

## MEMORANDUM

To: Parties in PSB Docket No. 7404

From: Susan M. Hudson, Clerk of the Board

Re: Dkt. 7404: Amended Petition for transfer of control of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., and related transactions

Date: April 2, 2010

---

The Public Service Board ("Board") requests that the parties advise the Board as to how the parties wish to proceed in this docket. The Board notes the related decision of the New York Public Service Commission on March 25, 2010, to reject an amended petition related to the proposed spin-off by Entergy Corporation of Enexus Energy Corporation ("Enexus"), a new corporation whose principal assets will consist of the ownership through subsidiaries of six merchant nuclear plants, including Vermont Yankee and three nuclear plants located in New York.

Specifically, the Board requests that EVY, ENO and Enexus (collectively, "Petitioners") advise it as to whether they intend to withdraw or further amend the petition in light of the decision by the New York Public Service Commission. The Department of Public Service ("Department") should also advise the Board whether it continues to pursue its motion to stay the proceedings that it filed on February 3, 2010.

The admitted evidentiary record in this docket currently does not include filings by the parties since July 2008. As such, any Board action on the amended petition will require the admission into the record of subsequent filings that may be relevant to a determination by the Board. If the Petitioners do not intend to withdraw or further amend the petition, the parties should advise the Board if any of them have any objection to the admission into the record of (i) the Memorandum of Understanding, dated October 6, 2009, between the Petitioners and the Department and the attachments thereto, (ii) the supplemental prefiled testimony of Dean Keller and Jay Thayer and the exhibits thereto, filed with the Board on October 26, 2009, (iii) the responses to the Board's inquiries of November 20, 2009, filed by the Petitioners on December 9, 2009, and the Department on December 24, 2009,

including the attachments thereto, and (iv) Amendment No. 5 to Form 10 filed by Enexus with the Securities and Exchange Commission on November 20, 2009. The parties should also advise the Board if there are any additional filed materials that they believe should be included in the evidentiary record.

The Board requests responses from the parties by April 13, 2010.