

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye  
David C. Boyd  
Marshall Johnson  
Phyllis Reha  
Thomas Pugh

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of a Petition by Excelsior Energy, Inc.  
for Approval of a Power Purchase Agreement under  
Minn. Stat. §216B.1694, and Determination of Least  
Cost Technology and Establishment of a Clean Energy  
Minimum Under Minn. Stat. §216B.1693.

MPUC Docket: E/6472/M-05-1993

OAH Docket: 2500-17260-2

**MCGP's MOTION TO STRIKE DEPT. OF COMMERCE FILING**

The Department of Commerce filed "Comments" long after the record has closed. "Comments" at this time are not authorized by the rules and MCGP requests that it be stricken from the record.

The record in this proceeding closed in November, 2006, and was returned to the Commission by letter of the ALJs on April 24, 2007. On July 27, 2007, at 2:34 p.m., Ed Garvey, Deputy Commissioner of the Department of Commerce, filed "Comments" addressed directly to Chair Koppendraye and the Commissioners and served it on all parties. These "Comments" are unauthorized by the rules. This "Comment" of Gov. Pawlenty's appointee repeatedly reiterated the Governor's support for the project, and it was sent to the Governor's appointed Public Utilities Commission. It has been filed, presumably also filed on eDockets (though the system is down, has been for a week<sup>1</sup>), and mailed to parties.

MCGP requests that this unauthorized submission be stricken from the record.

July 30, 2007



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<sup>1</sup> The eDockets system for the Mesaba Project, and apparently not other dockets, has been "down" for over a week, only documents filed prior to October, 2006. It is inaccessible to the public, media, and other interested parties.

**In the Matter of a Petition by Excelsior Energy, Inc., . . . Administrative Law Judges' Service List**

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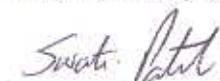
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Carol A. Overland, after being duly sworn on oath, states and deposes that she has served the above parties by mail or by eDockets or email as noted, with mncoalgasplant.com's Motion to Strike and Complaint of Excelsior's Ex Parte contact by mailing copies to the parties at the addresses above in envelopes with proper postage at the Red Wing Post Office.

Signed and sworn to before me this  
30th day of July, 2007.



Carol A. Overland, Atty. for mncoalgasplant.com



Notary Public

