

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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THE DEPARTMENT OF PUBLIC SERVICE’S RESPONSE TO ALLEARTH RENEWABLES, INC’S MOTION TO AMEND AND THE CONSERVATION LAW FOUNDATION’S MOTION TO CLARIFY

On March 10, 2022, AllEarth Renewables (“AllEarth”) and Conservation Law Foundation (“CLF”) filed motions to amend, pursuant to V.R.C.P. 59(e), the Vermont Public Utility Commission’s (the “Commission”) February 17, 2022 Order concluding GlobalFoundries U.S. 2 LLC’s (“GF”) request to be exempt from the Renewable Energy Standard is outside the Commission’s statutory authority. In addition to reiterating their previous arguments on the jurisdictional issue, central to both motions is a request that the Commission clarify the broader question of whether it has jurisdiction to grant GF’s request to operate as a self-managed utility under de minimis regulation.

As argued in its November 22, 2021 reply brief, the Department of Public Service (the “Department”) maintains that the Commission has jurisdiction to hear GF’s petition under 30 V.S.A. 203(2) and incorporates that analysis in response to the substantive arguments raised in AllEarth and CLF’s pending motions. The Department argued that asserting jurisdiction over GF’s proposal in this matter does not resolve the separate public good analysis under Section 231 nor address the extent to which the Commission would need to retain ongoing jurisdiction over GF’s operations and facilities under Section 209 or other applicable provision of Title 30. The

Department understands that GF will submit an amended petition, at the request of the Commission, detailing the withdrawal of its request for waiver of the RES and further explaining the applicable provisions of Title 30 it would be subject to under its revised proposal. GF's revised proposal should be provided the opportunity for full review by the Commission to determine whether GF has met the burden of demonstrating its operations will promote the public good.

DATED at Montpelier, Vermont this 24th day of March 2022.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ Eric B. Guzman

Eric B. Guzman, Special Counsel

112 State Street

Montpelier, Vermont 05620

(802) 828-3785

eric.guzman@vermont.gov

cc: ePUC Service List