

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21-1107-PET

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Petition of GlobalFoundries U.S. 2 LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 231, for a newly created, wholly owned subsidiary of GlobalFoundries, GF Power, to operate as a public service company, under regulation appropriate to its function	
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Order entered: 11/21/2022

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD TO CHANGE FILING DEADLINES**

**I. INTRODUCTION**

This case involves the Amended Petition by GlobalFoundries U.S. 2, LLC (“GlobalFoundries”) for a certificate of public good (“CPG”), pursuant to 30 V.S.A. § 231, for a newly created, wholly owned subsidiary of GlobalFoundries, GF Power LLC (“GF Power”), to operate as a public service company, under regulation appropriate to its function. On October 21, 2022, the Vermont Public Utility Commission (“Commission”) granted a CPG for GF Power to operate as a public service company.

In today’s Order, the Commission amends the CPG in Case No. 21-1107-PET to reflect two changes to filing deadlines.

**II. RELEVANT PROCEDURAL HISTORY**

On October 21, 2022, GF Power was granted a CPG to operate as a public service company subject to conditions.

On November 15, 2022, GlobalFoundries and GF Power jointly filed a motion to amend the filing deadlines contained in Conditions 6 and 12 of the CPG. In the motion, GlobalFoundries and GF Power state that they have conferred with counsel for the other parties to this proceeding and represent that the Vermont Department of Public Service, the Vermont Agency of Commerce and Community Development, Green Mountain Power Corporation (“GMP”), Vermont Electric Power Company, Inc., Vermont Transco LLC, the Town of Stowe Electric Department, and Conservation Law Foundation, Inc. have no objection to the

amendments. GlobalFoundries and GF Power further represent that AllEarth Renewables Inc. takes no position on the motion. At the time of filing the motion, the Vermont Agency of Natural Resources (“ANR”), Vermont Public Power Supply Authority (“VPPSA”), and the City of Burlington Electric Department (“BED”) had not responded to GlobalFoundries and GF Power’s communications regarding the motion.

On November 16, 2022, the Commission set a deadline of 10:00 a.m. on November 21, 2022, for comments on the motion to amend.

On November 16, 2022, VPPSA and BED filed a joint letter stating that they have no objection to GlobalFoundries and GF Power’s motion to amend the CPG.

On November 17, 2022, ANR filed a response stating that it does not have an objection to GlobalFoundries and GF Power’s motion to amend the CPG.

No other comments were received by the Commission.

### **III. DISCUSSION AND CONCLUSION**

Section 231(a) of Title 30 of the Vermont Statutes Annotated provides that the Commission may amend any CPG for good cause, after an opportunity for a hearing.

Condition 6 of the CPG requires the following:

Before December 1, 2022, the CPG Holder shall obtain any required regulatory approvals from the Federal Energy Regulatory Commission (“FERC”) in order to participate in wholesale transactions as a Transmission Customer (if any) and will register as a market participant with ISO New England and shall file copies of these approvals in the compliance subcase of Case No. 21-1107-PET.

GlobalFoundries and GF Power attest that there are no FERC approvals necessary for GF Power to operate as a public service company at present. Further, GlobalFoundries and GF Power detailed their efforts to register GF Power as a market participant with ISO New England (“ISO-NE”). On November 14, 2022, the NEPOOL membership committee granted conditional membership to GF Power. However, GlobalFoundries and GF Power have represented that it is unlikely that ISO-NE will be able to complete its approval of GF Power’s registration as a market participant by December 1, 2022. Thus, GlobalFoundries and GF Power have requested an additional two months to complete GF Power’s registration as a market participant.

Condition 12 of the CPG requires, in relevant part, the following:

Within 30 days of the date this CPG is issued, the CPG Holder shall file this power purchase agreement with the Commission in the compliance subcase of Case No. 21-1107-PET.

GlobalFoundries and GF Power have explained that GF Power and GMP have actively negotiated the terms of the power purchase agreement (“PPA”) and that “ISO-NE meetings scheduled in the coming weeks will facilitate finalization of the PPA terms with respect to transmission.”<sup>1</sup> Thus, GlobalFoundries and GF Power have requested an additional two weeks to file the PPA by December 5, 2022.

Regarding the deadline change in both conditions, GlobalFoundries and GF Power argue that good cause exists to support the amendment because the timing of ISO-NE’s approval is outside GF Power’s control.

Having considered the filings before us, we find that good cause exists to amend GF Power’s CPG to change the filing deadlines contained in Conditions 6 and 12 without holding a hearing or engaging in further investigation. No party has objected to this request; the factors that supported our determination that the proposal was in the general good of the State of Vermont are not affected by the adjustment of these filing deadlines because the substance of the required filings remains the same; and GlobalFoundries and GF Power have sufficiently explained why the additional time is needed to complete these filings, have proceeded diligently and in good faith to complete the CPG requirements, and await information and determinations outside their control.

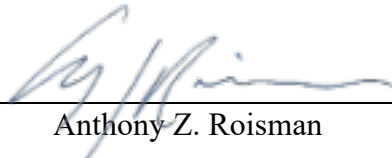
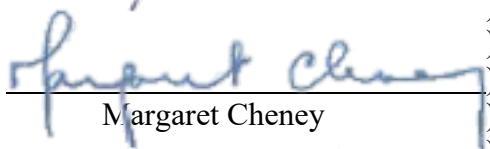
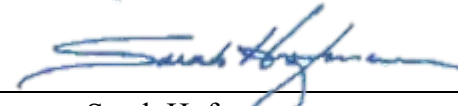
Condition 6 of the CPG in Case No. 21-1107-PET is amended to change the filing deadline from December 1, 2022, to February 1, 2023. Condition 12 of the CPG in Case No. 21-1107-PET is amended to change the filing deadline from November 21, 2022, to December 5, 2022.

**SO ORDERED.**

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<sup>1</sup> GlobalFoundries and GF Power Motion to Amend Certificate of Public Good (11/15/22) at 2.

Dated at Montpelier, Vermont this 21st day of November, 2022.

 _____ Anthony Z. Roisman	) PUBLIC UTILITY
 _____ Margaret Cheney	) COMMISSION
 _____ Sarah Hofmann	) OF VERMONT

OFFICE OF THE CLERK

Filed: November 21, 2022

Attest:   
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Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.*

PUC Case No. 21-1107-PET - SERVICE LIST

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