

**THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING
COMMITTEE DOCKET NO. NDFC 2023-1**

ORDER NO. 1

On June 14, 2023, the Nuclear Decommissioning Financing Committee (“Committee” or “NDFC”) issued an Order of Notice (“OON”). The initial pre-hearing conference was conducted on June 20, 2023 at the New Hampshire Department of Energy, 21 South Fruit Street, Concord, New Hampshire 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 posted at the Seabrook Community Center in Seabrook, New Hampshire on June 16, 2023.

APPEARANCES

On June 20, 2023 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”) was not present and will be represented by separate counsel. No other entities or individuals sought to intervene. These four entities are the sole 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 are present 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.

1. Pre-hearing Conference (10:00 am). June 20, 2023
2. Last interrogatories served on NextEra. June 27, 2023
3. Last interrogatories responded to by NextEra. July 5, 2023
4. NextEra circulates draft of Stipulation of the Full Parties July 12, 2023
5. Parties provide edits/comments on draft Stipulation. July 19, 2023
6. NextEra circulates second draft of Stipulation of the Full Parties. July 26, 2023
7. Pre-hearing Conference (10AM). August 2, 2023
8. Stipulation of Issues finalized and filed with the NDFC. August 9, 2023
9. Intervenors pre-file testimony. August 16, 2023
10. Last interrogatories served on Intervenors. August 23, 2023
11. Last interrogatories responded to by Intervenors. August 30, 2023
12. Public Hearing (Concord Public Hearing). September 13, 2023
13. Post-hearing briefs. September 20, 2023
14. Reply briefs. September 27, 2023
15. Preliminary Report and Order. October 2, 2023
16. Final hearing (Seabrook Public Hearing) (7PM). October 16, 2023
17. Final Report and Order of the Committee. October 23, 2023
18. Order Approving 2023 Schedules of Payments. October 30, 2023

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 the *Seacoast Classified Ads* two weeks prior to each hearing in accordance with RSA 162-F:21.IV.

The procedural schedule provides for a full evidentiary hearing to address all issues in the docket. On or before August 9, 2023, 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, any 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.

SCOPE

Every four years, the Committee shall meet to review the fund and may increase or decrease the projected cost of decommissioning the facility and the schedule of payments into the fund. Reasons for increasing or decreasing the projected cost of decommissioning and schedule of payments include, but are not limited to, changes in owner or owners, the financial condition of an owner or owners, need, safety, reliability, technology, or other changes in circumstances. RSA 162- F:22, I. This four-year review, known as the comprehensive review, will be conducted as part of NDFC Docket 2023-1.

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 attending the June 20, 2023 pre-hearing conference 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 2023 Decommissioning Cost Analysis pursuant to the Final Report and Order of Docket 2021.
2. Determine whether the funding date of 2050 is still appropriate for each joint owner.
3. Determine whether any adjustment to the scope of decommissioning to meet the commercial-industrial standard is appropriate.
4. Determine whether the assumed rates of return for all investments in the Decommissioning trusts are appropriate.
5. Determine whether the assumed short-term rates of return for cash and cash equivalents for the Funding Assurance Escrow are appropriate.
6. Determine whether the Decommissioning Trust investment allocation targets, including the $\pm 3\%$ target bandwidth tolerances, are appropriate as inputs to the schedule of payments, or if a change should be recommended to the State Treasurer.
7. Review the 2023 Decommissioning Cost Escalation Study and determine whether the current approved decommissioning cost escalation rate is appropriate or should be changed.
8. Determine whether the assumed inflation rate used in the Schedule of Payments is appropriate.
9. Determine whether the decommissioning period liquidity coverage ratios are appropriate and whether funding schedules conform to the required coverage ratios.
10. Review the performance of the fund and funding assurances and determine whether any changes are appropriate.
11. Review the Support Agreement between NextEra Energy Seabrook and NextEra Energy Capital Holdings and whether updating of the amount specified in the agreement is necessary.
12. Review the status of the Independent Spent Fuel Storage Installation.

13. Review of 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 and the terms and conditions under which NextEra would ship Seabrook Station’s spent nuclear fuel to an interim facility, if available.
14. Review insights and lessons learned from other ongoing decommissioning projects and whether relevant experience and insights have been appropriately accounted for in the Seabrook decommissioning plan, cost estimate, and funding schedule.
15. Review the assumptions made in the 2023 Decommissioning Cost Analysis for the disposal of decommissioning generated Low Level Radioactive Waste and whether they are appropriate.
16. Review any updated information on NextEra’s 2019 analysis of the effects of climate change on the operational life of Seabrook Station including sea level rise, higher ocean temperatures and any other impacts.
17. Review the impact on Seabrook’s operational life, if any, if the CMP corridor project is completed.
18. Review the operational performance of Seabrook Station.
19. Establish the requirements for the 2024 Seabrook Annual Report.
20. Establish the 2024 schedules of payments. If any payments into the Decommissioning fund are required for 2024, determine whether they should go into the Escrow account or into the Trust.

The issues set forth above will provide for a comprehensive review as required by RSA 162-F:22, I. Accordingly, the proposed list 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 should testify 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.

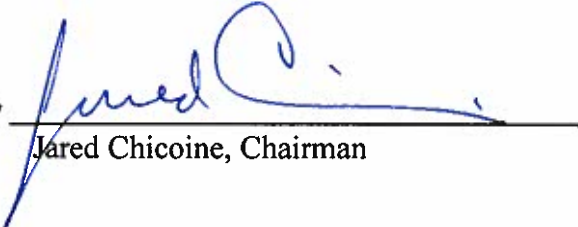
Based on the foregoing, it is hereby

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 website of the Public Utilities Commission (<http://www.puc.state.nh.us/home/ndfc.htm>).

By order of the Nuclear Decommissioning Financing Committee this the 19th of July, 2023.

By 
Jared Chicoine, Chairman