

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer  
David C. Boyd  
Marshall Johnson  
Thomas Pugh  
Phyllis A. Reha

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,  
Determination of Least Cost Technology, and  
Establishment of a Clean Energy Technology  
Minimum Under Minn. Stat. § 216B.1693

ISSUE DATE: November 8, 2007

DOCKET NO. E-6472/M-05-1993

ORDER DENYING PETITIONS FOR  
RECONSIDERATION AND OTHER POST-  
DECISION RELIEF AND RECONSIDERING  
ORDER ON OWN MOTION TO REQUIRE  
FURTHER FILINGS

**PROCEDURAL HISTORY**

On August 30, 2007, the Commission issued an Order in this docket which, among other things, found that the terms and conditions of a proposed power purchase agreement submitted by Excelsior Energy Inc. under Minn. Stat. § 216B.1694 were not in the public interest.

On September 19, 2007, Excelsior Energy Inc. (Excelsior), Minnesota Power, and Northern States Power Company d/b/a Xcel Energy (Xcel) filed petitions for reconsideration and other post-decision relief. On September 28, 2007, the Minnesota Department of Commerce filed comments. On October 1, 2007, Xcel filed reply comments.

On November 1, 2007, the petitions came before the Commission. Having reviewed the entire record and the arguments of all parties, the Commission makes the following findings, conclusions, and Order.

**FINDINGS AND CONCLUSIONS**

The Commission finds that none of the petitions for reconsideration or other post-decision relief point to new and relevant evidence, expose errors or ambiguities in the August 30 Order, or otherwise demonstrate that the Commission should rethink the decisions set forth therein. The Commission concludes that those decisions are consistent with the facts, the law, and the public

Commission concludes that those decisions are consistent with the facts, the law, and the public interest, and will therefore deny the petitions.

To ensure efficient case management, however, and to facilitate prompt resolution of the remaining issues in this case, the Commission will need periodic updates on the negotiations required of Excelsior and Xcel under the August 30 Order.

The Commission will therefore reconsider the August 30 Order on its own motion to require progress reports at 60-day intervals. When the Commission takes up the issues in Phase II of this proceeding, it will reassess the need for these reports, and may consider imposing a deadline for the completion of negotiations.

The Commission will so order.

**ORDER**

1. The Commission hereby denies all petitions for reconsideration or other post-decision relief filed in this case.
2. The Commission hereby reconsiders its Order issued in this case on August 30 to require progress reports at 60-day intervals on the negotiations ordered therein.
3. Within 60 days of the date of this Order, and every 60 days thereafter, Xcel and Excelsior shall file joint or individual reports on the progress made in the negotiations they are required to conduct under the terms of the August 30, 2007 Order.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Bud W. Haar  
Executive Secretary

(S E A L)

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ERRATUM NOTICE

On August 30, 2007, the Commission issued an Order in this docket which, among other things, found that the terms and conditions of a proposed power purchase agreement submitted by Excelsior Energy Inc. under Minn. Stat. § 216B.1694 were not in the public interest.

Through inadvertence, the Order contained four incorrect statutory citations. Each incorrect citation is set forth below, followed by the correct citation:

***The Caption*** – The caption’s reference to Minn. Stat. § 216B.1694, subd. 5 should be to Minn. Stat. § 216B.1694, subd. 2 (a) (5).

***Page 8, Section I, second-to-last paragraph*** – The reference to Minn. Stat. § 216B.1694, subd. 2 (a) (5) should be to Minn. Stat. § 216B.1694, subd. 2 (a) (7).

***Page 20, Section VIII, last paragraph*** – The reference to Minn. Stat. § 216B.1694, subd. 2 (a) (5) should be to Minn. Stat. § 216B.1694, subd. 2 (a) (7).

***Page 24, Ordering Paragraph 5*** – The reference to Minn. Stat. § 216B.1604 should be to Minn. Stat. § 216B.1694.

The August 30 Order is hereby corrected to substitute the proper statutory citations for the incorrect citations, as set forth above.

BY ORDER OF THE COMMISSION

*Mark E. Oberlander for*

Burl W. Haar  
Executive Secretary

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