

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

ORDER NO. 2

In the Final Report and Order of the Nuclear Decommissioning Financing Committee (NDFC or Committee) in NDFC Docket 2003-1 (Final Order), the NDFC required that the schedule of payments be reset in December 2003, based on market values of the decommissioning fund as of November 30, 2003, plus the trust fund contributions scheduled to be made in December 2003. Final Order at 50. The Committee required this adjustment so that the schedule of payments at the beginning of 2004 would be based on the fund balance near the end of the 2003, rather than being based on the balance earlier in the year, as reflected in FPLE's Application. NDFC Docket 2003-1, Exhibit No. 1.

On December 19, 2003, FPL Energy Seabrook LLC (FPLE Seabrook), managing agent for the Seabrook Station, filed a revised Year End Funding Model prepared by Prime, Buchholz & Associates using the same methodology as approved by the NDFC in the Final Order and updated as required by the Final Order. Order at 49. FPLE Seabrook's Year End Funding Model consists of fifteen pages and is made part of this Order as Attachment 1. Attachment 1 projects a decommissioning fund balance as of December 31, 2003 of \$285,730,329. This amount reflects the decommissioning fund balance as of November 30, 2003, plus the scheduled payments for December 2003 pursuant to the schedule of payments approved in NDFC docket 2002-3.

The Final Order also approved the creation of an escrow account into which payments will be made by all of the Seabrook Station owners as a funding assurance.

Final Order at 49. Activation of the escrow account is contingent upon execution of an escrow agreement by March 1, 2004 that both meets the requirements set forth in the Final Order at 45-48 and is acceptable to the NDFC and the State Treasurer. Final Order at 47.

In accordance with the Final Order, the schedule of payments approved by this order will be replaced by an alternative schedule of payments if the conditions for the escrow account are met. The alternative schedule of payments consists of 16 pages and is made part of this Order as Attachment 2. The alternative schedule of payments (Attachment 2) will only become effective upon issuance of an order of the NDFC approving the escrow agreement and approving use of the alternative schedule of payments. As required by the Final Order, all contributions must be made into the decommissioning trust before any payments may be made into the escrow account.

The alternative schedule of payments reflects a reduction from the annual contribution to the Decommissioning Trust Fund as shown on Attachment 1 of approximately \$2.5 million. The alternative schedule of payments projects a decommissioning fund year-end balance in 2004 of \$312,639,124, while the schedule of payments shown in Attachment 1 projected a year-end decommissioning fund balance of \$315,179,530. The annual contributions for 2004 using both the schedule of payments and the alternative schedule of payments of the Seabrook Station owners are summarized on Attachment 3. Attachment 3 also provides projected contributions for 2005-2007 under the schedule of payments and the alternative schedule of payments. Attachment 4 identifies the contribution required to be made into the escrow account, if it is activated, along with projected payments into the escrow account in 2005-2007.

Because this Order memorializes compliance with requirements established by a prior order of the Committee, the filings of the parties are sufficient basis for the Committee to confirm compliance, and no public hearing is required.

**Based on the foregoing, it is hereby**

**ORDERED**, that the schedule of payments presented as Attachment 1, filed in compliance with the Final Order of the Committee in NDFC Docket 2003-1, is approved, and shall be effective as of January 1, 2004, for the Seabrook Station owners and continue in effect until changed by order of the NDFC; and it is

**FURTHER ORDERED**, that the Seabrook Station owners are hereby required to make monthly payments into the Nuclear Decommissioning Financing Fund, in accordance with the schedule provided as Attachment 1 to this Order until further ordered by the Committee.

By Order of the Nuclear Decommissioning Financing Committee this 31<sup>st</sup> day of December, 2003.

/s/

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Thomas B. Getz  
Chairman