

**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 ALAN J. MULLER, GREEN DELAWARE

STATE OF DELAWARE)
) ss.
COUNTY OF NEW CASTLE)

Alan J. Muller, 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.
2. I am Executive Director of Green Delaware (www.greenel.org) and have a long history of collaboration with grassroots groups seeking to protect their communities and the environment. I have been consulting with mncoalgasplant.com on various aspects of the Excelsior Energy Mesaba Project.
3. Because a coal gasification (IGCC) plant was proposed for Delaware but rejected by the Delaware Public Service Commission, and because a petroleum coke IGCC plant exists in Delaware, I've been keeping up-to-date on the Excelsior Energy Mesaba Project. I had reviewed the testimony submitted by Excelsior Energy for mncoalgasplant.com, and because of my professional background and experience, and my knowledge of emissions, pollutants, modeling and environmental protection, I had questions about some issues raised in that testimony.
4. I attended the hearings in the day and evening of January 29th and 30, in Taconite and Hoyt Lakes, and to a limited extent questioned witnesses, until I was cut off by the Administrative Law Judge overseeing the proceedings. At that time, I noted for the record that I had additional questions and was not allowed to ask them and receive answers. I had questions for the last witness that I was questioning before I was cut off, and there were witnesses that I did not have any time to question.
5. I believe that the public must have additional time to question Excelsior Energy's expert witnesses, and to provide direct testimony in response. Two days and twenty witnesses, with little time for questioning, is not enough to build a record.
6. Prior to the hearing, I had reviewed the Public Hearing Notice, which assured that the public, of which I am a member, and which also includes mncoalgasplant.com, would be allowed to question Excelsior Energy witnesses.

Edin E. Flob
My commission expires
May 8, 2009
State of Delaware
Notary Public

7. Prior to the hearing, I had also reviewed the MPCA and DNR comments on the DEIS, and thought that the issues raised in those comments should be addressed by Excelsior witnesses, but I was only able to explore some of the concerns raised by the MPCA. Other issues raised by these agencies remain that require answers.
8. Neither the MPCA nor the DNR had representatives present at the hearing and there was no one available from these agencies to either question witnesses or answer questions about their comments.
9. I have discussed my concerns and areas of question with Ron Rich, and we share some concerns but have different perspectives and approaches.
10. Additional hearings are necessary to develop the record regarding:
 - Completion of flare questioning including time estimates of flaring and emissions
 - NOx emissions estimates and potential use of "SCR" to reduce these emissions
 - The cumulative environmental impacts with other proposed projects
 - Percentage of time plant to run on gas vs coal
 - Potential for and implications of possible use of petroleum coke as fuel
 - Percentage of time on coal related to cost of power and who would pay for it
 - Lack of load-following capability for MSI (the apparent newest proposed customer)
 - Projected project operational costs incorporating carbon cap-and-trade or carbon taxes
 - Impact of carbon cap-and-trade or carbon taxes on the economic viability of the proposal
 - Estimates of air emissions from cooling towers
 - Air emissions from "zero liquid discharge" systems
 - Amount and projected management of "hazardous" wastes to be generated
 - Adequacy of projected water sources and impacts on source waters
 - Projected impacts on receiving waters of process water and non-contact cooling water
 - Advantages of "dry" cooling technology rather than evaporative cooling towers
 - Practicality of carbon capture and storage physically, technically and economically
 - Practicality of increasing CCS above 30 percent in a plant not using a "water shift reaction" in basic design
 - Inconsistency of data and testimony on "regional haze" impacts
 - Lack of a "cost benefit" social/economic impact analysis

I request that the hearing be extended to provide additional time for myself and other members of the public to question witnesses and enter exhibits to assure a complete record.

Further your affiant sayeth naught.

Dated: Feb 22, 2008

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

Erin E. Flohr
Notary Public

Alan Muller
Alan Muller, Executive Director
Green Delaware
P.O. Box 69
1 Stewart Street
Port Penn, DE 19731
(302) 834-3466

Erin E. Flohr
My commission expires
May 8, 2009
State of Delaware
Notary Public