

**THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
DOCKET NO. NDFC 2010-1**

ORDER NO. 1

On March 19, 2010, the Nuclear Decommissioning Financing Committee (Committee or NDFC) issued an Order of Notice (OON), establishing April 28, 2010, for the initial pre-hearing conference in this proceeding. Timely notice of the OON was published in *The Union Leader* and the *Hampton Union*, and posted in Seabrook, New Hampshire.¹ The pre-hearing conference was held at the Public Utilities Commission in Concord 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

NextEra Energy Seabrook LLC (NextEra) appeared as Managing Agent for Seabrook Nuclear Power Station (Seabrook Station) and as representative of Taunton Municipal Lighting Plant (Taunton) and the Hudson Light and Power Department (Hudson). The Massachusetts Municipal Wholesale Electric Company (MMWEC) will be represented by separate counsel.² These four entities are the only owners of Seabrook Station. The Committee recognizes the right of the Seabrook Station owners to participate in the docket and all owners are recognized as full parties in this docket. Further, the Committee will recognize NextEra, in its capacity as Managing

¹ A certificate of publication was submitted at the pre-hearing conference on April 28, 2010. The notices were published in the newspapers on March 26, 2010.

² Due to a sudden illness, counsel for MMWEC was unable to participate in the pre-hearing, but he confirmed by telephone MMWEC's intent to participate in the docket.

Agent, as the representative of Taunton and Hudson, until those parties appear to represent their own interests.

SCHEDULE

At the prehearing conference, the parties agreed to the following procedural schedule. The Committee adopts it for this docket, noting that public notice will be given of any changes.

1. Pre-hearing Conference	April 28
2. Pre-hearing Conference (10:30 am)	June 16
3. Last interrogatories served on FPLE	June 25
4. Last interrogatories responded to by FPLE	July 7
5. Pre-hearing conference (10:00 am)	July 14
6. Intervenor pre-file testimony	July 14
7. Last interrogatories served on intervenors	July 12
8. Last interrogatories responded to by intervenors	July 19
9. Pre-hearing conference (10:00 am)	August 11
10. Stipulation of Issues finalized and filed with NDFC	August 18
11. Public hearing	September 8
12. Post-hearing briefs	September 14
13. Reply briefs	September 17
14. Preliminary Report and Order	September 24
15. Final hearing (Seabrook public hearing)	October 26
16. Final Report and Order of Committee	November 9
17. Order Approving 2008 Schedules of Payment	December 30

Discovery will be ongoing. Pre-hearing conferences will be held at the Public Utilities Commission in Concord, unless otherwise agreed to by the parties. The September 8, 2010 public hearing will begin at 1:00 p.m. at the offices of the Public Utilities Commission in Concord. The October 26, 2010 public hearing in Seabrook will begin at 7:00 p.m at a location to be announced. The Committee will provide as much advance notice as possible if either hearing dates must be changed.

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 will provide an agreement on the evidence to be presented to the Committee. 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 present a written statement of any issue on which there are differing positions.

SCOPE

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 proposed that the following issues comprise the scope of the issues to be considered in this proceeding.

1. Whether the assumed short-term rates of return for cash and cash equivalents for the Funding Assurance Escrow are appropriate.
2. Whether the assumed rates of return for long term bond and cash investments are appropriate.
3. Whether the assumed equity rates of return used in calculating the schedule of payments are appropriate.
4. Whether to grant the request of NextEra, Taunton and Hudson that the NDFC should provide recognition of the March 2009 settlement between the Seabrook Owners and the U.S. Department of Energy when establishing future decommissioning funding obligations.
5. Establish the requirements for the 2011 Seabrook Annual Report.

6. Whether NextEra Energy Seabrook, MMWEC, Taunton, and Hudson should make all or part of their 2011 payments into the escrow account or into the Trust.
7. Review the status of governmental and commercial alternatives to the long term storage at Seabrook Station of Spent Nuclear Fuel (SNF) and Greater Than Class C nuclear waste.
8. Review the financial performance of FPL Group in relation to the decommissioning funding assurance provided by FPL Group and FPL Group Capital.
9. Review the adequacy of the funding assurance obligations of each Seabrook Station owner.
10. Review the status of the Independent Spent Fuel Storage Installation.
11. Establish the 2011 schedules of payments.

The issues set forth in the list will provide for a comprehensive review as required by RSA 162-F:22. The issues include those directed by the NDFC to be included in this docket (See NDFC Docket 2009-1 Final Report and Order). It is noted that in 2011 the Committee will conduct a comprehensive review of the Decommissioning Plan for Seabrook Station, which will include a review of all assumptions employed in determining the schedules of payments for each owner of Seabrook Station. Accordingly, the proposed list constitutes the scope of the docket.

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. Witnesses the parties propose to present at the public hearing are to be identified as part of the pre-hearing stipulation. 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. The stipulation with supporting affidavits and any other supporting evidence is to be filed with the Committee by the date set forth above. An executed copy of the stipulation is to be presented to the Committee on the date of the public hearing. 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 pre-filed 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 it relies on to support the position advocated.
4. Each filing of pre-filed testimony and prehearing statement will be accompanied by a copy of the filing in electronic format and in MS Word format.

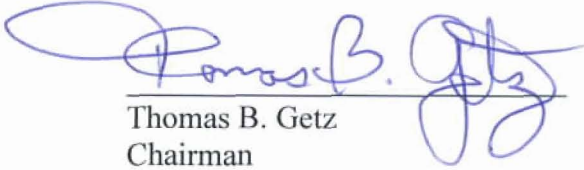
Based on the foregoing, it is hereby

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

FURTHER ORDERED, that the full-party interventions of the parties listed herein are granted; 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.

By order of the Nuclear Decommissioning Financing Committee this sixth
day of May, 2010.


Thomas B. Getz
Chairman