

THE STATE OF NEW HAMPSHIRE  
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE  
DOCKET NO. NDFC 2020-01

**ORDER NO. 1**

On July 16, 2020, the Nuclear Decommissioning Financing Committee (Committee or NDFC) issued an Order of Notice (OON). The initial pre-hearing conference was conducted telephonically on July 23, 2020 for the purpose of taking appearances from parties interested in participating in the proceeding, establishing a proposed procedural schedule, and receiving the views of full parties to the proceeding concerning the issues to be addressed in the docket. Timely notice of the OON was published in *The New Hampshire Union Leader* and the *Hampton Union* on July 20, 2020 and July 21, 2020, respectively, and posted at the Seabrook Town Hall on July 16, 2020. An Affidavit of Publication dated July 22, 2020 was provided by the Managing Agent.

**APPEARANCES**

On July 23, 2020, 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) appeared and will be represented by separate counsel. No other entities or individuals sought to intervene. 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 Agent, as the representative of Taunton and Hudson, unless and until those parties appear to represent their own interests.

## **SCHEDULE**

At the pre-hearing conference the parties agreed to the following procedural schedule. The Committee adopts it for this docket, noting that the hearing dates may be changed to accommodate the schedules of Committee members or to otherwise address administrative conflicts.

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| 1. Pre-hearing Conference (3:00 pm)                             | July 23, 2020      |
| 2. Last interrogatories served on NextEra                       | August 7, 2020     |
| 3. Last interrogatories responded to by NextEra                 | August 14, 2020    |
| 4. NextEra circulates draft of Stipulation of issues to parties | August 21, 2020    |
| 5. Parties provide edits/comments on draft                      | August 28, 2020    |
| 6. NextEra circulates second draft of Stipulation to parties    | September 4, 2020  |
| 7. Stipulation of Issues finalized and filed with NDFC          | September 16, 2020 |
| 8. Intervenors' pre-file testimony                              | September 23, 2020 |
| 9. Last interrogatories served on intervenors                   | September 25, 2020 |
| 10. Last interrogatories responded to by intervenors            | October 2, 2020    |
| 11. Public hearing (Concord public hearing)                     | TBD                |
| 12. Post-hearing briefs   | TBD                |
| 13. Reply briefs  | TBD                |
| 14. Preliminary Report and Order                                | TBD                |
| 15. Final hearing (Seabrook public hearing) (7 pm)              | TBD                |
| 16. Final Report and Order of Committee                         | TBD                |
| 17. Order Approving 2021 Schedules of Payment                   | TBD                |

Discovery will be ongoing. Pre-hearing conferences will be held at the Public Utilities Commission in Concord, unless conducted as webinars as agreed to by the parties. A notice of the

time and place of the public hearings shall be posted in the Town Hall of Seabrook and shall be printed in the New Hampshire Union Leader and Hampton Union two weeks prior to each hearing in accordance with RSA 162-F:21.IV. In the event that the public hearings are held remotely as a result of the COVID-19 pandemic, they shall be conducted in accordance with the New Hampshire Attorney General's remote meeting guidelines and instructions on how to participate will be made in a public notice.

The procedural schedule provides for a full evidentiary hearing to address all issues in the docket. On or before September 16, 2020, the parties will provide an agreement on the evidence to be presented to the Committee, which will be presented as a stipulation of the parties. Further, the parties agreed to identify, before the public hearing, 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 and NDFC counsel proposed that the following issues comprise the scope of the issues to be addressed by the parties in this proceeding. The Committee members may expand the scope with notice to the parties prior to the public hearing, and may examine any issue, regardless of whether it is identified by this Order or otherwise before either public hearing, as part of the hearing process.

1. Review the fund performance, including a comparison of revised projected fund balances with the projections recognized in Docket 2019-1.
2. Determine whether the assumed rate of return for the Seabrook Nuclear Decommissioning Trust equity investments of 8.50% is appropriate.
3. Determine whether the assumed rates of return on Core and Core Plus fixed income investments of 4.25% and 4.45%, respectively, are appropriate.
4. Determine whether the assumed rate of return on cash of 2.25% is appropriate.
5. Determine whether all or any portion of the balance of NextEra's Escrow fund should be released.
6. Determine whether the assumed rate of return on any balance remaining in the Escrow fund should be reduced from 1.50% to 0.25% as requested by the Joint Owners.
7. Establish the schedule of payments starting January 1, 2021, based on the projected cost of decommissioning and the fund performance.
8. Review the adequacy of Funding Assurances, including the funding assurance escrow established in NDFC Docket 2003-1.
9. Determine whether the Seabrook owners should make all or part of their 2021 payments, if required, into the escrow account or into the Trust.
10. Review any changes in LLRW disposal, processing, cost, vendor, or on-site storage.
11. Review the status of governmental and commercial alternatives to the long-term storage of spent nuclear fuel and Greater Than Class C nuclear waste.
12. Review the operational performance of Seabrook Station.
13. Establish the requirements for the 2021 Seabrook Annual Report.
14. Review of the Funding Assurance Triggers.

The proposed list of issues set forth above will provide for an annual review as required by RSA 162-F:22, II and constitutes the scope of the docket.

As part of the stipulation of the parties, the full parties will notify the Committee of the position of each party on each issue. Witnesses that the parties propose to present at the public hearing are to be identified as part of the 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 pre-hearing statement when the stipulation is filed with the Committee. These statements are to identify which issues 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 first public hearing. Any pre-hearing 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 pre-hearing 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 pre-hearing statement will be accompanied by a copy of the filing in electronic format and in MS Word format.

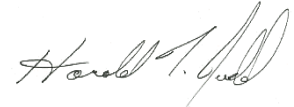
**Based on the foregoing, it is hereby**

**ORDERED**, that the procedural schedule noted above is adopted for the duration of this proceeding, subject to change as may be ordered by the NDFC; 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 (<http://www.puc.state.nh.us/home/ndfc.htm>).

By order of the Nuclear Decommissioning Financing Committee this the 31<sup>st</sup> day of July, 2020.



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Harold T. Judd  
Hearing Officer