pursuant to Vermont Rule of Civil Procedure 56(c), Conservation Law Foundation (“CLF”) provides the following statement of facts that may not be genuinely disputed. Those facts primarily pertain to Section II of CLF’s Motion for Prehearing Summary Judgment (the “Motion”). Those facts are addressed in detail in that portion of the brief.

1. GlobalFoundries U.S. 2, LLC (“GF”)’s central claim that it would transmit and distribute electricity only to itself is contained in its Petition and the Prefiled Testimony of Mr. Gregory Rieder. *See* GF Pet. ¶¶ 5, 26, 51, 60, p. 22 ¶ 3.e; Rieder Direct at 23:13-14. That claim was adopted in testimony filed by the Department of Public Service (“DPS”), *see* McNamara Direct at 7:10, and Green Mountain Power Corporation (“GMP”). *See* Castonguay Direct at 38:5; Castonguay Rebuttal at 4:18-19. It was also adopted in GMP’s Petition, which was filed in 21-1109-PET. *See* GMP Pet. at p. 2 ¶ 3.
2. GF’s responses to CLF’s initial discovery requests, appended to the Motion as Exhibit 1, demonstrate that five members of the public are currently operating their businesses at the Essex facility. Those entities include Ask-intTag LLC (“Ask-intTag”), International Business Machines Corporation (“IBM”), Garnett EMS,¹ New England Federal Credit Union (“NE Credit Union”), and Marvell Semiconductor, Inc. (“Marvell”). *See* Ex. 1 (A.CLF.GF.2.a).
3. GF’s responses to Public Utility Commission (“Commission”) information requests, which are appended to the Motion as Exhibit 2, demonstrate that GF plans to continue

¹ In response to Q.CLF.GF.2.a, *see* Ex. 1, GF identified one of the members of the public now operating at the Essex facility as Garnet EMS. However, GF did not produce any lease bearing a party named “Garnet EMS.” GF produced a lease bearing the name Vermont Emergency Medical Services, LLC. *See* Exhibit 8. Because GF uses the name Garnet EMS, CLF also uses that name.

transmitting and distributing electricity to the five members of the public if GF operates the so-called "self-managed utility." *See* Ex. 2 (A.GF.PUC.2nd RFI.2.a-2.c).

4. At least five members of the public would operate their businesses in the proposed "self-managed utility" service territory, *see* "Exhibit MOU-2" appended to the Motion as Exhibit 3, which contains undeveloped areas that could accommodate additional members of the public and potential future electricity customers of GF. *Id.*
5. The members of the public now operating their businesses in what would become the "self-managed utility's" service territory, *see* Ex. 3, receive their electricity from GF's transmission and distribution systems and compensate GF for the electricity they consume under the terms of lease agreements.
 - a. As described in Section II.B.1 of the Motion and the redacted version of the Ask-intTag lease, which is appended to the Motion as Exhibit 5, GF transmits and distributes electricity to Ask-intTag and Ask-intTag compensates GF for the electricity that it consumes. *See* Ex. 5. at 169-173, 247, 250, 310, 312-314, 316; *see also* Ex. 1 (A.CLF.GF.2.d) (GF meters Ask-intTag's electricity).
 - b. As described in Section II.B.2 of the Motion and the redacted and unredacted versions of the IBM lease, which are appended to the Motion as Exhibit 6 and Exhibit 7, respectively, GF transmits and distributes electricity to IBM and IBM compensates GF for the electricity that it consumes. *See* Ex. 6 at 415-417, 469, 470, 515, 517, 518, 521, 566-567 and nn.1 & 2, 587; Ex. 7 at 1038, 1039, 1070, 1072, 1195.
 - c. As described in Section II.B.3 of the Motion, and the redacted and unredacted versions of the Garnet EMS lease, which are appended to the Motion as Exhibit 8 and Exhibit 9, respectively, GF transmits and distributes electricity to Garnet EMS and Garnet EMS compensates GF for the electricity that it consumes. *See* Ex. 8 at 359, 362, 367, 373-375, 406; Ex. 9 at 1008; *see also* Ex. 6. at 566.
 - d. As described in Section II.B.4 of the Motion, and the redacted and unredacted versions of the NE Credit Union lease, which are appended to the Motion as Exhibit 10 and Exhibit 11, respectively, GF transmits and distributes electricity to NE Credit Union and NE Credit Union compensates GF for the electricity that it consumes. *See* Ex. 10 at 705-707, 711-713; Ex. 11 at 1350-1351; *see also* Ex. 6 at 566.
 - e. As described in Section II.B.5 of the Motion, and the redacted and unredacted versions of the Marvell lease, which are appended to the Motion as Exhibit 12 and Exhibit 13, respectively, GF transmits and distributes electricity to Marvell and Marvell compensates GF for the electricity that it consumes. *See* Ex. 12 at 596-598, 617, 621, 622, 634-638, 641-643, 677, 678; Ex. 13 at 1225-1228; *see also* Ex. 6 at 517, 566.

6. The proposed “self-managed utility” would sell surplus electricity back into the market. *See* GF responses to DPS discovery requests, appended to the Motion as Exhibit 4 (A.PSD.GF.4); *see also* Ex. 1 (A.CLF.GF.10.b). GF acknowledges that such sales would constitute the “wholesale sale of power.” Ex. 1 (A.CLF.GF.10.c).

Dated at Burlington, Vermont, this 8th day of November 2021.

CONSERVATION LAW FOUNDATION



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