

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE
MINNESOTA 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

OAH Docket No. 12-2500-17512-2
PUC Docket No. E-6472/GS-06-668

AFFIDAVIT OF RONALD R. RICH, SWAN LAKE ASSOCIATION

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Ronald R. Rich, after being duly sworn on oath, states and deposes as follows:

1. I am making this statement in support of mncoalgasplant.com's Motion for Extension of Hearing to establish additional hearing dates in the above-entitled matter. I believe that the public must have additional time to question Excelsior Energy's expert witnesses.
2. I have property on Swan Lake and am a director of the Swan Lake Association, and as such, am directly affected by the siting of Excelsior Energy's Mesaba Project.
3. I am also an energy and emissions expert and owner of Atmosphere Recovery, Inc., which makes process and emission monitoring and process control equipment with a website at www.atmrev.com.
4. I had reviewed the testimony submitted by Excelsior Energy, and because of my engineering and economic professional background and experience, I was very concerned and had questions about some issues raised in that testimony.
5. Prior to the hearing, I had reviewed the Public Hearing Notice, which assured that the public, of which I am a member, would be allowed to question Excelsior Energy witnesses.
6. I attended the January 29, 2008 hearing in Taconite, and had specific relevant questions for their witnesses. I was allowed some time to question, but not enough to get answers, and it was apparent from the process as I observed it, that there was not sufficient time to question on all areas sufficiently to develop the record regarding emissions and costs of this project.
7. I also noted that neither the MPCA nor the DNR were present on that day to address the issues they raised, in DEIS comments, concerning the Excelsior Energy plan to site this project at Taconite or Hoyt Lakes.

8. Additional hearings are necessary to develop the record regarding:
- Completion of flare questioning including time estimates of flaring and emissions
 - NOx emissions estimates
 - The cumulative effect with all the other projects proposed in the area
 - Percentage of time the plant will actually be available to operate on coal and on natural gas
 - The cost of the power from the plant as a consequence of its and who would pay for it
 - The inability of the plant to provide load-following capability for MSI (an apparent newly proposed customer)
 - Projected natural gas pricing with anticipated increase in demand
 - Projected coal pricing with assumed carbon cap and trade or tax
 - Impact of cap and trade or tax on emissions based on fuel source
 - Air emissions estimates from cooling towers
 - Air emissions estimates from hazardous waste evaporators
 - Basis for emissions estimates for the 148 listed hazardous pollutants
 - Basis and estimates for hazardous wastes not listed
 - Air dispersion modeling assumptions for criteria and hazardous air emissions
 - Infeasibility of carbon capture, compression, storage and offsite transportation physically, technically and economically with the proposed design

This list is of those issues that come to mind, and I request additional time to question witnesses and enter exhibits so that these issues will be more fully addressed in the record.

Further your affiant sayeth naught.

Dated: February 8, 2008



Ronald R. Rich

Signed and sworn to before me this
8 day of February, 2008.



Notary Public

