

**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

ALLEARTH RENEWABLES' REPLY IN SUPPORT OF ITS RULE 59(e) MOTION

AllEarth Renewables, Inc. (“AER”) offers this Reply to the March 24, 2022 Response of Petitioner GlobalFoundries U.S. 2 LLC (“GF”) to the Rule 59(e) motions filed by AER and Conservation Law Foundation. While the Department of Public Service and Green Mountain Power Corporation also filed responses on March 24th, those responses essentially rest on the prior pleadings of those parties.

While AER appreciates that GF now shares in the recognition that “the question of jurisdiction should be conclusively resolved” by the Commission in this case,¹ GF continues to rest its assertions of jurisdiction on shifting positions that are fundamentally unsound and inconsistent with the most basic tenets of Vermont law surrounding Commission authority. This is remarkably evident in GF’s most recent filings; after months of remaining “steadfast in its filings that it is not seeking to operate as a ‘public service company,’”² GF now asserts that it is seeking to do exactly that, stating in its response to the Commission’s March 17, 2022 Request for Information that it “does not believe that there is a difference” between operating as a “public service company” and a “self-managed utility.” The latter phrase is now said to be merely a “shorthand term that GlobalFoundries has used to describe what it seeks the authority to do...”³ This stenographic assertion would be of no avail to GF even if credible, for GF’s filings continue to miss the point that the Commission has only the powers expressly conferred on it by the legislature along with those incidental to carrying out the express ones.⁴ The Commission said it perfectly in its February 17th Order: “[t]here is no statutorily authorized third option for what GlobalFoundries seeks: to operate with some of the functions of a public service company but without the obligations of a public service company.”⁵ That analysis ends this matter.

AER respectfully requests that the Commission Amend its February 17th Order to reflect full dismissal of this case.

¹ GF March 24th Response at 2.

² February 17, 2022 *Order Determining Global Foundries’ Request to be Exempt from the Renewable Energy Standard is Outside the Commission’s Statutory Authority* (“February 24th Order”) at 4 (fn. 13).

³ GF March 24th response at 3.

⁴ *Trybulski v. Bellows Falls Hydro-Electric Corporation*, 112 Vt. 1, 7, 20 A.2d 117 (1941).

⁵ February 17th Order at 4.

Dated this 31st day of March, 2022.

AllEarth Renewables, Inc.

By: /s/ **David Mullett**

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