

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Freeborn
Wind Energy LLC for a Large Wind Energy
Conversion System Site Permit for the 84 MW
Freeborn Wind Farm

AFFIDAVIT OF KEVIN MIXON

OAH DOCKET NO. 80-2500-34633

STATE OF MINNESOTA)
) ss.
COUNTY OF BROWN)

Kevin Mixon, being first duly sworn on oath, hereby deposes and states the following:

1. I am employed at the Minnesota Department of Natural Resources (“DNR”) as a Regional Environmental Assessment Ecologist in the Ecological and Water Resources Division. I work out of DNR’s New Ulm Office. I have held this position from 2009 to the present. Among my duties for DNR, I am responsible for environmental review within the Ecological and Water Resources Division.

2. I have no personal knowledge of the facts at issue in the Office of Administrative Hearings (“OAH”) Docket No. 80-2500-34633 as Counsel for Intervenor Association of Freeborn County Landowners (“Intervenor”) has not been in touch to inform me of the purpose of my testimony. In my role at DNR, I have discussed the project with the developers and consultants in regards to natural resource issues, such as the appropriate wildlife surveys for the project.

3. Intervenor served me with a Hearing Subpoena (“Subpoena”) to appear in Freeborn County on Thursday, February 22, 2018, at 9:30 a.m. as a witness in a hearing for OAH Docket No. 80-2500-34633. A true and correct copy of the Subpoena is attached hereto as

Exhibit A. I was served by a Brown County Sheriff on December 11, 2017, at DNR's New Ulm office. Notice was left with a receptionist. A true and correct copy of the Affidavit of Service is attached hereto as Exhibit B.

4. As of February 8, 2018, Intervenor has not contacted me to arrange to pay fees for attending the hearing scheduled for February 22, 2018 or travel to and from the hearing at the statutory rate of .28 cents per mile. Minn. Stat. § 357.22

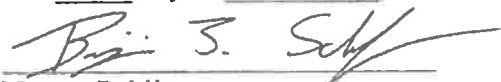
5. I reside and am employed in Brown County. I do not regularly conduct business elsewhere in the state. I anticipate the mileage to Brown County to be approximately 200 miles, which will cost a minimum of \$56.56 in mileage.

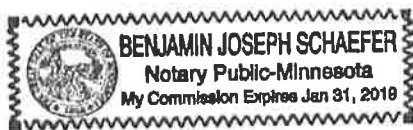
6. Likewise, as of February 8, 2018, Intervenor has not contacted me to arrange for any expert witness fees. At this point, Intervenor has not provided any indication of its intent to provide any reasonable compensation for my time.

FURTHER YOUR AFFIANT SAYETH NOT.


KEVIN MIXON

Subscribed and sworn to before me on
this 8TH day of FEBRUARY, 2018.


Notary Public





HEARING SUBPOENA

TO: Kevin Mixon, Regional Environmental Assessment Ecologist, Division of Ecological and Water Resources, 21371 Highway 15 South, New Ulm, MN 56073

This subpoena is issued pursuant to Minn. Stat. § 14.51 (2016).

You are commanded to appear before Administrative Law Judge LauraSue Schlatter of the Office of Administrative Hearings of the state of Minnesota at a venue to be determined in the city of Albert Lea, Minnesota, on Thursday, February 22, 2018, at 9:30 a.m., to appear as a witness *In the Matter of the Application of Freeborn Wind Energy LLC for a Large Wind Energy Conversion System Site Permit for the 84 MW Freeborn Wind Farm*, docket number 80-2500-34633.

Dated: December 5, 2017

A handwritten signature in cursive script that reads 'LauraSue Schlatter'. The signature is written in black ink and is positioned above a horizontal line.

LAURASUE SCHLATTER
Administrative Law Judge

Subpoena requested by: Carol A. Overland, for Intervenor AFCL Legalectric

BROWN COUNTY SHERIFF'S OFFICE
CERTIFICATE OF SERVICE

STATE OF MINNESOTA
COUNTY OF BROWN

I hereby certify that on the 11th day of December, 2017, at 10:19 am, at 21371 Hwy 15 S
in the township/city of New Ulm in the County of Brown, State of Minnesota, I duly served the following:

<input type="checkbox"/> Summons and Complaint	<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Emergency Ex Parte Order for Protection and Petition
<input type="checkbox"/> Eviction Summons and Complaint	<input type="checkbox"/> Notice of Motion	<input type="checkbox"/> Order for Hearing
<input type="checkbox"/> Summons and Petition	<input type="checkbox"/> Motion	<input type="checkbox"/> Garnishment Summons
<input checked="" type="checkbox"/> Subpoena	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Order
<input type="checkbox"/> Notice of Mortgage Sale, Homestead Designation Notice, Help for Homeowners in Foreclosure pursuant to MN Stat. 580.041, Advice to Tenants in Foreclosure pursuant to MN Stat. 580.042, Redemption Notice		<input type="checkbox"/> Order Granting Petition for Ex Parte Harassment Restraining Order
<input type="checkbox"/> Recommendation of Supervising Agency to Stay, Show Cause or Order for Warrant		
Other _____		

UPON THE FOLLOWING PARTY OR CORPORATION Kevin Mixon

By personally leaving a copy with _____
 By leaving a copy at the place of Kevin Mixon 's usual abode with
Emily Kral - receptionist, a person of suitable age and discretion, then residing therein.

CERTIFICATE OF UNSERVED PROCESS

The attached process is returned for the following reason(s):

Person unknown at address No such address Service cancelled by litigant
 No response Person moved, address unknown
Other _____

Sheriff's Fee \$ _____
Travel \$ _____
Total \$ _____

Rich Haffmann
Sheriff of Brown County

By 
Deputy Randeec Murphy

Date: 12/11/17