

IRON RANGE



Advancing regional growth.

November 4, 2003

Thomas A. Micheletti
Excelsior Energy, Inc.
519 Ferndale Rd. N.
Wayzata, MN 55391

Sent via facsimile and U.S. Mail

**RE: IRRRA/Excelsior Energy, Inc.
Non-Disclosure Agreement dated August 11, 2003**

Dear Mr. Micheletti:

Enclosed please find a copy of an Information Disclosure Request we received from Scott Thistle of the Duluth News Tribune. As provided in the Non-Disclosure Agreement referenced above, the IRRRA is hereby notifying you of the enclosed request for disclosure of government data received or on behalf of Excelsior Energy, Inc. The IRRRA will not furnish any of the data to the requesting party sooner than the fifth business day following the transmission of this letter. The reason for this delay is to afford your company time to institute legal action, if necessary.

If you have any questions about this matter, please contact Gunnar Johnson or me at 1-800-765-5043.

Sincerely,

Brian Hiti
Acting Deputy Commissioner

Enclosures

Iron Range Resources
& Rehabilitation Agency
P.O. Box 441
4261 Highway 53 South
Eveleth, MN 55734-0441
(218) 744-7400



www.irrta.org

An Equal Opportunity Employer

Request Received By: _____ Date of Request: 11/3/2003

Iron Range Resources & Rehabilitation Agency

INFORMATION DISCLOSURE REQUEST
Minnesota Government Data Practices Act

1. Requestor's Name: THISTLE SCOTT B
Last First MI

2. Address: 424 W. FIRST ST
DULUTH, MN
55802

3. Telephone: 218-723-5312 or 651-398-5226

4. Description of Information Requested:
COPIES OF EXCELLENCE ENERGY
BUDGET FOR 1998 APPROX GRANTS
OR LOANS
+ SEE ACCOMPANYING LETTER

5. Requestor's Signature: [Signature]

Office Use Only

1. Department/Division Name: _____

2. Request Type: In Person Mail Phone

3. Fees: None (If over 1000 copies - employee time)
of Pages: None

4. Employee Signature: _____

5. Request Approved Request Denied (If denied, please state reason below)

6. Remarks or Comments: _____

If mailed, return form and fees to:
Iron Range Resources & Rehabilitation Agency, P.O. Box 441, Eveleth, MN 55734

Request Completed By: _____ Date of Completion: _____

Duluth News Tribune

424 West First Street, Duluth, Minnesota 55802

P: 218-723-5281

duluthnewstribune.com

F: 218-723-5295

November 3, 2003

Sandy Layman
Commissioner
Iron Range Resources Agency
P.O. Box 441, Eveleth, MN 55734

Dear Commissioner Layman:

Pursuant to the state open records law, Minn. Stat. Ann. Secs. 13.01 to 13.99, I am writing to request access to and copies of any documents in the possession of the Iron Range Resources and Rehabilitation Agency relating to Mesaba Energy Project and Excelsior Energy, Inc.

Specifically, I am requesting documents that outline how Excelsior has spent or is planning to spend \$500,000 of agency grant funds previously awarded to them. I would also request access to and a copy of any budget or pro forma presented to the agency, which outlines how Excelsior would spend the additional \$1.7 million it is requesting in agency grant and/or loan support.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$50. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

I request your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely.

Please be advised I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. Willful violation of the open records law can result in a fine of up to \$10,000, disciplinary action and awards for costs and disbursements, including reasonable attorney fees.

When ready, you can forward the documents to me at the address above. You can reach me by e-mail, sthistle@duluthnews.com; by phone, 723-5312; or cell phone, (651) 398-5226.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Thistle". The signature is written in a cursive, somewhat stylized font.

Scott Thistle
Legislative Reporter
Duluth News Tribune

cc: Joseph J. Roby, Jr., Johnson, Killen & Seiller, P.A.; and Doug Gregor, Minnesota Assistant Attorney General.