

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Joint Petition of NorthStar Decommissioning )  
Holdings, LLC, NorthStar Nuclear )  
Decommissioning Company, LLC, NorthStar )  
Group Services, Inc., LVI Parent Corp., NorthStar )  
Group Holdings, LLC, Entergy Nuclear Vermont )  
Investment Company, LLC, and Entergy Nuclear )           Docket No. 8880  
Operations, Inc., and any other necessary )  
affiliated entities to transfer ownership of Entergy )  
Nuclear Vermont Yankee, LLC, and for certain )  
ancillary approvals, pursuant to 30 V.S.A. §§ 107, )  
231, and 232 )

**STATUS UPDATE AND PROPOSED SCHEDULE FOR PROCEEDINGS SUBMITTED  
BY NEC AS OF FEBRUARY 21, 2018**

The New England Coalition submits this filing to provide a status update and a proposed schedule for this proceeding.

NEC has participated in multiple negotiation sessions regarding possible resolution of this proceeding. NEC continues to hope that this proceeding will be resolved by an agreement that is entered into by all parties.

One proposed schedule is submitted to address the procedure that would apply in the event all parties sign an MOU. A second schedule is submitted if some but not all parties enter into a settlement agreement.

**ALTERNATIVE 1 – Agreement Signed by All Parties**

If a proposed MOU is filed that is signed by all parties, NEC proposes that the Commission thereupon schedule this matter for public (non-evidentiary) hearing, and opportunity for the Commission to request prefiled testimony or memoranda addressing any concerns or questions the Commission may have. The Commission then can decide whether an evidentiary hearing is needed.

ALTERNATIVE 2 – Agreement Signed by Less Than All Parties

Joint Petitioners have expressed their need for a rapid decision. If that is to occur, NEC needs to ensure that delivery of attachments to discovery and to prefiled testimony, including attachments that are under seal, does not occur after the established due dates. Late service of attachments has occurred in the proceedings up to now and has caused problems for NEC. These delays would become prejudicial on an expedited schedule.

NEC also is concerned that discovery responses have not been adequately responsive, and on an expedited schedule this threatens their ability to participate.

NEC also needs to ensure that the Commission expeditiously addresses claims of confidentiality prior to deposition, and prior to submission of rebuttal testimony. NEC believes that significant amounts of information have been filed, to date, under seal when sealing has not been necessary. This too has caused problems with NEC, because materials under seal cannot be shared with NEC's Board of Directors or the affected community.

The following proposed orders are submitted to address these concerns if further proceedings are to occur on an expedited schedule.

1. Every discovery response and every filing with the Commission of every document, including all attachments (and all matters under seal, as to persons who have executed protective agreement) shall be delivered to all other parties and to all expert witnesses by the filer on the date due or the date filed, whichever is sooner, no later than 4:30 pm, including all attachments. The server or filer must either arrange in-person delivery prior to 4:30 or electronic delivery prior to 4:30.

2. All discovery and all filings shall be served not only on the parties of record but on their designated experts, if that party chooses to have its experts directly served (NEC does).

3. The parties are encouraged to refrain from filing testimony or attachments to testimony under seal without delivery to all parties 5 days prior to filing, so that parties that do not agree that the materials require confidential filing, or do not agree to the level of confidentiality sought, can file their objection within two business days after the materials are filed. If there has been no such delivery prior to filing, then any party objecting to confidential treatment, or to the level of confidentiality, may file their objection within 5 business days after filing of the material.

4. The requirement of VRCP 37 that the parties confer prior to filing of motions to compel shall be satisfied by the submission of reasonably complete emails, which shall be responded to within 24 hours. Motions to compel shall be filed within 5 business days of receipt of discovery; responses to motions to compel shall be filed within 5 business days of the filing of the motion.

5. When ruling on objections to confidentiality, and motions to compel, the Commission or its hearing officer shall also consider whether it is appropriate to extend any subsequent deadlines because of any delay in obtaining information or obtaining information without confidentiality or with reduced confidentiality.

If such orders are granted, the following schedule would be feasible for NEC:

Day one	MOU filed with PUC
10 business days later	PFT in support of MOU
10 business days later	discovery on PFT, Public Hearing
10 business days later	responses to discovery
7 business days later	depositions of witnesses completed
10 business days later	PFT in opposition to MOU
5 business days later	discovery on opposition PFT

10 business days later            responses to discovery

Hearings

10 business days after  
hearing transcripts released to public    Briefs and Proposed FoF due

7 business days later                      Responsive Brs & FoF

Date: 2/21/18

/s/        JAD  
James A. Dumont, Esq  
Attorney for New England Coalition.