

RALPH M. HALL, TEXAS
MICHAEL BILIRAKIS, FLORIDA
VICE CHAIRMAN
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
PAUL E. GILLMOR, OHIO
NATHAN DEAL, GEORGIA
ED WHITFIELD, KENTUCKY
CHARLIE NORWOOD, GEORGIA
BARBARA CUBIN, WYOMING
JOHN SHIMKUS, ILLINOIS
HEATHER WILSON, NEW MEXICO
JOHN B. SHADDEG, ARIZONA
CHARLES W. "CHIP" PICKERING, MISSISSIPPI
VICE CHAIRMAN
VITO FOSSELLA, NEW YORK
ROY BLUNT, MISSOURI
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
CHARLES F. BASS, NEW HAMPSHIRE
JOSEPH R. PITTS, PENNSYLVANIA
MARY BOND, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE FERGUSON, NEW JERSEY
MIKE ROGERS, MICHIGAN
C.L. "BUTCH" OTTER, IDAHO
SUE MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

JOE BARTON, TEXAS
CHAIRMAN

October 11, 2006

JOHN D. DINGELL, MICHIGAN
RANKING MEMBER
HENRY A. WAXMAN, CALIFORNIA
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
EDOLPHUS TOWNS, NEW YORK
FRANK PALLONE, Jr., NEW JERSEY
SHERROD BROWN, OHIO
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
ALBERT R. WYNN, MARYLAND
GENE GREEN, TEXAS
TED STRICKLAND, OHIO
DIANA DeGETTE, COLORADO
LOIS CAPPS, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
TOM ALLEN, MAINE
JIM DAVIS, FLORIDA
JAN SCHAKOWSKY, ILLINOIS
HILDA L. SOLIS, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS

BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Stan Wise
Chairman
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334

Dear Chairman Wise:

We appreciated your testimony before the House Subcommittee on Energy and Air Quality on September 13, 2006, and share your concerns about the Department of Energy's (DOE) high level nuclear waste program and the costs ratepayers have been forced to bear despite years of delay.

We understand that in your testimony before the House Subcommittee on Energy and Water Development on September 13, 2006, you stated "Some state commissions, including the Georgia Public Service Commission (Georgia PSC), have initiated proceedings to investigate the possibility of ordering its utilities escrow their NWF [Nuclear Waste Fund] payments."

In its "Notice of Inquiry into Issues Concerning Ratepayer Payments to the Nuclear Waste Fund,"¹ the Georgia PSC raised a number of very pertinent questions. The notice listed a variety of costs that ratepayers and utilities are paying in connection with the protracted delay in the repository program. It also solicited public comment on a number of questions, including whether the Georgia PSC could suspend ratepayer payments to utilities for the Nuclear Waste Fund, and whether the Georgia PSC could order the utilities to place such payments in an escrow account.

At the September 13, 2006, hearing, Edward Sproat, DOE's Director of Office of Civilian Radioactive Waste Management, testified that the Department hopes to file a license application with the Nuclear Regulatory Commission by 2008, and to open the repository by 2017. This confirms that, absent any change in law, utilities and their ratepayers will continue to face substantial costs related to nuclear waste storage for some time.

¹ Notice of Inquiry into Issue Concerning Ratepayers Payments to the Nuclear Waste Fund, May 16, 2000, Docket Number 12269-U.

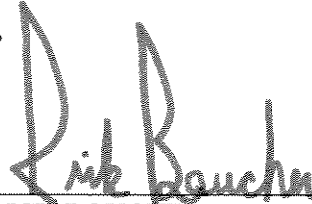
The Honorable Stan Wise
Page 2

As noted in your testimony before both subcommittees, although various proposals affecting the Nuclear Waste Fund are pending before Congress, it is not clear whether legislation providing near-term relief to ratepayers will be enacted. In order to assist members in understanding the Georgia PSC's concerns about the repository program, and its options for protecting ratepayers, we would appreciate your responding to the attached questions by Wednesday, November 1, 2006.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND COMMERCE



RICK BOUCHER
RANKING MEMBER
SUBCOMMITTEE ON ENERGY
AND AIR QUALITY

Attachment

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality

Questions for Chairman Wise

1. What is the procedural status of the Georgia PSC's Notice of Inquiry concerning Nuclear Waste Fund payments? What, if any, actions has the Georgia PSC taken based on what it learned in this proceeding?
2. Are you aware of any similar inquiry undertaken by other States?
3. Does the Georgia PSC have the authority to suspend ratepayer payments that would otherwise be due in connection with utilities' obligations with respect to the Nuclear Waste Fund (under contracts they entered into with DOE pursuant to the Nuclear Waste Policy Act of 1982)?
4. Does the Georgia PSC have authority to place into an escrow account utility payments that would otherwise be made into the Nuclear Waste Fund? If so, please indicate how and by whom such an account should be administered.
5. Has the Georgia PSC reached any conclusions about the risks utilities might face if payments into the Nuclear Waste Fund were suspended, as outlined in Question 6 of its Notice of Inquiry?
6. Section 302(a) (4) of the Nuclear Waste Policy Act of 1982 directs the Secretary of Energy to annually review the amount of fees required to provide sufficient revenues for the repository program. This provision also directs the Secretary to adjust the fee in the event he or she "determines that either insufficient or excess revenues are being collected."

In light of the substantial existing balance in the Nuclear Waste Fund (currently more than \$19 billion), do you believe the Secretary should adjust or suspend the fee that utilities currently are required to pay into the Fund? If so, how much of a reduction would be appropriate, and how long should such a reduction or suspension of payments last?