

**THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
DOCKET NO. NDFC 2024-01**

ORDER NO. 1

On February 7, 2024, the Nuclear Decommissioning Financing Committee (“Committee” or “NDFC”) issued an Order of Notice (“OON”). The initial pre-hearing conference was conducted on March 12, 2024, by webinar, 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* on February 12, 2024 and the *Seacoast Classified Ads* on February 13, 2024, and posted at the Seabrook Community Center on February 9, 2024. An Affidavit of Publication dated February 7, 2024, was provided by the Managing Agent.

APPEARANCES

On March 12, 2024, 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 (10 AM) | March 12, 2024 |
| 2. NextEra files 2024 annual report | May 31, 2024 |
| 3. Last interrogatories served on NextEra | June 5, 2024 |
| 4. Last interrogatories responded to by NextEra | June 10, 2024 |
| 5. NextEra circulates draft of Stipulation of issues to parties | June 12, 2024 |
| 6. Parties provide edits/comments on draft | June 17, 2024 |
| 7. NextEra circulates second draft of Stipulation to parties | June 19, 2024 |
| 8. Pre-hearing conference (10 AM) | June 21, 2024 |
| 9. Stipulation of Issues finalized and filed with NDFC | June 25, 2024 |
| 10. Intervenors' pre-file testimony | June 28, 2024 |
| 11. Last interrogatories served on intervenors | July 1, 2024 |
| 12. Last interrogatories responded to by intervenors | July 2, 2024 |
| 13. Public hearing (Concord public hearing) | July 16, 2024 |
| 14. Post-hearing briefs | July 19, 2024 |
| 15. Reply briefs | July 22, 2024 |
| 16. Preliminary Report and Order | July 29, 2024 |
| 17. Final hearing (Seabrook public hearing) | September 10, 2024 |
| 18. Final Report and Order of Committee | September 20, 2024 |
| 19. Order Approving 2025 Schedules of Payment | September 20, 2024 |

Discovery will be ongoing. Pre-hearing conferences will be held at the Department of Energy in Concord, New Hampshire, 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 June 11, 2024, 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 2023-1.
2. Determine whether the assumed rates of return for the Seabrook Nuclear Decommissioning Trust equity investments, Core and Core Plus fixed income investments, and cash are appropriate.
3. Determine whether the assumed rate of return on any balance remaining in the Escrow fund of 0.25% is appropriate.

4. Establish the schedule of payments starting January 1, 2025.
5. Review the adequacy of Funding Assurances for each Seabrook Owner.
6. Review any changes in Low Level Radiological Waste disposal plan, including processing, cost, vendor, or on-site storage.
7. Review the status of governmental and commercial alternatives to the long-term storage of spent nuclear fuel and Greater Than Class C nuclear waste.
8. If completed, a summary of NextEra's update of the ocean temperature and flooding analyses for the effects of climate change in accordance with the Final Report and Order in Docket 2023-01.
9. Review the operational performance of Seabrook Station.
10. Establish the requirements for the 2025 Seabrook Annual Report.

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 entire 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.

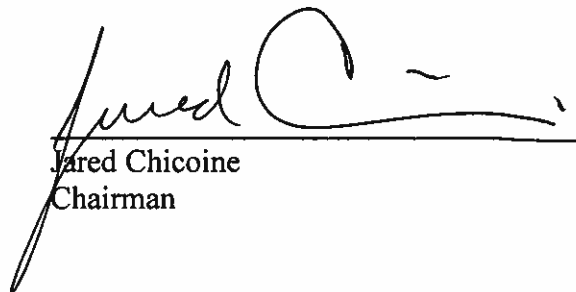
Based on the foregoing, it is hereby

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 list and posted on the NDFC page of the web page of the Department of Energy (<https://www.energy.nh.gov/nuclear-decommissioning-financing-committee>).

By order of the Nuclear Decommissioning Financing Committee this the 20th day of March, 2024.



Jared Chicoine
Chairman