

<b>OFFICE OF ADMINISTRATIVE HEARINGS</b> 600 North Robert Street P.O. Box 64620 St. Paul, Minnesota 55164-0620		<b>SUBPOENA REQUEST FORM</b> Minn Rule Pt. 1400.7000  OAH File: 12-2500-17512-2 Request Date: March 15, 2008
<b>Name of Judge:</b> Steve Mihalchick	<b>Type of Subpoena</b> (Check one) Documents – Records, correspondence, emails, notes, etc.	

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

MPUC Docket: E-6472/GS-06-668  
 E-6472/M-05-1933  
 OAH Docket: 12-2500-17512-2

<b>Requesting Party or Attorney</b> Carol A. Overland, mncoalgasplant.com OVERLAND LAW OFFICE P.O. Box 176 Red Wing, MN 55066 (612) 227-8638 overland@redwing.net	<b>Person Being Served</b> Records Clerk(s) & environmental review staff Minnesota Department of Natural Resources 500 Lafayette Road St. Paul, MN 55155-4040 (651) 296-6157
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**Date and Location for Document Transfer:**

Documents to be produced via electronic means.

**Relevancy of Documents to be Subpoenaed**

It has recently been discovered that the Dept. of Commerce had Comments from the EPA and U.S. Army Corps of Engineers on the Mesaba Project EIS prepared jointly by DOE and Commerce which were withheld from the public for over one month, and which were not discovered until March 13, 2008, after the public's Comment period had passed and the record had closed. The EPA and U.S. Army Corps of Engineers Comments were not entered into the record in the above docket. These Comments call into question the Mesaba Projects stated purpose, alternatives proposed, and impacts of the project, all relevant – the fundamental issues -- in this siting docket.

This request is for copies of all records, notes, correspondence, letters, emails and other communication regarding Excelsior Energy's Mesaba Project between any and all of the offices and departments of the Department of Natural Resources environmental review staff and the federal Environmental Protection Agency and the U.S. Army Corps of Engineers and any other federal agencies, including any and all of their multiple offices and representatives.

Dated: March 15, 2008



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