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Goodhue County Attorney

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CAROL K. LEE
STEPHEN F. O'KEEFE
ERIN L. KUESTER
CHRISTOPHER J. SCHRADER
WILLIAM L. CHRISTIANSON
ELIZABETH M. S. BREZA
DAVID J. GROVE

September 22, 2011

Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

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, MPUC Docket No. IP-6701/WS-08-1233

Enclosed for filing in this case, please find Petition for Writ of Certiorari, Writ of Certiorari, and Statement of the Case.

Respectfully yours,

GOODHUE COUNTY ATTORNEY'S OFFICE

Stephen N. Betcher
Goodhue County Attorney

SNB/dad
Enclosures



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DAVID J. GROVE

September 22, 2011

Clerk of Appellate Court
Minnesota Court of Appeals
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

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, Minnesota
PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2
Court of Appeals Case No.: _____

Dear Clerk of Appellate Court:

Enclosed for filing on behalf of Relator Goodhue County, please find:

1. Petition for Writ of Certiorari
2. Writ of Certiorari
3. Statement of the Case
4. Public Utilities Commission Order in the above-entitled matter
5. Waiver of Cost Bond
6. Affidavits of Service

The filing fee of \$550.00 is not required pursuant to Rule 103.01, Subd. 3(d). Attached also please find "Notice of Appeal Period" issued by the Public Utilities Commission. Motions for Reconsideration have been filed and are pending and administrative remedies are not yet exhausted. Goodhue County requests that procedures in the matter of this appeal be stayed until the Commission has addressed our Motions and rendered a final decision regarding these Motions.

If you have any questions, or require anything further, please let me know.

Respectfully yours,

GOODHUE COUNTY ATTORNEY'S OFFICE

Stephen N. Betcher

Stephen N. Betcher
Goodhue County Attorney

SNB/dad
cc: Parties of Record – Attached Service Lists

STATE OF MINNESOTA
IN COURT OF APPEALS

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, Minnesota

AFFIDAVIT OF SERVICE

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2

Court of Appeals Case No.: _____

Dates of Decision Triggering Appeal Time:
August 23, 2011

STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)

Debora L. O'Connor, Goodhue County Attorney's Office, being first duly sworn, say that on September 22, 2011, I served the Petition for Writ of Certiorari, Writ of Certiorari, Statement of the Case, and Public Utilities Commission Order, by personally handing to and leaving with the parties listed below, a true and correct copy of said documents, substituting the e-dockets version of the Order of the Public Utilities Commission dated August 23, 2011, herein.

Attorney for Minnesota Public Utilities Commission:


Lori Swanson
Minnesota Attorney General
445 Minnesota St., 1400 Bremer Tower
St. Paul, MN 55101

Anna Jenks
Assistant Attorney General
445 Minnesota St., 1100 Bremer Tower
St. Paul, MN 55101

Attorney for Minnesota Department of Commerce & Energy Facilities Permitting:

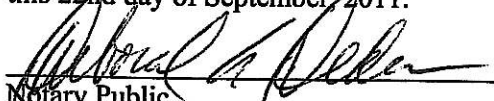
Julia Anderson
Assistant Attorney General
Bremer Tower, Suite 1400
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Karen F. Hammel
Assistant Attorney General
Bremer Tower, Suite 1400
445 Minnesota Street
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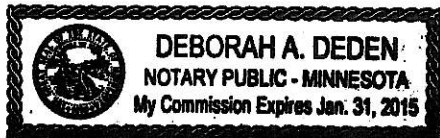


Signature of Affiant, Debora L. O'Connor

Subscribed and sworn to before me
this 22nd day of September, 2011.



Notary Public



STATE OF MINNESOTA
IN COURT OF APPEALS

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, Minnesota

AFFIDAVIT OF SERVICE

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
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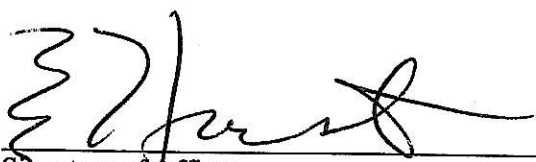
STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)

Erin Kuester

_____, Goodhue County Attorney's Office, being first duly sworn, say that on September 22, 2011, I served the Petition for Writ of Certiorari, Writ of Certiorari, Statement of the Case, and Public Utilities Commission Order, by personally handing to and leaving with the parties listed below, a true and correct copy of said documents, substituting the e-dockets version of the Order of the Public Utilities Commission dated August 23, 2011, herein.

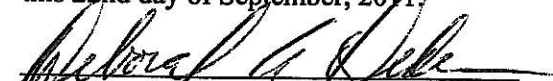
Attorney for Applicant AWA Goodhue Wind:

Todd Guerrero and Christy Brusven
Fredrickson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1420

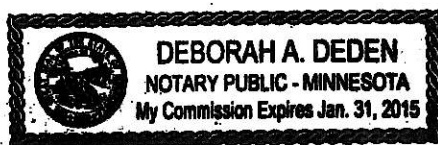


Signature of Affiant

Subscribed and sworn to before me
this 22nd day of September, 2011.



Notary Public



STATE OF MINNESOTA
IN COURT OF APPEALS

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, Minnesota

AFFIDAVIT OF SERVICE

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
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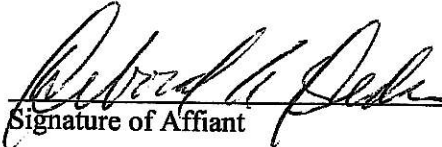
STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)

Deborah A. Deden, Goodhue County Attorney's Office, being first duly sworn, says that on September 22, 2011, she served the Petition for Writ of Certiorari, Writ of Certiorari, Statement of the Case, and Public Utilities Commission Orders, substituting the e-dockets version of the Order of the Public Utilities Commission dated August 23, 2011, herein, by U.S. Mail with postage prepaid, on the following individuals:

Attorney for Coalition for Sensible Siting:
Daniel S. Schleck
Mansfield, Tanick & Cohen, P.A.
220 South Sixth Street, Suite 1700
Minneapolis, MN 55402-1425

Attorney for Belle Creek Township:
Einar Hanson
Strobel & Hanson, P.A.
406 West Third Street, Suite 200
Red Wing, MN 55066

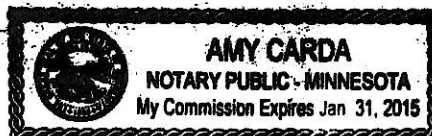
Attorney for Goodhue Wind Truth
Carol Overland
Overland Law Office - Legalectric
1110 West Avenue
Red Wing, MN 55066



Signature of Affiant

Subscribed and sworn to before me
this 22nd day of September, 2011.

Notary Public



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

DATE: September 13, 2011
TO: Service List
FROM: Burl W. Haar, Executive Secretary
DKT. NO. : IP-6701/WS-08-1233



In the Matter of the Application of AWA Goodhue Wind, LLC for a Large Wind Energy Conversion System (LWECS) Site Permit for the 78 MW Goodhue Wind Project in Goodhue County

SUBJECT: Notice of Appeal Period

PLEASE TAKE NOTICE that the Minnesota Public Utility Commission's siting and routing decisions and orders are governed by the Administrative Procedure Act. Minn. Stat. §§ 216.F.02 (a), 216E.15. Under the Administrative Procedure Act, unless a request for reconsideration is made within ten days of the decision and order of an agency, the appeal period of 30 days is not tolled. Minn. Stat. § 14.64. Consequently, because no request for reconsideration was filed within ten days of the Public Utility Commission's *Order Issuing Site Permit As Amended*, Docket No. IP-6701/WS-08-1233, the appeal period relating to this order will expire on September 22, 2011¹.

The procedure governing appeal of the Public Utility Commission's siting and routing decisions and orders is contained in Minn. Stat. § 14.64. Under Minn. Stat. § 14.64, an appeal is initiated by serving a petition for writ of certiorari personally or by certified mail upon the agency and by promptly filing the proof of service in the Office of the Clerk of the Appellate Court. Copies of the writ must be served, personally or by certified mail, upon all parties to the proceeding before the agency in the proceeding in which the order sought to be reviewed was made. *Id.* The Minnesota Rules of Civil Appellate Procedure contain additional requirements for filing a petition for writ of certiorari, including but not limited to service on the Minnesota Attorney General. *See* Minn. R. Civ. App. P. 115.03.

¹ Depending on the manner of service of the Public Utility Commission's order on a particular party, the appeal period might expire on September 26, 2011. *See* Minn. R. Civ. App. P. 125.03; Minn. R. Civ. P. 6.05.

**STATE OF MINNESOTA
IN COURT OF APPEALS**

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, Minnesota

PETITION FOR WRIT OF CERTIORARI

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2

Court of Appeals Case No.: _____

**Dates of Decision Triggering Appeal Time:
August 23, 2011**

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA:

Goodhue County ("Petitioner") hereby Petitions the Court of Appeals for a Writ of Certiorari to review the attached August 23, 2011, decision of the Minnesota Public Utilities Commission ("PUC") granting a Certificate of Need and Siting Permit to Applicant AWA Goodhue for the Goodhue Wind Project. Goodhue County has filed a Petition and Motion for Rehearing and Reconsideration of Decision Granting Certificate of Need and Ordering Issuing of Site Permit as Amended, and a Memorandum in Support of Rehearing and Reconsideration. The PUC has filed a Notice of Appeal Period stating that Minn. Stat. §216F.02(a), 216E.15, and 14.64 apply, and Petitions for Writ of Certiorari must be filed within 30 days of the Commission's Order according to the Administrative Procedure Act. The 30 day period for appeal expires on September 22, 2011, for those parties receiving electronic service. This

deadline for appeal pre-dates the timeline for the Commission's decisions regarding Reconsideration and Rehearing. Goodhue County is filing this Petition now to preserve its right to appeal the Public Utilities Commission's Order.

Because the Commission's decision is pending, and because our administrative remedies are not exhausted, Goodhue County respectfully requests action on this Petition be deferred pending final disposition of the Reconsideration and Rehearing Petitions pending before the Minnesota Public Utilities Commission. The Commission's action could affect the matters requested for review by this court.

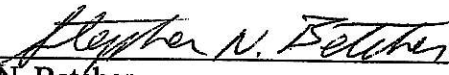
The PUC's decisions were erroneous under Minn. Stat. §216F.081 in that the PUC failed to apply the standards of the valid Goodhue County Zoning Ordinance, Article 18, Wind Standards, or to require the applicant to bear the burden to show "good cause" that each of the Goodhue County standards should not be applied. Improper findings of the "EFP Findings of Fact and Order" include, but are not limited to, findings based on alleged facts not in the record, findings contradicting other findings in the record, findings improperly relying on C-BED status of a project erroneously labeled as C-BED to grant a Certificate of Need, findings relying on General Permit Standards for Wind Energy Projects less than 25 Megawatts to evaluate a large wind energy project of 78 Megawatts, and findings failing to address new facts in the record concerning stray voltage, eagles, bats and shrikes. Minnesota's Certificate of Need statute, Minn. Stat. §216B.243, subd. 9; Minnesota Environmental Rights Act, Minn. Stat. C. 116B; Minnesota Environmental Policy Act, Minn. Stat. Ch. 116D; Administrative Procedure Act, Minn. Stat. §14.61. Appeals from final Public Utilities Commission decisions are taken pursuant to the Minnesota Administrative Procedures Act. Minn. Stat. §216B.52; see also Minn. Stat. §14.64 (conflicting timing). The Administrative Procedures Act authorizes review in the Court

of Appeals by writ of certiorari. Minn. Stat. §14.63; see also Minn. R. Civ. App. P. 103.03(g) and 115.01.

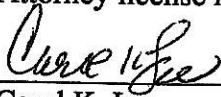
Dated this 22nd day of September, 2011.

Respectfully submitted,

GOODHUE COUNTY ATTORNEY'S OFFICE



Stephen N. Betcher
Goodhue County Attorney
Attorney license no. 139117



Carol K. Lee
Assistant Goodhue County Attorney
Attorney license no. 61669

GOODHUE COUNTY ATTORNEY'S OFFICE
454 West Sixth Street
Red Wing, MN 55066
651-267-4950

Attorney for Petitioner
County of Goodhue

**STATE OF MINNESOTA
IN COURT OF APPEALS**

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, Minnesota

WRIT OF CERTIORARI

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2

Court of Appeals Case No.: _____

**Dates of Decision Triggering Appeal Time:
August 23, 2011**

TO: CLERK OF APPELLATE COURTS:

You are hereby ordered to return to the Court of Appeals within 10 days after the date Relator's brief is due the record, exhibits and proceedings in the above-entitled matter so that this court may review the decision of the agency issued on the date noted above.

Copies of this writ and accompanying petition shall be served forthwith either personally or by mail upon the respondent Minnesota Public Utilities Commission, its counsel listed below, and upon the official parties in the above-captioned case.

Anna Jenks, Assistant Attorney General
Attorney for Respondent Public Utilities Commission
445 Minnesota Street
Bremer Tower, Suite 1100
St. Paul, MN 55101

Proof of service shall be filed with the Clerk of the Appellate Courts.

Dated: _____

Clerk of Appellate Courts

By: _____
Assistant Clerk

(Clerk's File Stamp)

**STATE OF MINNESOTA
IN COURT OF APPEALS**

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, Minnesota

STATEMENT OF THE CASE

PUC Dockets: IP-6701/CN-09-1186 and IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2

Court of Appeals Case No.: _____

**Dates of Decision Triggering Appeal Time:
August 23, 2011**

Relator County of Goodhue, for its Statement of the Case, states as follows:

1. Agency of case origination.

This case originated with the Minnesota Public Utilities Commission (hereinafter "PUC" or "Commission"). The Commission referred certain issues to the Minnesota Office of Administrative Hearings for contested case evidentiary proceedings, presided over by Administrative Law Judge Kathleen Sheehy, after which ALJ Sheehy issued a Recommendation to the PUC. The parties in that case were: Goodhue County, Minnesota; Belle Creek Township, Minnesota; Coalition of Sensible Siting; Goodhue Wind Truth; the Department of Commerce, Office of Energy Siting, was a participant. The PUC then held a further hearing on June 30, 2011, and made its decision of August 23, 2011. The PUC filed a memorandum stating that appeals must be filed within 30 days of that date, despite parties' pending requests that would exhaust administrative remedies. The Commission has yet to address the various Motions and Petitions for Reconsideration, Rehearing and Reopening, and Goodhue County requests this

court stay further proceedings regarding this appeal until the Commission has rendered its decision.

2. Jurisdictional statement.

Appeals from final Public Utilities Commission decisions are taken pursuant to the Minnesota Administrative Procedures Act. Minn. Stat. §216B.52. The Administrative Procedures Act authorizes review in the Court of Appeals by writ of certiorari. Minn. Stat. §14.63; Minn. R. Civ. App. P. 103.03(g) and 115.01; see also Minn. Stat. §14.64.

Relators appeal the PUC's final decision on the matter, i.e. its August 23, 2011, order granting Certificate of Need and Siting Permit for the AWA Goodhue Wind Project. This appeal is timely filed no more than 30 days after receipt of the PUC's August 23, 2011, Order (Minn. Stat. §14.64) and received August 24, 2011. Motions for Reconsideration to the Commission have been filed by many parties and are pending at the Public Utilities Commission.

3. State type of litigation and designate any statutes at issue.

This is an appeal of a Minnesota Public Utilities Commission action, a state agency action, that followed contested case hearings on narrowly specified issues under the Minnesota Administrative Procedures Act, Minn. Stat. Ch. 14. The specific statute at issue is Minn. Stat. §216F.081, and Minnesota's Certificate of Need Statute, Minn. Stat. §216B.243, wind siting under Minn. Stat. Ch. 216F and rules, those governing environmental review, including the Minnesota Environmental Policy Act, Minn. Stat. §116D, and those governing Community Based Energy Development – CBED under Minn. Stat. §216B.1612.

4. Brief description of claims, defenses, issues litigated and result below.

This appeal will address whether the Commission must apply the standards concerning commercial wind development as codified in the Goodhue County Zoning Ordinance standards

Article 18, Wind Ordinance, as required by Minn. Stat. §216F.081, or whether the Commission has good cause not to apply Goodhue County's Ordinance standards. Also at issue in this case is whether the Commission correctly phrased the issue before it, whether there is "good cause" not to apply the Goodhue County standards for projects 25 MW or greater, the Commission's adoption of "EFP Findings of Fact, Conclusions of Law and Order," and whether this project is a Community Based Energy Development. Underlying all of these issues is the question of whether, or to what extent, if any, the Commission's rule, "In the Matter of Establishment of General Permit Standards for the Siting of Wind Generation Projects Less than 25 Megawatts, Docket No. E,G-999/M-07-1102, Order Establishing General Wind Permit Standards (Jan. 11, 2008) (General Wind Permit Standards Order)", applies to Large Wind Energy Conversion Systems 25 MW or larger or if the Commission has properly exercised its authority by rule or order or interpretation of statutory language to apply specific performance standards to LWECS such as the 78 MW project at issue here. As a direct result of the Public Utilities Commission's failure to follow the statutory requirements of Minn. Stat. §216F.081, the citizens of Goodhue County, Minnesota, have been deprived of the protections afforded by Minnesota Statute and the Goodhue County Zoning Ordinance, Article 18, Wind regulations. Furthermore, the Commission's failure to adopt rules governing LWECS 25 MW or larger as required by Minn. Stat. §216F.05 or to complete its fact finding on health and safety aspects of wind energy development embodied in PUC Docket, No. E,G-999/M-07-1102, has deprived the citizens of the State of Minnesota of necessary, fact based rules establishing statewide health, safety, and environmental protections associated with wind energy development in violation of M.S. §216F.05.

5. List specific issues proposed to be raised on appeal.

The errors of law to be raised include:

- The Commission's Order of August 23, 2011, consistently misstates the "good cause" standard and reverts to language used by the Applicant requiring the County establish that its regulations are "necessary". This is a misstatement of the law under Minn. Stat. 216F.081. Setbacks within the Goodhue County Ordinance are supported by facts in the record and in the present Findings. They must be reinstated. There has been no showing that the Goodhue County Ordinance is arbitrary or capricious or that it rests on clearly erroneous facts.
- The Administrative Law Judge has misstated the legal standard of "good cause" and the Findings herein apply the erroneous definition. The "good cause" standard really means that Applicants must show that the County Ordinance is wrong, not that Goodhue County must show that its standards are right. There has been no showing that the Goodhue County Ordinance is arbitrary or capricious or that it rests on clearly erroneous facts.
- Violations of statutory limitations on additions to the record of proceedings following a contested case hearing have resulted in unlawful Findings of Fact. (See Minn. Stat. §14.61) Such unlawful Findings cannot form the basis of a valid Order. Stray Voltage testing requirements are supported by facts in the record and in the present Findings. They must be reinstated and applied by the PUC. The eagle, shrike and bat protection plan has been violated before it was complete. The required plans must be in place, supported by valid scientific research, before the permit can be issued. The Environmental Report was insufficient and inadequate because the information presented by the applicants was not independently verified by the Department of Commerce, information regarding protected species, including eagles, loggerhead shrike, and bats was not adequately considered, and new information discovered just before the Commission hearing of June 30, 2011, was not addressed and not considered by the Commission.
- In review of the Commission's Certificate of Need and Siting Permit, the AWA Goodhue wind project is not a Community Based Energy Development (C-BED) project. The project was dramatically changed, and as demonstrated in the record before the Administrative Law Judge, it is now 99% owned by a Texas business organization. Minn. Stat. 216B.1612. Conflicting information regarding Renewable Energy Standards (RES) contained in Minn. Stat. 216B.1691, Certificate of Need and Community Based Energy Development (C-BED) pursuant to Minn. Stat. 216B.1612, must be clarified and supported by facts or the C-BED determination is unlawful and cannot form the basis of issuance of a certificate of need.

6. Related appeals.

Upon information and belief, other intervenors in this PUC docket will be appealing the Commission's decision. No other appeals are filed at this time. Other than those of parties aggrieved herein, there are no prior or pending appeals in separate actions raising similar issues. Goodhue County requests consolidation of expected multiple appeals of the Commission's AWA Goodhue Wind Project decisions.

7. Contents of record.

There is an extensive record of the PUC proceeding. For the purposes of Rules 115.04, subd. 1 and 110.02, subd. 1(c), Petitioner/Relator provides notice that a transcript is not necessary to review the issues on appeal because the transcript has already been prepared of public and evidentiary hearings and agency decisional hearings in this matter, and the original transcripts and the full record is on file with the PUC. These transcripts, and the record, will be transmitted to the Court of Appeals under Rule 111.01. Trout Unlimited, Inc. v. Minn. Dep't of Agriculture, 528 N.W. 2d 903, 908 (Minn. App. 1995) (all documents "available and in the possession of" the agency are part of the record.).

No further copies of the transcripts are needed for the appeal. All parties have either previously purchased, received and/or waived transcripts. Applicant AWA Goodhue and Goodhue County have purchased transcripts for their own use during this proceeding, agencies Public Utilities Commission, Department of Commerce and Energy Facilities Permitting have received transcripts as a matter of course, and Relator Goodhue Wind Truth, the Coalition for Sensible Siting, and Belle Creek Township have waived transcripts as not being necessary for their participation in this appeal.

8. Is oral argument requested? Yes. At another location? No.

9. **Identify the type of brief to be filed.** Formal brief under Rule 128.02.

10. **Names, addresses, and telephone numbers of attorneys:**

Petitioner County of Goodhue's Counsel

Stephen N. Betcher
Goodhue County Attorney
Attorney license no. 139117
454 West Sixth Street
Red Wing, MN 55066
651-267-4950
Steve.Betcher@co.goodhue.mn.us

Carol K. Lee
Assistant Goodhue County Attorney
Attorney license no. 61669
454 West Sixth Street
Red Wing, MN 55066
651-267-4950
Carol.Lee@co.goodhue.mn.us

Respondent Public Utilities Commission's Counsel

Lori Swanson
Minnesota Attorney General
445 Minnesota St., 1400 Bremer Tower
St. Paul, MN 55101
(651) 296-6196

Anna Jenks
Assistant Attorney General
445 Minnesota St., 1100 Bremer Tower
St. Paul, MN 55101
(651)757-1262 anna.jenks@ag.state.mn.us

Parties Counsel

Attorney for Applicant AWA Goodhue Wind:

Todd Guerrero and Christy Brusven
Fredrickson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1420
612-492-7370
tguerrero@fredlaw.com

Attorney for Goodhue Wind Truth

Carol Overland
Overland Law Office – Legalectric
1110 West Avenue
Red Wing, MN 55066
612-227-8638
overland@redwing.net

Attorney for Coalition for Sensible Siting:

Daniel S. Schleck
Mansfield, Tanick & Cohen, P.A.
220 South Sixth Street, Suite 1700
Minneapolis, MN 55402-1425
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dschleck@mansfieldtanick.com

Attorney for Belle Creek Township:

Einar Hanson
Strobel & Hanson, P.A.
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Red Wing, MN 55066
651-388-1891
ehanson@strobelhanson.com

Attorney for Minnesota Department of Commerce & Energy Facilities Permitting:

Julia Anderson
Assistant Attorney General

Karen F. Hammel
Assistant Attorney General

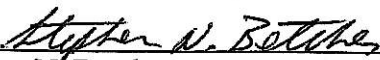
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julia.anderson@ag.state.mn.us

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St. Paul, MN 55101-2131
651-297-1852
karen.hammel@ag.state.mn.us

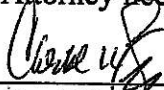
Dated this 22nd day of September, 2011.

Respectfully submitted,

GOODHUE COUNTY ATTORNEY'S OFFICE



Stephen N. Betcher
Goodhue County Attorney
Attorney license no. 139117



Carol K. Lee
Assistant Goodhue County Attorney
Attorney license no. 61669

GOODHUE COUNTY ATTORNEY'S OFFICE
454 West Sixth Street
Red Wing, MN 55066
651-267-4950

Attorney for Goodhue County