



MINNESOTA

OFFICE OF  
ADMINISTRATIVE  
HEARINGS

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December 5, 2017

Carol A. Overland  
Intervenor AFCL Legalectric  
1110 West Avenue  
Red Wing, MN 55066

**Re: *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***  
**OAH 80-2500-34633**

Dear Ms. Overland:

Pursuant to your request received November 30, 2017, please find enclosed hearing presence subpoenas for Kevin Mixon and Lisa Joyal.

Also enclosed is a hearing presence subpoena for Louise Miltich, which is being issued for testimony only at this time. Documents are not being included with this subpoena because the documents are described as "that of September 19, 2017 Data Practices Act Request . . . which will be prefiled . . ." and "[o]ther public documents . . . which need not be produced." Therefore, it is not clear from the subpoena what documents you are requesting Ms. Miltich to bring to the hearing.

A separate subpoena to Ms. Miltich and Heidi Ratterath, jointly, is being granted for production of documents by December 10, 2017.

Your subpoena request for testimony from Paul Allwood or James Kelly of the Department of Health has been denied because you have not shown that Mr. Allwood is qualified to testify regarding the Department of Health's 2009 report entitled, "The Public Health Impacts of Wind Turbines." Mr. Allwood is not listed as an author or contributor to the report. E-dockets does not support your statement regarding the comments you refer to as having been filed in this docket on May 2, 2017. This docket was not opened until June 15, 2017. You stated that the comments to which you referred were attached to the subpoena request, but they were not.

Therefore, you have not demonstrated that either Mr. Kelly or Mr. Allwood is qualified to testify regarding these comments.

If you have any questions, please contact my legal assistant Lisa Armstrong at (651) 361-7888, [lisa.armstrong@state.mn.us](mailto:lisa.armstrong@state.mn.us), or facsimile at 651-539-0310.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurasue Schlatter". The signature is written in a cursive, flowing style.

LAURASUE SCHLATTER  
Administrative Law Judge

LSS:la  
Enclosures



## HEARING SUBPOENA

TO: Louise Miltich, Energy Environmental Review and Analysis, Minnesota  
Department of Commerce, 85 Seventh Place East, Suite 280, St. Paul, MN 55101

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

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LAURASUE SCHLATTER  
Administrative Law Judge

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

**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



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LAURASUE SCHLATTER  
Administrative Law Judge

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

## HEARING SUBPOENA

TO: Lisa Joyal, National Heritage Data Nongame Program, Department of Natural Resources, 261 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



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LAURASUE SCHLATTER  
Administrative Law Judge

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

## SUBPOENA FOR THE PRODUCTION OF DOCUMENTS

TO: Louise Miltich, Energy Environmental Review and Analysis, and Heidi Retterath,  
Minnesota Department of Commerce, 85 Seventh Place East, St. Paul, MN 55101

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

You are commanded to provide to Carol A. Overland, for Intervenor AFCL Legalectric, via electronic service via email, or disc, thumb drive, or hard copy to be picked up at Minnesota Department of Commerce, by the 10th day of December 2017, *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, the following documents for inspection and copying:

Raw data and reports from and regarding sound monitoring performed; curtailment data from the time monitors were placed until the time they were removed; emails and correspondence and notes from telephone conversations between DNV-GL and or other consultants and Commerce; and emails and correspondence and notes between Commerce and MPCA regarding wind turbine noise. Other public documents, i.e., public Bent Tree Noise Monitoring and Monitoring Report, to be reviewed in testimony, need not be produced.

Please take notice that, pursuant to Minn. R. 1400.7000, subp. 3 (2017), upon motion made promptly, and in any event before the time specified in the subpoena for compliance, the Administrative Law Judge assigned to this case may quash or modify any subpoena which is found to be unreasonable or oppressive.

Dated: December 5, 2017



LAURASUE SCHLATTER  
Administrative Law Judge

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