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September 5, 2006

VIA E-MAIL & MESSENGER

The Honorable Steve M. Mihalchick
Office of Administrative Hearings
Suite 1700
100 Washington Square
Minneapolis, MN 55401

**PUBLIC VERSION
TRADE SECRET DATA
HAS BEEN EXCISED**

**Re: In the Matter of a Petition by Excelsior Energy Inc. for Approval of a
Power Purchase Agreement Under Minn. Stat. § 216B.1694, Determination
of Least Cost Technology, and Establishment of a Clean Energy Technology
Minimum Under Minn. Stat. § 216B.1693
MPUC Docket No.: E-6472/M-05-1993
OAH Docket No.: 12-2500-17260-2**

Dear Judge Mihalchick:

Enclosed for filing, please find the original Public Version of Xcel Energy's Notice of Motion and Memorandum to Enforce Protective Order Concerning Trade Secret Designations in regards to the above-referenced docket.

By copy of this letter, all parties on the attached service list have been served with same. Thank you.

Very truly yours,

BRIGGS AND MORGAN, P.A.



Michael C. Krikava

MCK/rjh
Enclosures
cc: The Service List

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

IN THE MATTER OF A PETITION BY
EXCELSIOR ENERGY INC. FOR APPROVAL
OF A POWER PURCHASE AGREEMENT
UNDER MINN. STAT. § 216B.1694,
DETERMINATION OF LEAST COST
TECHNOLOGY, AND ESTABLISHMENT OF A
CLEAN ENERGY TECHNOLOGY MINIMUM
UNDER MINN. STAT. § 216B.1693

PUC Docket No. E6472/M-05-1993
OAH Docket No. 12-2500-17260-2

**XCEL ENERGY'S NOTICE OF MOTION
TO ENFORCE PROTECTIVE ORDER
CONCERNING TRADE SECRET
DESIGNATIONS**

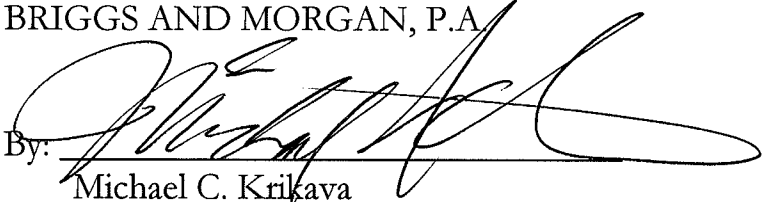
Northern States Power Company, doing business as Xcel Energy ("Xcel Energy"), submits this Motion pursuant to Minn. R. 1400.6600 and Paragraph 3 of the Protective Order adopted by the Administrative Law Judges ("ALJs") in this proceeding on June 5, 2006. By this Motion, Xcel Energy requests that the ALJs (a) require Petitioners Excelsior Energy Inc. and Mesaba 1 LLC (collectively "Mesaba 1 LLC") to adhere to the Protective Order, (b) require written justification for each claim of trade secret, and (c) order disclosure of data consistent with the Protective Order. The ALJs can address any disputed items in an *in camera* review as contemplated by the Protective Order.

This Motion is based upon the accompanying memorandum of law. PLEASE TAKE NOTICE that unless otherwise determined by the ALJs, all responsive filings shall be served within 10 working days of September 5, 2006, pursuant to Minn. R. 1400.6600 and the Protective Order, ¶ 3.

Dated: September 5, 2006

Respectfully submitted,

BRIGGS AND MORGAN, P.A.

By: 

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behalf of Northern States Power
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

IN THE MATTER OF A PETITION BY
EXCELSIOR ENERGY INC. FOR APPROVAL
OF A POWER PURCHASE AGREEMENT
UNDER MINN. STAT. § 216B.1694,
DETERMINATION OF LEAST COST
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UNDER MINN. STAT. § 216B.1693

PUC Docket No. E6472/M-05-1993
OAH Docket No. 12-2500-17260-2

**XCEL ENERGY’S MOTION AND
MEMORANDUM TO ENFORCE
PROTECTIVE ORDER CONCERNING
TRADE SECRET DESIGNATIONS**

I. INTRODUCTION

Northern States Power Company d/b/a Xcel Energy (“Xcel Energy”) hereby moves the Administrative Law Judges (“ALJs”) to enforce the Protective Order. The basis for this motion is that Excelsior Energy Inc. and MEP-1 LLC (collectively “Mesaba 1 LLC”) have designated significant material “trade secret” without adequate grounds. Mesaba 1 LLC’s trade secret designations: (1) are over-broad and contrary to the Data Practices Act and the procedures of the Minnesota Public Utilities Commission (“Commission”); (2) will make it unduly difficult for the ALJs to develop the record; and (3) will preclude public understanding of the issues in this case.

Xcel Energy requests that the ALJs (a) require that Mesaba 1 LLC adhere to the Protective Order, (b) require written justification for each claim of trade secret, and (c) order disclosure of data that is not adequately justified. Xcel Energy also asks that Mesaba 1 LLC be ordered, consistent with Paragraph 3 of the Protective Order,

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to submit to *in camera* review by the ALJs of all data that remains in dispute after the justification process has been completed.¹

II. BACKGROUND

Mesaba 1 LLC petitioned the Commission to order Xcel Energy to enter into a power purchase agreement (the "Mesaba 1 PPA") for the output from its proposed integrated-gasification combined-cycle ("IGCC") power plant ("Mesaba Unit 1"). The key determinations to be made are whether the Mesaba 1 PPA is (or is likely to be) a least cost resource and whether the Mesaba 1 PPA is in the public interest.

In its filings and responses to information requests, Mesaba 1 LLC claims the trade secret designation for data central to assessing the costs and risks of the Mesaba 1 PPA. With limited exceptions, Mesaba 1 LLC did not provide the required justification in support of such a designation. While some documents may contain specific numbers or narrow concepts that arguably are trade secret, Mesaba 1 LLC has claimed entire documents (and even volumes) to be trade secret. Where a document may have been at one time trade secret, Mesaba 1 LLC claims continued protection despite the fact that most or all of the document has entered the public domain. In short, Mesaba 1 LLC's trade secret designations go beyond what the Commission has authorized in other resource acquisition and PPA proceedings.

The number of Mesaba 1 LLC's trade secret markings prevents a transparent debate on the central issues in this case. To avoid disclosure of Mesaba 1 LLC's claimed data, Xcel Energy redacted the public versions of its testimony.² Xcel Energy

¹ Xcel Energy proposes the same process be applied in the event of a challenge to any party's designation of data as trade secret.

² By contrast, in its direct testimony Xcel Energy only sought trade secret designation for (i) third party gas forecast data that is subject to a confidentiality agreement; (ii) Xcel Energy's

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does not agree that most of these redactions constitute legitimate trade secrets but found it necessary to avoid claims that it violated the Protective Order.

III. DISCUSSION

A. Requirements for Designating Data as Trade Secret.

1. *Data Practices Act*

The Data Practices Act is a law of access not secrecy. It “establishes a presumption that government data are public and are accessible by the public.” Minn. Stat. § 13.01, subd. 3. This presumption is controlling “unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.” *Id.* Through the Data Practices Act, the Legislature intended to secure “the right of the public to know what the government is doing.”³

To be sure, certain data is protected from disclosure. *See, e.g.*, Minn. Stat. § 13.37. This is to reconcile the legitimate interest of parties to keep certain data confidential while also promoting open governmental processes.⁴ The presumption of access to data was highlighted in the recent *Glaxo* case.⁵ The Court of Appeals ruled that the challenged commercial documents did not warrant protection.

forecasted coal cost; and (iii) specific data contained in approved PPAs that were filed consistent with the Commission’s trade secret procedures. These designations are narrow and targeted. Most of Xcel Energy’s trade secret designations involve Mesaba 1 LLC’s data.

³ *Montgomery Ward & Co., Inc. v. County of Hennepin*, 450 N.W.2d 299, 307 (Minn. 1990) (quotation omitted). The policy promoting the public’s right to know is underscored by the Minnesota Open Meeting Law, Minnesota Statutes, chapter 13D. Agencies may not close public meetings to discuss nonpublic data except as expressly permitted under the Open Meeting Law. Minn. Stat. § 13D.05, subd. 1(a).

⁴ *Itasca County Bd. of Comm’rs v. Olson*, 372 N.W.2d 804, 807 (Minn. Ct. App. 1985).

⁵ *In re GlaxoSmithKline plc*, 713 N.W.2d 48 (Minn. Ct. App. 2006).

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2. *The Commission's Procedures for Handling Trade Secret Data.*

The First Prehearing Order issued by the ALJs specified that trade secret and other nonpublic data filed with the ALJs or Commission “shall be prepared and marked in accordance with the Commission’s September 1, 1999 Revised Procedures for Handling Trade Secret and Privileged Data” (“*Commission Procedures*”). First Prehearing Order at ¶ 15. Those procedures provide that only data that meets the definition of a trade secret under Minn. Stat. § 13.37 will be protected from disclosure. *Commission Procedures* at ¶¶ 1-2. Trade secret data is defined as data:

(1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Minn. Stat. § 13.37, subd. 1(b). Failure to meet any factor precludes protection.⁶

The *Commission Procedures* further provide that when trade secret data is filed: [The] document containing trade secret . . . data does not itself become trade secret . . . ; only the data within the document that meets the definition of trade secret is protected data . . .⁷ *Commission Procedures* at ¶ 2 (emphasis added). This point is reinforced by the requirement that on every page where trade secret data appears, it must be clearly identified by being placed in brackets with language identifying where

⁶ *In re Rahr Malting Co.*, 632 N.W.2d 572, 576-77 (Minn. 2001)(rejecting classification for price, cost, and risk data). The burden falls on the party claiming protection to prove that the designation is appropriate. *Id.*

⁷ *See also City Pages v. State*, 655 N.W.2d 839, 844 (Minn. Ct. App. 2003)(entire documents may not be withheld on the grounds that they contain both public and nonpublic data), *rev. denied* (Minn. Apr. 15 2003); *N.W. Publications, Inc. v. City of Bloomington*, 499 N.W.2d 509, 509 (Minn. Ct. App. 1993).

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the trade secret data begins and ends on the page. *Id.* at ¶ 3. If all or a substantial portion of the data in a document is trade secret, “a statement must be filed describing the nature of the excised material, its author, its import, and the date on which it was prepared.” *Id.* at ¶ 2 (emphasis added).

B. Mesaba 1 LLC’s Trade Secret Data Designations

In its Petition and in subsequent discovery responses, Mesaba 1 LLC has applied trade secret designation to documents authored and sponsored by Mesaba 1 LLC, as well as to documents from third parties. Review of these designations shows that entire documents have been designated trade secret without any indication of what data is and is not trade secret, and generally with no explanatory statement.

Trade secret designations also appear to have been applied to data that does not meet the threshold definition of being trade secret, either because the data has no independent value or is otherwise in the public domain. In all cases, Mesaba 1 LLC should be required to comply with the Protective Order and *Commission Procedures* to justify its claims and withdraw the designation from the portions of all documents that do not contain legitimate trade secrets.

1. *Trade Secret Markings in the Mesaba 1 PPA.*

Mesaba 1 LLC designates most elements of the Mesaba 1 PPA that relate to calculations and adjustments affecting the price of electricity as trade secret. For instance, all of Article 8 of the Mesaba 1 PPA -- Payment Calculations -- is designated trade secret. These redactions are far broader than what has been done in recent purchased power contract filings that have been approved by the Commission.

Mesaba 1 LLC’s designation has been applied to such basic energy contract terms as the application of the various components that make up the total price for

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electricity: Payment formulae; calculation of charges; payment adjustments; fuel; transmission; and matters of facility performance. Most notably, the trade secret designation has been applied to the fact that, at this point, there is no **[TRADE SECRET BEGINS**

TRADE SECRET ENDS] is dependent upon outside events beyond Xcel Energy's control. Designating these broad concepts as trade secret is inconsistent with the Protective Order and *Commission Procedures*. Given that this case requires a public interest determination, the proceeding should be as open and transparent as possible.

Another example is Section 5.5 of the Mesaba 1 PPA – Fuel Arrangements – which is entirely designated trade secret. This section is important since it provides for a **[TRADE SECRET BEGINS**

TRADE SECRET ENDS]. Mesaba 1 LLC should be required to establish that this provision of the Mesaba 1 PPA is trade secret.

Other examples exist in the Mesaba 1 PPA. The public version of the testimony of one of Xcel Energy's witnesses in this proceeding, Ms. Karen Hyde, demonstrates the extensive redactions necessitated by Mesaba 1 LLC's trade secret claims. This and other testimony underscore the importance of the *Commission Procedures* to require minimal redactions to allow as much public disclosure as possible.

In any case, Mesaba 1 LLC must justify its specific trade secret claims and is not allowed simply to label documents because it would rather the data be kept secret.⁸ Moreover, given the unique statutory circumstances, Xcel Energy is aware of

⁸ Although Mesaba 1 LLC filed a summary of the Mesaba 1 PPA terms and conditions in Section VI of its December 23, 2005 Petition, this document does not explain the nature or import of the trade

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no claim that the provisions of this PPA could be relevant to the negotiations of any other energy contract.⁹

It is unclear how Mesaba 1 LLC can justify trade secret designation of the pricing structure of the PPA given the fact that Mesaba 1 LLC has made statements in the media that it believes the price of electricity under the Mesaba 1 PPA will be 6.3 cents per kWh.¹⁰ These public statements about the price should obviate the protections of this data and open the door to disclosure of the actual pricing structure.

2. *December 23, 2005 Petition for Approval of Power Purchase Agreement*

Large portions of the December 23, 2005 Petition were designated trade secret. For instance, Section III, which presents a cost analysis of the Mesaba 1 PPA, is for all practical purposes entirely redacted. This section deals with the price of electricity, however, the price of electricity and many of the underlying assumptions that support that price are also designated trade secret.

In its cost comparison of an IGCC and SCPC plant in Section III, Mesaba 1 LLC has designated all cost data (including comparisons) as trade secret. Mesaba 1

secret data excised from the PPA. Instead, much of the summary is also redacted; thus even the trade secret justification is unavailable for review.

⁹ Excelsior Energy will presumably argue that since [TRADE SECRET BEGINS

TRADE SECRET ENDS]. Xcel Energy disagrees with this rationale and does not believe it satisfies the *Commission Procedures*. In any case, such secrecy would be unneeded if the Mesaba 1 PPA contained [TRADE SECRET BEGINS

TRADE SECRET ENDS].

¹⁰ See Neal St. Anthony, *Power Players Making Their Case for Coal to the State*, StarTribune.com, Aug. 11, 2006 (copy included as Attachment A to this Motion).

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LLC provides no statement of the nature and import of the excised data or a justification as required by the *Commission Procedures*.

Mesaba 1 LLC has also publicly stated that the total cost for its proposed IGCC plant could run anywhere from \$1 billion to \$2 billion.¹¹ Mesaba 1 LLC cannot legitimately designate all pricing and cost aspects of the Mesaba 1 PPA as trade secret while making public representations about the PPA's pricing and costs.

3. Department of Energy Applications

In response to Xcel Energy's Information Request No. 2, Mesaba 1 LLC ultimately provided copies of its 2004 Section 48A Application for Certification by the US Department of Energy ("2004 DOE Application"), and most of its 2006 Section 48A Tax Credit Application ("2006 DOE Application") (collectively "Applications"). Virtually all of these documents, totaling over a thousand pages, were designated trade secret. As the table below shows, most of the documents that were included in the 2004 DOE Application are publicly available on the Internet or have been filed by Mesaba 1 LLC as public documents in this Docket.

Included in 2004 DOE Application and marked as a trade secret	But the information is publicly available at:
[TRADE SECRET BEGINS	The information in grant application is included in the December 2005 Petition.

¹¹ See Mountain Iron City Council Minutes of Feb. 7, 2005 (recording that Tom Micheletti stated that Mesaba Unit 1 would cost approximately \$1 billion and be completed in 2010); Excelsior Energy Press Release of 8/29/05, *Excelsior Energy Announces Site Selections for Mesaba Energy Project Unit 1* (stating that Mesaba Unit 1 will cost more than \$1.5 billion to build); Stephanie Hemphill, *Coal Gasification Gets Environmental Review*, minnesota.publicradio.org, Oct. 25, 21005 (reporting Tom Micheletti as stating that coal gasification plant would cost nearly \$2 billion) (copies included as Attachment B to this Motion).

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	On the internet at www.netl.doe.gov/technologies/coalpower/cctc/ccpi/Abstracts/excelsior.html .
	Appears to be an earlier draft of Section IV of the December 2005 Petition, which is public.
	Included with June 16, 2006 pre-filed testimony as public data.
	Included in Section III of the December 2005 Petition as public data, and in Section VII, which is public.
	The letter was filed with the MPUC as a public document supplementing the December 2005 Petition, and the site evaluations are in Section IV, which is public.
	By their very nature, news articles and other publications are public, and they are included in the December 2005 Petition.
	Environmental information contained in the certifications and assurances is included in Section IV of December 2005 Petition, which is public.
TRADE SECRET ENDS]	

Those sections of the 2004 DOE Application that have not already been disclosed should be reviewed and specifically justified as trade secrets or disclosed.

Similar examples exist with respect to the 2006 DOE Application, where the entire contents of a 5-inch binder are designated trade secret. Again most of the information that Mesaba 1 LLC claims is trade secret is publicly available elsewhere.

Included in 2006 DOE Application and marked as a trade secret	But the information is publicly available at:
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[TRADE SECRET BEGINS	The information in grant application is included in the December 2005 Petition.
	Information found in Sections I and IV of the December 2005 Petition, which are public.
	Much of the information is contained in Section IV and accompanying Fluor Report of the December 2005 Petition as public data.
	Redacted versions are contained in Exhibits F & G of the December 2005 Petition.
	This document was filed with the MPUC as a public document.
	Included in Section IV of the December 2005 Petition, which is public.
	Included in Section I of the December 2005 Petition; Minnesota laws are not trade secrets.
	Redacted version is Section V of December 2005 Filing.
	Most of the information is contained in Sections I – IV of the December 2005 Petition as public data.
	The Large Generator Interconnection Agreement is available at: http://www.midwestiso.org/page/Large%20Generator
	Included in Section III of the December 2005 Petition as public data, and in Section VII, which is public.
	Included in Section IV of the December 2005 Petition, which is public.
	Included in Sections III of the December 2005 Petition as public data.
	Included with Mesaba 1 LLC's pre-filed testimony as public data.
	Included in Section IV of the December 2005 Petition, which is public.
	Available at: http://www.osti.gov/energycitations/servlets/

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	purl/790376-ZwtpXn/native/790376.pdf
	Available at: http://www.azom.com/details.asp?newsID=5491
	Included in Section IV of the December 2005 Petition.
	Included in Section IV of the December 2005 Petition, which is public.
TRADE SECRET ENDS]	

Once again, those sections that have not already been disclosed publicly should be reviewed, and the bulk of the documents should be disclosed immediately as they are already in the public domain.

4. *Credit Suisse First Boston ("CSFB") and Pace Global Energy Documents*

In Response to Xcel Energy Information Request No. 4, Mesaba 1 LLC produced financial/investment presentations relating to the Mesaba Energy Project. Mesaba 1 LLC produced a series of Power Point presentations by CSFB, as well as a report by Pace Global Energy included in Mesaba 1 LLC's 2006 DOE Application. All of the data was marked trade secret although much of it is publicly available.

It is apparent from the face of all of the documents from CSFB that they were used in presentations to potential investors and other persons. Thus it seems that all such data is by definition public pursuant to the ALJs' Protective Order since they already are in the public domain. In any case, Mesaba 1 LLC has made no claim as yet to justify these presentations' trade secret designation. In addition, much of the data within these presentations has been made public elsewhere, as described below.

Included in First Boston Investor Presentations and marked as trade secret	But publicly available
[TRADE SECRET BEGINS	Virtually all of the data is included in Sections I-IV of the December 2005 Petition as public data.

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	Included in Sections I, II, and IV of the December 2005 Petition, which are public.
	Identities of Mesaba 1 LLC's management team are not trade secret
	Included in Sections I, II, and IV of the December 2005 Petition, which are public.
	Included in Sections I, II, and IV of the December 2005 Petition, which are public.
	Included nearly verbatim in Section IV of the December 2005 Petition, which is public.
TRADE SECRET ENDS]	

The Pace Global Energy report that Mesaba 1 LLC designates as trade secret
[TRADE SECRET BEGINS

TRADE SECRET

ENDS]. This conclusion is based on the claim that **[TRADE SECRET BEGINS**

TRADE SECRET ENDS]. Mesaba 1 LLC should be required to establish whether this information could be trade secret.

The essence of a trade secret is that it has independent value from being kept confidential, and another person who would otherwise not be provided access to the trade secret could obtain economic value from its use or disclosure. *See* Minn. Stat. § 13.37, subd. 1(b). A characterization of risks and rewards of the Mesaba 1 PPA

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does not meet this definition. A party may not just offer conclusory allegations that another may obtain economic value to the party's detriment from disclosure of data; it must offer sufficiently detailed evidence of the harmful consequences of disclosure. Mesaba 1 LLC must disclose this information to [TRADE SECRET BEGINS

TRADE SECRET ENDS]. The question then is who would [1] not otherwise be given access to this information, and [2] could obtain economic value from its use or disclosure? The answer is no one. Perhaps a competitor for the Mesaba 1 PPA could fit this description. But there is no competitor who, knowing the terms or characterization of the Mesaba 1 PPA, could [1] improve on those terms, [2] offer them to Xcel Energy, and [3] satisfy the statutory requirements.

C. Broad Trade Secret Claims Will Make the Hearing Difficult.

As these examples make plain, Mesaba 1 LLC has made unduly broad trade secret claims without adequate justification and has claimed trade secret protection for data that is demonstrably in the public domain or otherwise not protected. The ALJs should require Mesaba 1 LLC to follow the Protective Order and the *Commission Procedures*. The overuse of the trade secret designation will make the hearing process difficult. Based on the amount of data Mesaba 1 LLC claims is trade secret, much of the proceedings would have to be closed, and the segregation of “public” and “trade secret” discussions will be both disruptive and inefficient.

Moreover, the prefiled testimony to date has been heavily redacted. Any party that does not have access to the data will be deprived of access to important data and its right to cross-examine witnesses.¹² Witnesses and counsel will be in the position of

¹² Minn. R. 1400.8603. While the Rules grant discretion to allow a nonparty to question witnesses (Minn. R. 1400.8605), that option is also effectively gone as a nonparty would have no ability to examine any witness with respect to the secret terms and conditions of the Mesaba 1 PPA.

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having to pay more attention to avoiding eliciting public testimony about trade secret data than they will to eliciting the substantive information necessary for the ALJs to have a robust record upon which to consider the merits of the Mesaba 1 PPA.

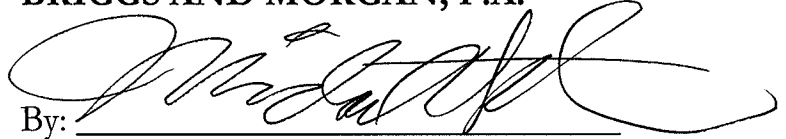
IV. CONCLUSION

For all these reasons, the ALJs should order Mesaba 1 LLC to comply with the Protective Order and *Commission Procedures*. Mesaba 1 LLC must justify its trade secret designations and provide an explanation of the data's nature and import. Xcel Energy asks that the ALJs also order an *in camera* review of any data that continues to be claimed trade secret and is challenged by a party.

Dated: September 5, 2006

Respectfully submitted,

BRIGGS AND MORGAN, P.A.

By: 

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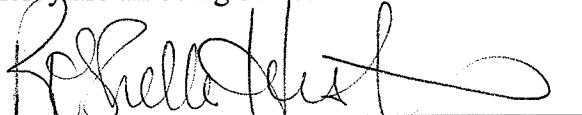
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COUNTY OF HENNEPIN)

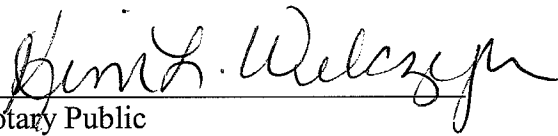
AFFIDAVIT OF SERVICE
MPUC Docket No. E-6472/M-05-1993
OAH Docket No. 2500-17210

Roshelle Herstein of the City of Crystal, County of Hennepin, State of Minnesota, says that on the 5th day of September, 2006, she served Xcel Energy's Notice of Motion and Memorandum to Enforce Protective Order Concerning Trade Secret Designations upon the people listed upon the attached service list via e-mail and U.S. Mail except for The Honorable Steve Mihalchick, The Honorable Bruce Johnson, Burl Haar, Sharon Ferguson, Julia Anderson, Byron Starns, Scott Harris and Brian Meloy. Judge Mihalchick, Judge Johnson, Dr. Haar, Ms. Ferguson, Ms. Anderson, Mr. Starns, Mr. Harris and Mr. Meloy are all being served via e-mail and messenger.

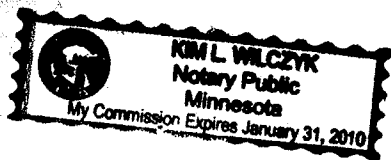


Roshelle L. Herstein

Subscribed and sworn to before me this
5th day of September, 2006.



Notary Public



SERVICE LIST

IN THE MATTER OF THE PETITION OF EXCELSIOR ENERGY INC. AND ITS WHOLLY-OWNED
SUBSIDIARY MEP-1, LLC FOR APPROVAL OF TERMS AND CONDITIONS FOR THE SALE OF POWER
FROM ITS INNOVATIVE ENERGY PROJECT USING CLEAN ENERGY TECHNOLOGY UNDER MINN.
STAT. § 216B.1694 AND A DETERMINATION THAT THE CLEAN ENERGY TECHNOLOGY IS OR IS
LIKELY TO BE A LEAST-COST ALTERNATIVE UNDER MINN. STAT. § 216B.1693

MPUC DOCKET NO. E-6472/M-05-1993
OAH DOCKET NO. 12-2500-17260-2

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SERVICE LIST

**IN THE MATTER OF THE PETITION OF EXCELSIOR ENERGY INC. AND ITS WHOLLY-OWNED
SUBSIDIARY MEP-1, LLC FOR APPROVAL OF TERMS AND CONDITIONS FOR THE SALE OF POWER
FROM ITS INNOVATIVE ENERGY PROJECT USING CLEAN ENERGY TECHNOLOGY UNDER MINN.
STAT. § 216B.1694 AND A DETERMINATION THAT THE CLEAN ENERGY TECHNOLOGY IS OR IS
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**MPUC DOCKET No. E-6472/M-05-1993
OAH DOCKET No. 12-2500-17260-2**

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