

NDFC DOCKET 2005-1

**FPL ENERGY SEABROOK, LLC IN ITS CAPACITY AS MANAGING AGENT
OF THE SEABROOK NUCLEAR POWER STATION**

Order *Nisi* Approving Escrow Agreement

ORDER NO. 3

January 27, 2006

The Committee previously approved of the use of a certain Escrow Agreement dated April 16, 2004, for the deposit of funds into escrow accounts by the joint owners of the Seabrook Nuclear Power Station (Seabrook Station) as a funding assurance pursuant to RSA 162-F. *See* NDFC Docket 2003-1, Order No. 4. The petitioner, FPL Energy Seabrook, LLC (FPLE Seabrook), in its capacity as Managing Agent of the Seabrook Station, has requested approval of modifications to the Escrow Agreement (First Amended and Restated Escrow Agreement), a copy of which is available for review at the offices of the Public Utilities Commission in Concord, NH. The Committee finds that the proposed modifications are appropriate and that the First Amended and Restated Escrow Agreement should be approved.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, the First Amended and Restated Escrow Agreement is approved for use in the form as submitted by FPLE Seabrook upon execution by the parties to the agreement;

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 31, 2006 and to be documented by affidavit filed with this office on or before February 6, 2006; and it is

FURTHER ORDERED, that FPLE Seabrook shall notify all parties to this docket of this Order *Nisi* and all persons interested in responding to this Order *Nisi* may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 6, 2006, for the Committee's consideration; and it is

FURTHER ORDERED, that FPLE Seabrook may notify the parties to this docket by email; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 10, 2006; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective February 8, 2006, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that within thirty (30) days of effective date of this Order *Nisi* approving the First Amended and Restated Escrow Agreement, FPLE Seabrook shall file, or cause to be filed, with the Committee a copy of the First Amended and Restated Escrow Agreement, fully executed by all parties.

By order of the New Hampshire Nuclear Decommissioning Financing Committee this twenty-seventh day of January, 2006.

Thomas B. Getz
Chairman