



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

March 1, 2011

Carol A. Overland
Legalelectric, Inc.
P.O. Box 176
Red Wing, MN 55066

Re: *In the Matter of the Application of AWA Goodhue Wind, LLC,
for a Large Wind Energy Conversion System Site Permit for
the 78 MW Goodhue Wind Project in Goodhue County,
OAH 3-2500-21662-2; PUC IP-6701/WS-08-1233*

Dear Ms. Overland:

I have reviewed the subpoena requests you filed last week seeking to compel the testimony of Ingrid Bjorklund and Michael Bull at the hearing in the above matter. I have two responses. First, I asked the parties to address, in post-hearing memoranda, the issue whether a county has authority to establish more stringent permitting standards only if it has assumed the responsibility to process applications and issue permits for LWECs with a combined nameplate capacity of less than 25 MW. See First Prehearing Order ¶ 13 (Dec. 8, 2010). This is a legal issue, not a factual issue for hearing in this case. The OES decision to file affidavits explaining the development of its position on this issue in advance of the hearing does not create a factual issue requiring testimony by either Ms. Bjorklund or Mr. Bull. Second, the affidavit filed by Ms. Bjorklund is based solely on her review of legislative materials that are available to the general public. You are free to review those materials at any time and to include similar legislative history in your post-hearing memorandum. Your request for the subpoenas, however, is denied.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen D. Sheehy".

KATHLEEN D. SHEEHY
Administrative Law Judge
Telephone: (651) 361-7848

KDS:nh