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June 28, 2006

Sandy Layman, Commissioner
Iron Range Resources
4261 Hwy. 53 South
P.O. Box 441
Eveleth, MN 55743-0441

Brian Hiti, Deputy Commissioner
Iron Range Resources
4261 Hwy. 53 South
P.O. Box 441
Eveleth, MN 55743-0441

RE: Excelsior/Mesaba Data Practices Act Request under Minn. Stat. §13.03

Dear Ms. Layman and Mr. Hiti:

I represent mncoalgasplant.com (MCGP) in the PUC's Excelsior/Mesaba docket and the PUC/Commerce siting docket.

This is a Data Practices Act Requests regarding Excelsior's Mesaba project under Minn. Stat. §13.03.¹ Please gather the information requested, and let me know when I may come in to inspect the file. I'll bring my scanner to avoid copying costs.

The Mesaba enabling legislation requires that the site have infrastructure:

216B.1694, Subd. 2 INNOVATIVE ENERGY PROJECT.

(3) that is designated by the commissioner of the iron range resources and rehabilitation board as a project that is located in the taconite tax relief area on a site that has substantial real property with **adequate infrastructure to support new** or expanded development and that has received prior financial and other support from the board.

Please see attached letters dated June 19, 2006, of Mr. Hiti, and November 7, 2005, of Ms. Layman. Regarding these missives:

1) In Ms. Layman's letter of November 7, 2005, which states that:

Based on this Agency's ongoing efforts in support of the Mesaba Energy Project and the analysis of Agency staff of the proposed site near taconite, Minnesota... I hereby designate the Mesaba Energy Project as one that meets the requirements set forth in Minnesota Statutes, Section 2165B.1695(sic), Subdivision 1, Paragraph 3, whether it is located at the Preferred Site or the Alternative Site. To Ms. Layman regarding the above paragraph in the letter of November 7, 2005:

a) Provide documentation of all your site visits to the Preferred Site.

¹ www.revisor.leg.state.mn.us/data/revisor/statutes/2005/13/03.html

- b) Provide documentation of each item of "adequate infrastructure to support new or expanded development" present both on or before November 7, 2005 and at the present time, specifically addressing each of the following, and other infrastructure that may be on site. If there is none of a particular type of infrastructure, state "none" beside that item. If there is documentation that there is no infrastructure, provide that documentation.:
1. Rail tracks and other infrastructure
 2. Road access and traffic controls
 3. Natural gas pipeline and metering equipment
 4. Water supply pipeline and metering equipment
 5. Water discharge pipeline
 6. Water treatment facility
 7. Transmission – 345kV or 230kV
 8. Safety infrastructure including fire, medical and police protection
 9. CO2 sequestration pipeline
- c) Provide source of information and documentation upon which your designation of November 7, 2005, is based.

To Mr. Hiti regarding the letter of June 19, 2006:

- d) Provide documentation of all your site visits to the Preferred Site.
- e) Provide documentation of each item of "adequate infrastructure to support new or expanded development" present both on or before November 7, 2005 and at the present time, specifically addressing each of the following, and other infrastructure that may be on site. If there is no documentation of a particular type of infrastructure, state "none" beside that item. If there is documentation that there is no infrastructure, provide that documentation:
1. Rail tracks and other infrastructure
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 3. Natural gas pipeline and metering equipment
 4. Water supply pipeline and metering equipment
 5. Water discharge pipeline
 6. Water treatment facility
 7. Transmission – 345kV or 230kV
 8. Safety infrastructure including fire, medical and police protection
 9. CO2 sequestration pipeline
- f) Provide source of information and documentation upon which your letter of June 19, 2006, is based.

FYI, I will be requesting a Subpoena for Ms. Layman's hearing appearance to enter the above information regarding infrastructure in the record. The hearing is currently scheduled for late October and early November, and scheduling will be somewhat flexible (I don't know whether Excelsior intends to offer an IRRRB representative as a witness).

Please let me know when I may come up and scan the documentation addressing the above issues.

Very truly yours,



Carol A. Overland
Attorney for mncoalgasplant.com