

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of a Joint LEPGP Site Permit,
HVTL Route Permit and Pipeline (Partial
Exemption) Route Permit Application for
the Mesaba Energy Project

SECOND PREHEARING ORDER

A telephone prehearing conference was held January 31, 2007, before Administrative Law Judges Steve M. Mihalchick and Bruce H. Johnson to address scheduling changes made necessary by delay in the EIS process. The following persons noted their appearances:

Byron E. Starns and Matthew B. Seltzer, Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, appeared on behalf of Excelsior Energy, Inc. (Excelsior Energy).

Christopher B. Clark, Assistant General Counsel, Xcel Energy, 414 Nicollet Mall, Fifth Floor, Minneapolis, MN 55401, and Thomas Erik Bailey, Briggs and Morgan, P.A., 2200 I.D.S. Center, 80 South 8th Street, Minneapolis, MN 55402, appeared on behalf of Xcel Energy.

Karen Finstad Hammel, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, appeared on behalf of the Department of Commerce (the DOC) along with William Cole Storm and Jeffrey Haase of the DOC.

Carol Overland, Overland Law Office, 402 Washington St., Northfield, MN 55057-2467, appeared on behalf of minncoalgasplant.com.

Robert Cupit, Senior Facility Planner, Minnesota Public Utilities Commission, 121 East Seventh Place, Suite 350, St. Paul, MN 55101-2147, named as Commission's Representative in this matter, appeared on behalf of the Public Utilities Commission (the Commission or PUC).

Richard Hargis of the National Energy Technology Laboratory (NETL) of the U.S. Department of Energy also participated.

Based on the discussions during the prehearing conference and upon all of the files, the Administrative Law Judges make the following:

ORDER

1. Excelsior Energy proposed a revised schedule to accommodate the revised tentative dates for the Joint Draft EIS and Joint Final EIS. With some minor changes, the participants agreed to the proposal. Based thereon, the following schedule is adopted:

Date	Event
January 15, 2007	Excelsior's prefiled direct testimony
January 15, 2007 to hearing	Discovery
February 12, 2007	Deadline for petitions to intervene and requesting non-party participant status (7 days to object)
March 15, 2007	Excelsior's Supplemental Filing; Other parties' prefiled direct testimony
March 15, 2007	Deadline for dispositive and other significant motions (7 days to reply)
April 14, 2007	Draft Environmental Impact Statement ("EIS") available (if draft EIS will not be available on April 14, 2007 dates shown below after April 14, 2007 will be adjusted as necessary)
April 16, 2007	Prefiled Rebuttal Testimony by all parties
May 1, 2007	Prefiled Surrebuttal Testimony of all parties
May 3-4, 2007	Joint Department of Commerce ("DOC") and Department of Energy ("DOE") public meetings on draft EIS
June 6, 2007	Deadline for written public comments on draft EIS to DOC and DOE
June 18-July 18	Contested Case Hearing (schedule and location of evidentiary and public sessions to be determined; Stage One and Stage Two hearing procedure pursuant to Minn. R. 1405.1500, subp. 2; no sessions July 2-6)

Date	Event
August 1, 2007	Deadline for written public comments to Administrative Law Judge (“ALJ”) for inclusion into record of contested case
August 10, 2007	Initial Briefs and Proposed Findings
August 24, 2007	Reply Briefs
September 28, 2007	Final EIS (if final EIS is not available on September 28, 2007, dates shown below after September 28, 2007 will be adjusted as necessary)
October 3, 2007	Deadline for Comments on adequacy of Final EIS
October 15, 2007	ALJ Report and Recommendation to Minnesota Public Utilities Commission (“PUC”)
November 15, 2007	Exceptions
December 13, 2007	Final PUC Decision
January 14, 2008	State Register publication

2. Excelsior Energy stated that it agreed to the December 13, 2007, date for PUC decision and expressly waived the one year from filing requirement of law.

Dated: February 1, 2007

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge

/s/ Bruce H. Johnson
BRUCE H. JOHNSON
Administrative Law Judge



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February 1, 2007

All Individuals on Attached Service List

Re: *In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project;*
OAH Docket No. 12-2500-17512-2
MPUC Docket No. E-6472/GS-06-668

Enclosed herewith and served upon you by mail is the Administrative Law Judges' Second Prehearing Order in the above-entitled matter. Also enclosed is the new service list.

Sincerely,

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

Telephone: 612-349-2544
steve.mihalchick@state.mn.us

SMM:mo
Encl.

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ALJ's SERVICE LIST February 1, 2007

Re: In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project

Serve one copy of the document or item, unless otherwise indicated, on the following persons. If you E-File a document on the PUC E-Filing system, persons with the E-File notation (**EF**) below need not be served a paper copy, unless otherwise indicated.

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The Honorable Bruce H. Johnson
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In addition to E-filing or paper service, electronic copies should also be e-mailed to the following persons:

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CERTIFICATE OF SERVICE

Case Title: <i>In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project</i>	OAH Docket No. 12-2500-17512-2 MPUC Docket No. E-6472/GS-06-668
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Mary Osborn certifies that on the 2nd day of February, 2007, she served a true and correct copy of the attached **Second Prehearing Order**; by placing it in the United States mail with postage prepaid, addressed to the following individuals:

All Individuals on Attached Service List	