

THE STATE OF NEW HAMPSHIRE  
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE  
DOCKET NO. NDFC 2006-1

ORDER NO. 1

On May 30, 2006, pursuant to an Order of Notice (OON) issued by the Nuclear Decommissioning Financing Committee (Committee or NDFC) on April 27, 2006, counsel to the Committee conducted a prehearing conference at the Public Utilities Commission in Concord. The OON was published in The Union Leader and the Portsmouth Herald on May 9, 2006, and posted in Seabrook, New Hampshire on May 8, 2006. The pre-hearing conference was held for the purpose of taking appearances from parties interested in participating in the proceeding, establishing a procedural schedule, and receiving the views of full parties to the proceeding concerning the issues to be addressed in the docket.

**APPEARANCES**

Representatives of the following entities appeared and requested full-party intervenor status: FPL Energy Seabrook LLC (FPLE Seabrook), Managing Partner for Seabrook Nuclear Power Station (Seabrook Station); the Massachusetts Municipal Wholesale Electric Company (MMWEC); and the Seacoast Anti-Pollution League. The Committee grants the requests for intervention of MMWEC, FPLE and SAPL as full parties in this docket. It is noted that Hudson Light and Power Department (Hudson) and the Taunton Municipal Lighting Plan (Taunton), minority owners of Seabrook Station, were mailed copies of the OON but did not attend the June 23, 2006 pre-hearing conference.

## **SCHEDULE**

At the prehearing conference, the parties agreed to a procedural schedule for this docket. Through subsequent exchanges, the following schedule was agreed upon, and the Committee adopts it for this docket:

1. Last interrogatories of FPLE to be served	June 13
2. Last interrogatories response from FPLE	June 15
3. Intervenor pre-file testimony	June 16
4. Last interrogatories of intervenors	June 20
5. Last interrogatories response from intervenors	June 23
6. Pre-hearing Conference	June 23
7. Stipulation of Issues finalized and filed with NDFC	September 7
8. Public hearing	September 21
9. Post-hearing brief	September 25
10. Reply briefs	September 27
11. Preliminary Report and Order	September 29
12. Final hearing (Seabrook public hearing)	October 31
13. Final Report and Order of Committee	November 3
14. Order Approving 2006 Schedules of Payment	December 29

Discovery will be ongoing. Pre-hearing conferences will begin at 10:00 am at the Public Utilities Commission in Concord, unless otherwise agreed to by the parties. The September 21 public hearing in Concord will begin at 1:00 p.m. and the October 31 public hearing in Seabrook will begin at 7:00 p.m.

The procedural schedule provides for a full evidentiary hearing to address all issues in the docket, in the event an evidentiary hearing is needed. At the same time, the parties have expressed a willingness to pursue agreement on the evidence to be presented to the Committee and to stipulate the issues they believe the Committee should consider in this docket. Further, the parties agreed to identify issues for which they support a particular finding by the Committee, stipulate the evidence they will

offer in support of issues that are uncontested, and to present a written statement of any issue on which there are differing positions. The parties will endeavor to agree on the evidence that would be received by the Committee.

The parties agreed that the issues to be addressed in this docket are limited to the following list.

1. Review the fund performance, including a comparison of revised projected fund balances with the projections recognized in Docket 2005-1.
2. Review projected earnings projections and projected investment changes and other underlying assumptions in the proposed schedule of payments.
3. Establish the schedule of payments starting January 1, 2007, based on the projected cost of decommissioning and the fund performance.
4. Review the adequacy of funding assurances, including the funding assurance escrow established in NDFC Docket 2003-1.
5. Review proposed changes in escrow fund contributions.
6. Review any changes in LLRW disposal, processing, cost, vendor, or on-site storage.
7. Review alternates to the planned use of the Yucca Mountain repository.
8. Review FPLE contingency planning for long term storage of spent fuel and GTCC waste and associated costs.
9. Identify changes to decommissioning assumptions to be included in the 2007 4-year review.
10. Review impact, if any, on funding assurances of FPL's acquisition of the Duane Arnold nuclear facility and its potential merger with Constellation.

## **ISSUES**

The Committee must review the performance of the fund and the adequacy of all funding assurances each year and "may alter the payment schedule, or require a change in any funding assurance to ensure adequate funding by each owner of its decommissioning obligation." RSA 162-F:22, II. As part of this review, the

Committee may alter the schedules of payments and any funding assurances. RSA 162-F:22, III.

The parties recommended a scope of issues to be considered in this docket. After consideration of the recommendation, the Committee finds the list to be comprehensive. These issues constitute the scope of the docket and the Committee does not anticipate expanding the scope.

On the date by which any stipulation is to be finalized, the full parties will notify the Committee which issues identified above will be stipulated, in part or in total, and which parties support the stipulations. If there are issues for which opposing testimony will be presented at the public hearing, the proponent of that testimony is required to submit a prehearing statement when the stipulation is filed with the Committee. These statements are to identify which issues, if any, that party will address during the public hearing and identify any evidence to be proffered, along with whether the parties agree to have the proposed evidence admitted into evidence without challenge. In the event of a global stipulation by the parties, an executed stipulation with supporting affidavits and any other supporting evidence are to be filed by that date. Any prehearing statements or filings are to be served on the full service list.

All filings shall use the following structure:

1. Each filing will have pages numbered in sequence starting with the first page and including all exhibits and attachments.
2. All prefilled testimony will identify the issue(s) being addressed by reference to the issues set forth above and, to the extent possible, that testimony will be presented so the issues are addressed in the same order as set forth above.
3. The prehearing statements will identify the position of the party on each issue,

including where the party takes no position on an issue. For each issue, the party will identify, in the order above and with citations, the testimony or document they rely upon to support the position advocated.

4. Each filing of prefilled testimony and prehearing statement will be accompanied by a copy of the filing in electronic format and in MS Word format.

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

**ORDERED**, that the procedural schedule noted above is adopted for the duration of this proceeding, subject to change as may be ordered by the Committee; and it is

**FURTHER ORDERED**, that the full-party interventions of the parties listed herein are granted; and it is

**FURTHER ORDERED**, that the issues set forth above are the only matters to be addressed in the docket and the parties are on notice that each of the issues is to be addressed; and it is

**FURTHER ORDERED**, that this order shall be served on the official service listed and posted on the NDFC page of the web page of the Public Utilities Commission; and it is

**FURTHER ORDERED**, as provided in RSA 541-A:30-a, that adjudicative proceedings of the Committee shall be conducted pursuant to the model rules prepared by the Attorney General until Interim Rules for the Committee are in effect.

By order of the Nuclear Decommissioning Financing Committee this  
fourteenth day of August, 2006.

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Thomas B. Getz  
Chairman