

THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
DOCKET NO. NDFC 2003-1

ORDER NO. 3

In the Final Report and Order of the Nuclear Decommissioning Financing Committee (NDFC or Committee) in NDFC Docket 2003-1 (Final Order), the NDFC approved the use of an escrow account as a funding assurance to meet the funding requirements of the Seabrook owners. Final Order at 45. The Order required the Seabrook Owners to complete an escrow agreement by March 1, 2004, in order to use the escrow in 2004. Final Order at 47. The Seabrook Owners are obligated to submit a completed escrow agreement, regardless of whether it is to be used in 2004. Final Order at 49 and 45, et seq.

The Seabrook Owners have advised NDFC counsel that they have been unable to complete the escrow agreement by March 1, 2004, and therefore request an extension to May 3, 2004, to complete the document. Further, they requested that payments into the escrow be allowed in 2004.

Execution of an escrow agreement is an obligation of the Seabrook Owners and not a discretionary option. The failure to complete the escrow agreement by March 1, 2004, however, can be adequately remediated. Nevertheless, the Committee is mindful that the parties agreed to the date as providing sufficient time to complete the agreement. The Committee also recognizes that the first payments that could be made into the escrow would be in October 2004.

The Committee will extend the date for filing a completed, fully executed escrow agreement to May 3, 2004. In order to allow sufficient time in advance of May 3rd for the

requisite review and approval by the State Treasurer and Attorney General, on or before March 15, 2004, FPL Energy Seabrook, LLC (FPLE Seabrook), in its capacity as managing agent, shall submit to counsel for the NDFC an escrow agreement signed by each of the Seabrook Owners. In lieu of execution by all Seabrook Owners, the NDFC will accept for review and approval by the State Treasurer and Attorney General an escrow agreement executed by FPLE Seabrook in its capacity as managing agent. The NDFC will not provide additional time for completion of this requirement absent a showing of extraordinary circumstances.

Based on the foregoing, it is hereby

ORDERED, that the date for filing an executed escrow agreement is extended to May 3, 2004; and it is

FURTHER ORDERED, that on or before March 15, 2004, FPLE Seabrook is to submit to counsel for the NDFC either an escrow agreement fully executed by all Seabrook Owners, or executed in FPLE Seabrook's capacity as managing agent of Seabrook Station; and it is

FURTHER ORDERED, that the alternative schedule of payments authorized by the NDFC in NDFC 2003-1 Order No. 2 will be used if the conditions for the escrow account established in the Final Order are met and the NDFC issues an order approving the escrow agreement and imposing any additional terms required by the Committee.

By Order of the Nuclear Decommissioning Financing Committee this 5th day of March, 2004.

Thomas B. Getz
Chairman