



Minnesota Center for Environmental Advocacy

The legal and scientific voice protecting and defending Minnesota's environment

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January 19, 2007

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The Honorable Steve M. Mihalchick
The Honorable Bruce Johnson
Office of Administrative Hearings
100 Washington Square, Ste. 1700
Minneapolis, MN 55401-2138

LETTER REPLY BRIEF

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. § 216B1693 MPUC Docket No. E-6472/M-05-1993; OAH Docket No. 12-2500-17260-2

Dear Judges Mihalchick and Johnson:

Minnesota Center for Environmental Advocacy ("MCEA"), Fresh Energy, and Izaak Walton League of America, in lieu of a Reply Brief submit this letter responding to the Initial Brief and Affidavit filed by the Big Stone II Co-Owners.

MCEA, Fresh Energy and IWLA have not objected to the late-filed testimony of Jeffrey J. Greig because you stated at the November 16, 2006 hearing in this matter that the Big Stone Co-Owners would be allowed to file a "statement of dispute" with their Initial Brief. However, MCEA, Fresh Energy and IWLA seek to make plain in the record of this case that the factual assertions made by Mr. Greig about the Big Stone II project are subject to dispute in MPUC Docket No. CN-05-619 (OAH Docket Nos. 12-2500-17037-2 and 12-2500-17038-2). As a result, Mr. Grieg's affidavit must only be given the weight it is entitled in light of all the evidence and testimony developed in the Big Stone docket.

MCEA, Fresh Energy and IWLA agree with your statements at the November 16 hearing that the Excelsior matter can be resolved without detailed consideration or findings related to the Big Stone project. However, to the extent you consider the Big Stone II Co-Owners recent submission in evaluating the case before you, MCEA, Fresh Energy and IWLA submit, based on the record developed in the

The Honorable Steve Mihalchick and Bruce Johnson
January 19, 2007

Big Stone docket, that the factual assertions contained in Mr. Greig's statement are not reliable and should not form the basis for conclusions drawn in this matter.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Reuther".

Kevin Reuther
Staff Attorney

cc: 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

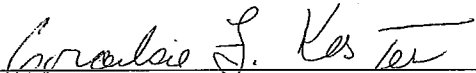
**MPUC Docket No. E-6472/M05-1993
OAH Docket No.12-2500-17260-2**

Coraelsie F. Kester, being duly sworn, says that on the 19th day of January, 2007, she delivered via e-mail the following:

Letter Reply Brief of MCEA, Fresh Energy, and IWLA

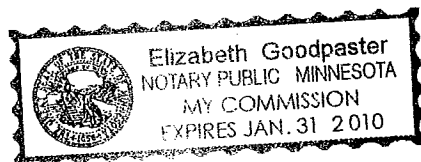
on the following persons, in this action, by e-mailing to them a copy thereof.

All Persons on the Attached Service List


Coraelsie F. Kester

Subscribed and sworn to before me
this 19th day of January, 2007.


Notary Public



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