

STATE OF MINNESOTA
IN COURT OF APPEALS

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.

ORDER

#A07-2306

Considered and decided by Toussaint, Chief Judge; Dietzen, Judge; and Worke,
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

Petitioners Excelsior Energy, et al. filed a direct appeal (A07-2305) from decisions
by the Minnesota Public Utilities Commission. We have concluded that the appeal is
premature and not taken from a final agency decision. In the alternative, petitioners
request discretionary review of the same decisions.

When considering petitions for discretionary review, this court considers the
impact of the ruling on the parties, whether the ruling involves an important legal issue,
the procedural posture of the case, whether the ruling is discretionary or questionable,
and other factors related to the particular case. *See generally Gordon v. Microsoft Corp.*,
645 N.W.2d 393 (Minn. 2002). Interlocutory review is disfavored. *Id.* at 403. And this
court's review of agency decisions is even more constrained than its review of decisions

