

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of a Joint LEPGP Site Permit,
HVTL Route Permit and Pipeline (Partial
Exemption) Route Permit Application for
the Mesaba Energy Project

FOURTH PREHEARING ORDER

On May 1, 2007, Excelsior Energy Inc., on behalf of its wholly owned subsidiaries MEP-I LLC and MEP-II LLC, (Excelsior or Applicant) submitted a letter requesting that the schedule in this matter be revised. The revision is necessary because the Draft EIS being prepared by the Minnesota Department of Commerce and the U.S. Department of Energy is now expected to be completed and ready for public release by June 30, 2007.

Based on Excelsior's request and proposed schedule, the Administrative Law Judges make the following:

ORDER

1. The schedule in this matter is modified to read as follows:

EVENT	PROPOSED REVISED SCHEDULE
Excelsior's Prefiled Direct Testimony	January 15, 2007
Discovery	January 15, 2007 to hearing
Deadline for petitions to intervene and requesting non-party status (7 days to object)	February 12, 2007
Excelsior's Supplemental Filing; Other parties' Prefiled Direct Testimony	March 15, 2007

EVENT	PROPOSED REVISED SCHEDULE
Deadline for dispositive and other significant motions (7 days to reply)	March 15, 2007
Prefiled Rebuttal Testimony by all parties	May 15, 2007
Prefiled Surrebuttal Testimony of all parties	June 15, 2007
Draft Environmental Impact Statement ("EIS") available	June 30, 2007
Joint Department of Commerce ("DOC") and Department of Energy ("DOE") public meetings on draft EIS	July 24-25, 2007
Deadline for written public comments on draft EIS to DOC and DOE	August 24, 2007
Contested case hearing (schedule and location of evidentiary and public sessions to be determined: Stage One and Stage Two hearings procedure pursuant to Minn. R. 1405.1500, subp. 2)	Sept. 10 – Oct. 10, 2007
Deadline for written public comments to Administrative Law Judge ("ALJ") for inclusion into the record of contested case	October 22, 2007
Initial Briefs and Proposed Findings	November 5, 2007
Reply Briefs	November 19, 2007
Final EIS	November 26, 2007
Deadline for Comments to ALJ on adequacy of Final EIS	December 3, 2007

EVENT	PROPOSED REVISED SCHEDULE
ALJ Report and Recommendation to Minnesota Public Utilities Commission ("PUC")	December 10, 2007
Exceptions	January 7, 2007
Final PUC Decision (hearing date)	February 11, 2008
State Register publication	March 10, 2008

2. Excelsior states that it agrees to the February 11, 2008, date for PUC decision and expressly waived the one year from filing requirement of law.

3. Unless excused by an Administrative Law Judge, failure of a party to file testimony when due shall result in that party being denied further participation as a party in this matter.

Dated: May 1, 2007

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

/s/ Bruce H. Johnson

BRUCE H. JOHNSON
Administrative Law Judge



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May 2, 2007

All Individuals on Attached Service List

Re: *In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project;*
OAH Docket No. 12-2500-17512-2
MPUC Docket No. E-6472/GS-06-668

Enclosed herewith and served upon you by mail is the Administrative Law Judges' Fourth Prehearing Order in the above-entitled matter.

Sincerely,

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

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SMM:mo

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ALJ's SERVICE LIST February 1, 2007

Re: In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project

Serve one copy of the document or item, unless otherwise indicated, on the following persons. If you E-File a document on the PUC E-Filing system, persons with the E-File notation (**EF**) below need not be served a paper copy, unless otherwise indicated.

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CERTIFICATE OF SERVICE

Case Title: <i>In the Matter of a Joint LEPGP Site Permit, HVTL Route Permit and Pipeline (Partial Exemption) Route Permit Application for the Mesaba Energy Project</i>	OAH Docket No. 12-2500-17512-2 MPUC Docket No. E-6472/GS-06-668
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Mary Osborn certifies that on the 2nd day of May, 2007, she served a true and correct copy of the attached **Fourth Prehearing Order**; by placing it in the United States mail with postage prepaid, addressed to the following individuals:

All Individuals on the Service List (February 1, 2007)	