

LEONARD  
STREET  
AND  
DEINARD

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MINNEAPOLIS, MINNESOTA 55402  
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December 10, 2007

Clerk of Appellate Courts  
Minnesota Court of Appeals  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King., Jr. Blvd.  
St. Paul, MN 55155

**Re: *Excelsior Energy Inc. v. Minnesota Public Utilities Commission***  
**Appellate Court File No. \_\_\_\_\_**

Dear Clerk of Appellate Courts:

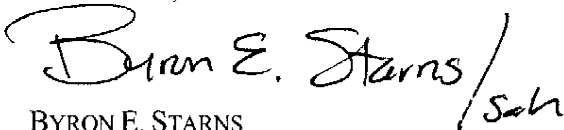
Enclosed for filing in the above-referenced matter, please find an **Affidavit of Service by Mail** and three (3) **Affidavits of Personal Service** evidencing service of the following documents upon Respondent, the Minnesota Attorney General, and all parties in this matter.

1. Petition for Writ of Certiorari;
2. Writ of Certiorari;
3. Petitioners-Relators Excelsior Energy Inc. and MEP-I LLC's (together "Excelsior") Statement of the Case;
4. Copy of Minnesota Public Utilities Commission's November 8, 2007 Order Denying Petitions for Reconsideration and Other Post-Decision Relief and Reconsidering Order on Own Motion to Require Further Filings
5. Copy of Minnesota Public Utilities Commission's August 30, 2007 Order Resolving Procedural Issues, Disapproving Power Purchase Agreement, Requiring Further Negotiations, and Resolving to Explore the Potential for a Statewide Market for Project Power Under Minn. Stat. § 216B.1694, subd. 5;
6. Waiver of Cost Bond; and
7. Excelsior's Alternative Petition for Discretionary Review.

Thank you for your assistance.

Very truly yours,

LEONARD, STREET AND DEINARD

 Byron E. Starns / *sch*

BYRON E. STARNS

Enclosure

cc (w/encs.): Service List

**AFFIDAVIT OF  
SERVICE BY MAIL**

**Re:** *Excelsior Energy Inc. v. Minnesota Public Utilities Commission*  
**Court of Appeals Court File No.** \_\_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )


SUSAN A. HARTINGER, being first duly sworn, upon oath deposes and states that on December 10, 2007, she served the following documents upon those persons on the attached service list by mailing true and correct copies thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the U.S. Mail at Minneapolis, Minnesota:

1. Petition for Writ of Certiorari;
2. Writ of Certiorari;
3. Petitioners-Relators Excelsior Energy Inc. and MEP-I LLC's (together "Excelsior") Statement of the Case;
4. Copy of Minnesota Public Utilities Commission's November 8, 2007 Order Denying Petitions for Reconsideration and Other Post-Decision Relief and Reconsidering Order on Own Motion to Require Further Filings
5. Copy of Minnesota Public Utilities Commission's August 30, 2007 Order Resolving Procedural Issues, Disapproving Power Purchase Agreement, Requiring Further Negotiations, and Resolving to Explore the Potential for a Statewide Market for Project Power Under Minn. Stat. § 216B.1694, subd. 5;
6. Waiver of Cost Bond; and
7. Excelsior's Alternative Petition for Discretionary Review.



\_\_\_\_\_  
SUSAN A. HARTINGER

Subscribed and sworn to before me  
on December 10, 2007.



Notary Public

3444581.1



# SERVICE LIST

## PARTIES

### Minnesota Public Utilities Commission

Dr. Burl W. Haar  
Minnesota Public Utilities Commission  
121 East Seventh Place, Suite 350  
St. Paul, MN 55101-2147

### *Via Messenger*

### Minnesota Attorney General

Lori Swanson  
Minnesota Attorney General  
102 State Capitol  
75 Rev. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

### Northern States Power d/b/a Xcel Energy

Christopher Clark  
Xcel Energy Inc.  
414 Nicollet Mall, 5th Floor  
Minneapolis, MN 55401

Thomas E. Bailey  
Michael C. Krikava  
Briggs and Morgan  
2200 IDS Center  
Minneapolis, MN 55402

### Minnesota Power

David R. Moeller  
Minnesota Power  
30 West Superior Street  
Duluth, MN 55802-2093

### Minnesota Center for Environmental Advocacy, Izaak Walton League of America - Midwest Office, and Fresh Energy

Kevin Reuther  
Minnesota Center For  
Environmental Advocacy  
26 E. Exchange St., Suite 206  
St. Paul, MN 55101-1667

### Minnesota Public Utilities Commission

Alison Archer  
Assistant Attorney General  
1100 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101

### Minnesota Department of Commerce

Valarie M. Means  
Assistant Attorney General  
1400 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101

### minncoalgasplant.com (MCGP)

Carol Overland  
Overland Law Office  
P.O. Box 176  
Redwing, MN 55066

### Minnesota Pollution Control Agency

Kathleen Winters  
900 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101-2127

### Xcel Industrial Intervenors

Andrew P. Moratzka, Esq.  
Robert Lee, Esq.  
Mackall, Crouse & Moore, PLC  
1400 AT&T Tower  
901 Marquette Ave.  
Minneapolis, MN 55402

**Big Stone Unit II Co-Owners**

Todd J. Guerrero  
David Sasseville  
Lindquist & Vennum  
4200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402-2274

**Manitoba Hydro**

Eric F. Swanson  
David M. Aafedt  
Winthrop & Weinstine, P.A.  
225 South Sixth St, Suite 3500  
Minneapolis, MN 55402

**Minnesota Chamber of Commerce**

Richard J. Savelkoul  
Felhaber, Larson, Fenlon & Vogt, P.A.  
444 Cedar Street, Suite 2100  
St. Paul, MN 55101-2136

**Great Northern Power Development, LLP**

John E. Drawz  
Steven J. Quam  
Fredrikson & Byron, P.A.  
200 South Sixth St., Suite 4000  
Minneapolis, MN 55402-1425

**AFFIDAVIT OF  
PERSONAL SERVICE**

**Re:   *Excelsior Energy Inc. and MEP-I LLC v. Minnesota Public Utilities Commission***  
**Court of Appeals File No. \_\_\_\_\_**

STATE OF MINNESOTA         )  
   ) ss.  
 COUNTY OF HENNEPIN         )

SUSAN A. HARTINGER, being first duly sworn, upon oath deposes and states that on December 10, 2007, she personally served:


Dr. Burl W. Haar  
 Minnesota Public Utilities Commission  
 121 East Seventh Place, Suite 350  
 St. Paul, MN 55101-2147

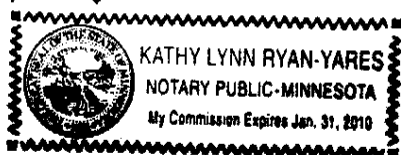
by leaving true and correct copies of the following documents with **Robyn Rice**, a receptionist at the Minnesota Public Utilities Commission:

1.    Petition for Writ of Certiorari;
2.    Writ of Certiorari;
3.    Petitioners-Relators Excelsior Energy Inc. and MEP-I LLC's (together "Excelsior") Statement of the Case;
4.    Copy of Minnesota Public Utilities Commission's November 8, 2007 Order Denying Petitions for Reconsideration and Other Post-Decision Relief and Reconsidering Order on Own Motion to Require Further Filings
5.    Copy of Minnesota Public Utilities Commission's August 30, 2007 Order Resolving Procedural Issues, Disapproving Power Purchase Agreement, Requiring Further Negotiations, and Resolving to Explore the Potential for a Statewide Market for Project Power Under Minn. Stat. § 216B.1694, subd. 5;
6.    Waiver of Cost Bond; and
7.    Excelsior's Alternative Petition for Discretionary Review.

  
 \_\_\_\_\_  
 SUSAN A. HARTINGER

Subscribed and sworn to before me  
 on this 10th day of December, 2007.

  
 Notary Public



## AFFIDAVIT OF PERSONAL SERVICE

**Re: *Excelsior Energy Inc. and MEP-I LLC v. Minnesota Public Utilities Commission***  
**Court of Appeals File No. \_\_\_\_\_**

STATE OF MINNESOTA     )  
   ) ss.  
 COUNTY OF HENNEPIN     )

SUSAN A. HARTINGER, being first duly sworn, upon oath deposes and states that on December 10, 2007, she personally served:

Alison Archer  
 Assistant Attorney General  
 1100 Bremer Tower  
 445 Minnesota Street  
 St. Paul, MN 55101

by leaving true and correct copies of the following documents with **Jenne Pyles**, a receptionist at the Office of the Attorney General:

1. Petition for Writ of Certiorari;
2. Writ of Certiorari;
3. Petitioners-Relators Excelsior Energy Inc. and MEP-I LLC's (together "Excelsior") Statement of the Case;
4. Copy of Minnesota Public Utilities Commission's November 8, 2007 Order Denying Petitions for Reconsideration and Other Post-Decision Relief and Reconsidering Order on Own Motion to Require Further Filings
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6. Waiver of Cost Bond; and
7. Excelsior's Alternative Petition for Discretionary Review.



\_\_\_\_\_  
 SUSAN A. HARTINGER

Subscribed and sworn to before me  
 on this 10th day of December, 2007.

  
 Notary Public



**AFFIDAVIT OF  
PERSONAL SERVICE**

**Re:** *Excelsior Energy Inc. and MEP-I LLC v. Minnesota Public Utilities Commission*  
**Court of Appeals File No.** \_\_\_\_\_

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF HENNEPIN     )

SUSAN A. HARTINGER, being first duly sworn, upon oath deposes and states that on December 10, 2007, she personally served:

Lori Swanson  
Minnesota Attorney General  
102 State Capitol  
75 Rev. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

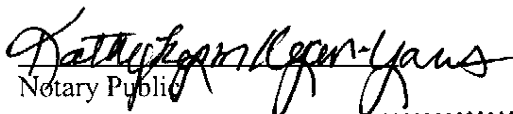
by leaving true and correct copies of the following documents with **Jacki Baker**, a receptionist at the Office of the Attorney General:

1. Petition for Writ of Certiorari;
2. Writ of Certiorari;
3. Petitioners-Relators Excelsior Energy Inc. and MEP-I LLC's (together "Excelsior") Statement of the Case;
4. Copy of Minnesota Public Utilities Commission's November 8, 2007 Order Denying Petitions for Reconsideration and Other Post-Decision Relief and Reconsidering Order on Own Motion to Require Further Filings
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6. Waiver of Cost Bond; and
7. Excelsior's Alternative Petition for Discretionary Review.



\_\_\_\_\_  
SUSAN A. HARTINGER

Subscribed and sworn to before me  
on this 10th day of December, 2007.



Notary Public

4256802.1

