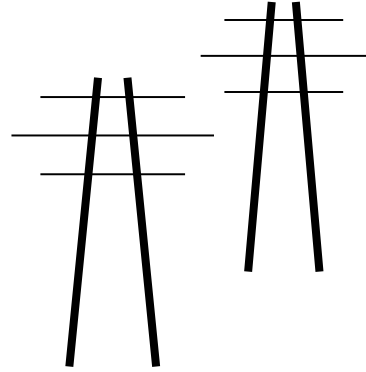


Legalelectric, Inc.

Carol Overland **Attorney at Law, MN #254617**
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

1110 West Avenue
Red Wing, Minnesota 55066
612.227.8638



October 24, 2026

Joseph C. Meyer
Administrative Law Judge
Court of Administrative Proceedings
P.O. Box 64620
St. Paul, MN 55164-0629

eFiled & eServed

RE: Notice of Motion and Motion to Compel Appearance and/or Subpoena
MISO Witness – Jeanna A. Furnish – Testimony and Documents
CAH File No. 28-2500-41617; PUC Docket: CN-25-117 – PowerOn Midwest

Dear Judge Meyer:

Attached please find Notice of Motion and Motion to Compel Appearance and/or Subpoena Request for appearance by MISO's witness Jeanna Furnish at the PowerOn Midwest Public Hearings to address public questions and to enter MISO's testimony and documents into the record at the beginning of the Public Hearings in the above-entitled matter.

Please let me know if you have any questions or require anything further.

Very truly yours,

Carol A. Overland
Attorney at Law

Enclosures: Motion, Affidavit, Exhibits, and Subpoena Request /w Public Hearing Schedule

cc: Kyle Johnson – NO765MN; Suzanne Tomek – North Route Group

**STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS**

FOR THE PUBLIC UTILITIES COMMISSION

**In the Matter of the Application for a
Certificate of Need for the PowerOn
Midwest 765 kV and 345 kV Transmission
Line Project**

**Docket E-002, ET2, ET6675/CN-25-117
OAH Docket No. 28-2500-41617**

**CERTIFICATE OF SERVICE
NORTH ROUTE GROUP AND NO765MN**

**MOTION TO COMPEL MISO APPEARANCE AT PUBLIC HEARINGS
OR IN THE ALTERNATIVE
SUBPOENA REQUEST TO MISO FOR QUESTIONING AT PUBLIC HEARINGS**

I, Carol A. Overland, hereby certify that I have this day served a true and correct copy of the attached Notice of Motion and Motion to Compel MISO appearance at public hearings or, in the alternative, Subpoena Request to MISO for questioning at public hearings and this Certificate of Service to all persons at the email addresses on the Public Utilities Commission eDockets service list by eFiling and eService.



October 24, 2026

Carol A. Overland MN #254617
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NO765MN
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**STATE OF MINNESOTA
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FOR THE PUBLIC UTILITIES COMMISSION**

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OAH Docket No. 28-2500-41617**

**NOTICE OF MOTION AND MOTION TO COMPEL MISO APPEARANCE AT
PUBLIC HEARINGS OR IN THE ALTERNATIVE
SUBPOENA REQUEST TO MISO FOR QUESTIONING AT PUBLIC HEARINGS**

North Route Group and NO765MN hereby submit this Motion to Compel MISO's witness's appearance at the PowerOn Midwest¹ Public Hearings, and in the alternative, submit a Subpoena Request for MISO appearance at Public Hearings for questioning by the public.

**NOTICE: ANY OPPOSITION TO THIS MOTION MUST BE FILED AND
SERVED ON THE DOCKET SERVICE LIST WITHIN 14 DAYS OF SERVICE OF
THIS MOTION FILING. Minn. R. 7829.0410.**

FACTUAL BASIS

On Monday, October 19, 2026, MISO's attorney unilaterally notified Court of Administrative Hearings staff that MISO would not be appearing at the Public Hearings in the above-captioned docket. Exhibit A, email chain between MISO's Lisa Crum and CAH Cara Hunter. Public Harings are scheduled in a "transmission road show" in eight communities Pipestone, Slayton, Worthington, Windom, Sherburn, Wells, Austin, and Kasson, Minnesota.

¹ PowerOn Midwest webpage: www.poweronmidwest.com

There have been a phenomenal number of public comments thus far in the record, over 250 comments from individuals, farms and businesses, and local governments including 23 townships, 2 cities, and 4 counties.² On receiving that announcement that MISO would not attend public hearings,, counsel for Intervenors NRG and NO765MN contacted MISO's Crum noting that MISO's attendance is important because members of the public, by statute and rule, may question witnesses, and that there had been no Order excusing MISO's witness's appearance. Exhibit B, email thread. After that email exchange, including two relevant Commission Orders, statute and rules, and a request for confirmation that MISO's witness would attend the public hearings, MISO will not confirm attendance. Counsel for MISO later arranged a Teams call and NRG/NO765MN and MISO reiterated positions, and despite review of statutes and rules and the option of attendance electronically, no resolution was reached.

Public hearings without the appearance of the instigator and planner of this "PowerOn Midwest" and all the Tranche 2.1 transmission projects is untenable.

At this time, NRG and NO765MN seek on their behalf and on the behalf of members of the public, an Order from the Court to compel appearance of MISO's witness in this proceeding at the public hearing so that members of the public can question this MISO's witness about need related issues within MISO's purview. In the alternative, NRG and NO765MN submit the attached Subpoena Request to compel appearance and testimony to answer questions of the public at the public hearings.

LEGAL BASIS FOR THIS REQUEST FOR MISO ATTENDANCE

MISO developed Tranche 2.1, and in the PowerOn Midwest, Applicants have cut and pasted information, charts, graphs, and maps from MISO's MTEP 24. Applicants defer questions

² See PowerOn Midwest Public Utilities Commission docket E-002, ET2, ET6675/CN-25-117

about those sections of their application to MISO because Applicants did not develop those parts of the Tranche 2.1 project(s) now called “PowerOn Midwest,” which is parts of MISO’s Long Range Transmission Plan projects 22, 23, 24, 25.³ MISO has intervened in this docket and is supported by the Applicants, as “MISO’s participation in the docket will bring additional information about local and regional impacts that will assist the Commission in its decision-making.”⁴

As the creator of Tranche 2.1, MISO built on previous transmission build-outs, most recently Tranche 1,⁵ and set out the purpose of Tranche 2.1 and identified transmission projects including “PowerOn Midwest” and the group of 765kV and 345kV “studied projects” LRTP 22, 23, 24, 25 “PowerOn Midwest,” and LRTP 26, “Gopher to Badger,” relied on as a group, not by project name or LRTP number. MISO compiled the MTEP 24 demand forecasts and marketing plans; economic analysis; cost estimates; cost/benefit analysis including benefit categories; cost allocation across MISO; preliminary routes; endpoints; etc., on which “PowerOn Midwest and the entire Tranche 2.1 portfolio relies. Tranche 2.1 and the segments comprising “PowerOn Midwest” are MISO’s, not the Applicants, brainchild.

There is strong public interest, with packed Applicant and PUC meetings, and in eDockets, over 250 comments from individuals plus at least 50 more filed in “batches,” individuals who are participants, not intervenors, plus two cities, four counties, and twenty-three townships that have weighed in, including comments and questions about need, demand, cost and benefits. These topics are the essence of Tranche 2.1 and are exclusively within MISO’s

³ Also included in the “studied projects” relied on to support “need” is LRPT 26, the MISO project from North Rochester to Columbia, Wisconsin.

⁴⁴ MISO Petition to Intervene [20265-231554-02](#) and Applicant’s support [20265-231732-03](#).

⁵ MISO’s MTEP 21 and Tranche 1: cdn.misoenergy.org/MTEP21%20Addendum-LRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf

purview and Furnish's testimony, not the applicants. MISO's witness should be available to the public, with ALJ discretion, of course, to avoid repetitive and/or off point questioning.

Typically, where a witness could not or would rather not attend personally, the party would make a request to the Administrative Law Judge to be excused from attending, and an order would issue. No such request was made in this case, just a blanket statement by MISO counsel that MISO would not be attending the public hearings.⁶

PUBLIC PARTICIPATION AT HEARINGS

The Public Utilities Commission has a mandate regarding public participation:

216L.16 PUBLIC PARTICIPATION.

Subdivision 1. **Public participation; generally.** The commission must adopt broad spectrum citizen participation as a principal of operation. The form of public participation must not be limited to public meetings and hearings and must be consistent with the commission's rules and guidelines under section 216L.26.

Despite this black letter mandate, opportunities for public participation at the Commission have become more and more limited over the years, so much so that in 2020, in the aftermath of the "Line 3 pipeline" proceeding, the Office of the Legislative Auditor (OLA) conducted an evaluation of the Commission's processes for public participation, and the extent to which the commission's structure, processes, and rules facilitate public participation.⁷ Subsequently, OLA issued a report, which after an investigation issued recommendation to improve public participation,⁸ which in large part has languished.

There have been two Commission Orders in this PowerOn Midwest docket that addressed public participation at hearings. The April 26, 2026 Commission Order for Contested Case notes

⁶ It's presumed that this means both MISO counsel and witness.

⁷⁷ OLA Project description: www.auditor.leg.state.mn.us/announce/puc.pdf

⁸ Public Utilities Commission's Public Participation Processes www.auditor.leg.state.mn.us/ped/pedrep/puc2020.pdf

that persons have the right to present evidence, conduct cross-examination, and make written and oral argument, and referencing Minn. R. 1400.7000, subpoenas to compel attendance of witnesses and the production of documents.⁹ This Order also references Minn. R. 1405.1400 to 1405.2300, which is admittedly odd because Minn. R. ch. 1405 is for proceedings under the Power Plant Siting Act which has been repealed. Nonetheless, Minn. R. 1405.1400 does encourage public participation, including the opportunity to testify, present exhibits, and cross-examine witnesses:

1405.1400 CONDUCT OF HEARING.

The proceedings shall be conducted substantially in the following manner. After opening the hearing, the administrative law judge shall indicate the procedural rules for the hearing including, but not limited to, the following:

A. all persons may present evidence and argument with respect to the issues and cross-examine witnesses;

B. all persons may be represented by legal counsel, but such representation is not required; and

C. the rules of evidence as set forth in part 1405.1700, subparts 3 to 8.

Cross-examination shall be conducted in a sequence determined by the administrative law judge. The record of the hearing shall be closed at a date to be set by the administrative law judge. Such date will correspond to a specific number of calendar days beyond the close of the last hearing date, computed pursuant to part 1405.0700, subpart 1. Written comment will be accepted if postmarked no later than the date set by the administrative law judge. However, the record shall remain open beyond that date for the sole purpose of receiving board responses to relevant comments received on the environmental impact assessment.

This was followed by a warning in the Commission's Notice and Order for Hearings which disallowed public participation in Evidentiary Hearings¹⁰:

Evidentiary Hearings

Members of the public may attend and listen to the evidentiary hearings, but these hearings will not provide opportunities for public comments. To provide oral comments, please attend one of the in-person or online public hearings described earlier in this notice.

The evidentiary hearings will be held in the Minnesota Public Utilities Commission Hearing Rooms at 121 7th Place East, Suite 350, St. Paul, MN 55101, beginning on November 18, 2026, at 9:30 AM. The hearings may continue on November 19 and 20, 2026, if needed, as determined by Judge Meyer.

⁹ Order Accepting Application, Varying Rules, Requiring Filings, and Notice of and Order for Hearing, April 26, 2026: p. 5, [20264-230753-01](#).

¹⁰ Notice, p. 4, October 19, 2026 [202610-237730-01](#).

There are significant logistical problems for members of the public to participate in an Evidentiary Hearing because they are held in St. Paul, a long way from the project area, and time is always short in evidentiary hearings – in addition, the Evidentiary Hearing is more formal than Public Hearings and participation may not be allowed. Even if participation in the Evidentiary Hearing had not been expressly disallowed by the Commission, it's not reasonable that the only opportunity for the public to question witnesses be in an Evidentiary Hearing in St. Paul where the ALJ “may” allow participation, and the journey could well be for naught. This limitation by the Commission is also not surprising giving the generally shrinking opportunities for the public.

As above, public testimony, entry of exhibits, and questioning of witnesses during an evidentiary hearing is in most cases in the rules permissive, a “may,” not a “shall,” with participation opportunities to be determined by the presiding ALJ:

Participation by public. The judge may, in the absence of a petition to intervene, nevertheless hear the testimony and receive exhibits from any person at the hearing, or allow a person to note that person's appearance, or allow a person to question witnesses, but no person shall become, or be deemed to have become, a party by reason of such participation. Persons offering testimony or exhibits may be questioned by parties to the proceeding.

Minn. R. 1400.6200, Subp. 5.

Non-parties have “rights,” but again, it's permissive, at the discretion of the ALJ:

1400.7150 RIGHTS AND RESPONSIBILITIES OF NONPARTIES.

Subpart 1. **Offering evidence.** With the approval of the judge, any person may offer testimony or other evidence relevant to the case. Any nonparty offering testimony or other evidence may be questioned by parties to the case and by the judge.

Subp. 2. **Questioning witnesses.** The judge may allow nonparties to question witnesses if deemed necessary for the development of a full and complete record.

On the other hand, cross-examination of witnesses is open to “every party or agency,” who shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence.” Minn. Stat. §14.60.

Public participation is also addressed as a part of the “Conduct of Hearing” rule:

F. Cross-examination of witnesses shall be conducted in a sequence and in a manner determined by the judge to expedite the hearing while ensuring a fair hearing. At the request of a party whose witness is being cross-examined, the judge shall make rulings as are necessary to prevent argumentative, repetitive, or irrelevant questioning and to expedite the cross-examination to the extent consistent with the disclosure of all relevant testimony and information.

G. Any party may be a witness or may present other persons as witnesses at the hearing. All evidentiary testimony presented to prove or disprove a fact at issue shall be under oath or affirmation.

Minn. R. 1400.7800.

The Commission, in its April 26, 2026 Order Accepting Application, Varying Rules, Requiring Filings, and Notice of and Order for Hearing, under “Controlling Statutes and Rules,” cited to Minn. R. 1405.1400 - 1405.2300, which gives opportunities to participate to all persons:

1405.1400 CONDUCT OF HEARING.

The proceedings shall be conducted substantially in the following manner. After opening the hearing, the administrative law judge shall indicate the procedural rules for the hearing including, but not limited to, the following:

A. all persons may present evidence and argument with respect to the issues and cross-examine witnesses;

B. all persons may be represented by legal counsel, but such representation is not required; and

C. the rules of evidence as set forth in part [1405.1700](#), subparts 3 to 8.

Cross-examination shall be conducted in a sequence determined by the administrative law judge. The record of the hearing shall be closed at a date to be set by the administrative law judge. Such date will correspond to a specific number of calendar days beyond the close of the last hearing date, computed pursuant to part [1405.0700](#), subpart 1. Written comment will be accepted if postmarked no later than the date set by the administrative law judge. However, the record shall remain open beyond that date for the sole purpose of receiving board responses to relevant comments received on the environmental impact assessment.

Minnesota’s statutes, rules, and Commission orders repeatedly state that one does not need to intervene in a docket to participate. Minn. R 1405.0800; see also as above, Minn. Stat. §14.60; Minn. R. 1400.6200, Subp. 5; 1400.7150; 1400.7800, Subp. G & H; Commission Order, p. 5-6, April 26, 2026. If this is true, the proceeding must allow for public participation at the public hearings with the blessing and under the direction of the ALJ to assure relevance and prevent repetition or delay.

MISO IS A FUNDAMENTAL PARTY IN THIS DOCKET

MISO is the origin, the source, of Tranche 2.1 and the approximately 270 mile PowerOn Midwest 765 kV and 345 kV transmission project, which, in addition to the novel 765 kV pass-through transmission line, includes an upgraded 345 kV line and substations and new substations to handle the 765 kV incoming and outgoing lines. For state permitting, Minnesota state utilities have taken on the task of applying to the Commission and obtaining Certificate of Need and Routing permits, using MISO information to support the application. The Applicants' Application is in large part a cut and paste from the MTEP 24.¹¹ The PowerOn Midwest transmission project includes MISO's Long Range Transmission Projects 22, 23, 24, and 25, from the South Dakota border, south to Iowa, and east and north to the "North Rochester" substation north of Pine Island. In its "studied projects," the PowerOn Midwest Applicants also include LRPT 26, from North Rochester to Columbia, Wisconsin to support its need claim.

Because the Applicants were applying for PowerOn Midwest not as "utilities," but as entities forwarding the MISO scheme, without the service territory and accompanying regulation of utilities, they avoided production of information typically necessary to demonstrate need by requesting and receiving exemptions from many Application content requirements, for example system line losses rather than losses specific to the project, limitation of system and endpoint alternatives, impact on rates, system demand and consumption, and preliminary routes. These exemptions were granted mainly because such requests had been granted previously for CapX 2020, because Applicants were using MISO information, and because Applicants, putting forth the MISO system proposal, the service area and Applicant forecast information was not deemed relevant.¹² This information, however, is the type of information that the public is seeking and

¹¹ Compare the Application Narrative [20262-227787-02](#) to the MTEP 24 Report [MTEP24.zip](#). Agenda: [202511-225329-01](#).

MISO and the Applicants are not exempt from providing this information in the substantive Certificate of Need proceeding to meet state criteria.

For Tranche 2.1, MISO determined not only the purpose of the project, but also the beginning and endpoints of the transmission project in the Tranche 2.1 portfolio. Under the Certificate of Need statute, alternatives proposed must conform with the “stated purpose” and the endpoints as determined by MISO, an unsupported presumption by the Commission of validity of the “stated purpose” and endpoints. Minn. Stat. §216B.243, Subd. 3(6). Non-conforming alternatives will not be considered in environmental review or in determining “need.”

Beginning and endpoints of “PowerOn Midwest” were determined by MISO. They are found in the MTEP plan, and mindful that MISO developed “preliminary routes,” “[i]n this context, endpoints are the substations where a transmission line begins and ends.” MTEP 24, p. 162, Table 2.35: Tranche 2.1 Portfolio Projects; see also Environmental Report, p. 386. These “endpoints” are identified as LRTP 22 Big Stone South to Lakefield Junction; LRTP 23 Lakefield Junction to East Adair, IA; LRTP 24 Lakefield Junction to North Rochester; LRTP 25 Pleasant Valley to Hampton Corner. Id., see also Application, p. 8, Ownership. MISO’s chart of transmission projects identifies the LRPT projects and names the beginning and endpoints. See attached Table 2.35: Tranche 2.1 Portfolio Projects, LRTP 22, 23, 24, 25, and 26..

The MISO determined “stated purpose” of the 765 kV project is to shift export power to the new 765 kV overlay from the underlying 354 kV and below grid and then export power through Minnesota to markets to the east. The 765 kV overlay takes up the export that is now on the 345 kV and below system and also provides significant new export capacity. Removing the current energy targeted for export from the existing 345 kV system also frees up significant capacity on that system, relieving congestion. The 765 kV portion of Tranche 2.1 in Minnesota

stretches from border to border – from the Big Stone coal plant substation and Brookings in South Dakota, to the south, then east, and north again – through southern Minnesota to the North Rochester Substation. To support the need claim, Applicants add LRTP 26 to the “studied projects,” which heads south and east from North Rochester to the Columbia substation in Wisconsin – without inclusion of LRTP 26, and the entirety of LRTP 22-25, the “need” claim is called into question. This export and marketing purpose of the 765 kV overlay is a MISO and utility purpose, and MISO members and direct customers receive the benefits. What does it do for Minnesota?

The general public is very concerned about the issues they’ve raised and whether Certificate of Need information and criteria in the “PowerOn Midwest” Certificate of Need docket meets the threshold for approval. The applicants and MISO, and perhaps the Commission too, appear to think that all the affected landowners care about is the route. However, the comments reflect that many members of the public are concerned about “need.” That is clear from the substance of and large number of comments eFiled thus far in the docket, and the variety of issues raised by commenters that are relevant in this Certificate of Need docket.

Those issues raised in comments are questions for the Applicants and MISO to answer, the main one being “what does this project do for Minnesota and my community, what is the “need” in the “project area.” How is the demand forecast calculated, and how is a demand forecast and marketing plan become a “need” as defined in Minnesota’s Certificate of Need statute? Members of the public who are not intervenors must be able to question MISO, explain their concerns and position, and enter exhibits. After the extreme overstatement of demand for CapX 2020, said to be 2.49% annually and Xcel’s 25 year flat demand¹³, and that Tranche 2.1

¹³ [Xcel demand... sigh... DOWN AGAIN!](https://legalelectric.org/weblog/30564/) February 25th, 2026, Legalelectric, February 25, 2026, online at <https://legalelectric.org/weblog/30564/>

and PowerOn Midwest has a similar extreme upswing in forecast, the public interest supports avoiding such an extreme overstatement in this case.¹⁴

The PowerOn Minnesota docket is an integral part of the MISO Tranche 2.1 portfolio of transmission projects. Tranche 2.1 is a creation of MISO, which produces a forecast based on its parameters and those of its members. MISO produces beginning and endpoints with ownership of substations a primary factor; determines the amperage of the line; and prepares a preliminary route that it forwards to utilities. MISO determines cost estimates and prepares a cost/benefit analysis to determine, using its internal inputs, whether a segment is cost effective. If the cost rises significantly, MISO is the one performing an analysis to decide if it remains cost effective, without revising the cost/benefit analysis. MISO determines cost apportionment, where the costs of each individual segment is spread across the MISO, meaning that the costs attributable to the area's ratepayers for that segment is quite small, but the costs to all the other segments that will be folded into the area's rates are not disclosed.

MISO is the party that holds the answers to some of the public's very relevant questions.

MISO MUST PRESENT ITS WITNESS AT THE PUBLIC HEARINGS

As the party responsible for the concept and development of Tranche 2.1 and PowerOn Midwest, MISO has a responsibility to Minnesota and members of the public and has a responsibility to appear to answer to the public. The public has only the public hearings to raise issues within MISO's purview, to raise these issues directly to MISO. MISO's witness Jeanna Furnish has presented extensive Direct and Rebuttal testimony. Equity demands that Ms. Furnish

¹⁴ Transmission Planning and CapX 2020, p. 21, online at gridnorthpartners.com/wp-content/uploads/2021/03/uofm-humphrey_capx2020_final_report.pdf; see also fn. 11, "It is important to note that given losses that occur when transmitting electricity, electric service to generation stations, and planning reserve margins of 15% to ensure reliability, a load growth of 6,300 MW would require over 8,000 MW of new generation." That's an additional 1,700 MW, or the capacity of the three reactors of Prairie Island and Monticello!

be available to address pertinent questions from members of the public. NRG and NO765MN request an Order compelling appearance at the Public Hearings, whether in person, via zoom, or telephone, or in the alternative, that this court approve NRG and NO765MN's Subpoena Request for the same purpose.



October 24, 2026

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ID	Project Name	Predominate kV	Targeted ISD	Est. Cost (\$M, 2024)
19	Bison- Alexandria	345	2032	\$216
20	Maple River- Cuyuna	345	2033	\$908
21	Iron Range - Arrowhead	345	2032	\$428
22	Big Stone South- Brookings County- Lakefield Junction	765	2034	\$1,459
23	Lakefield Junction- East Adair	765	2034	\$1,375
24	Lakefield Junction- Pleasant Valley- North Rochester	765	2034	\$1,195
25	Pleasant Valley- North Rochester - Hampton Corner	345	2032	\$222
26	North Rochester - Columbia	765	2034	\$1,924
27	Rocky Run - Werner - North Appleton	345	2032	\$212
28	South Fond du Lac- Rockdale- Big Bend- Sugar Creek - Kitty Hawk	345	2033	\$1,102
29	Bluemond - Arcadian - Waukesha- Muskego- Elm Road - Racine	345	2032	\$731
30	Columbia- Sugar Creek	765	2034	\$743
31	Sugar Creek- Collins	765	2034	\$733
32	Ludington- Denver - Tittabawassee & Nelson Road	345	2032	\$1,553
33	Greentown - Sorenson - Lulu	765	2033	\$1,310
34	Oneida- Sabine Lake- Blackfoot & Majestic	345	2032	\$600
35	Southwest Indiana- Kentucky	345	2032	\$743
36	Southeast Indiana	345	2032	\$578
37	Maywood - Belleau- MRPD - Sioux - Bugle	345	2032	\$881
38	East Adair- Marshalltown- Sub T	765	2034	\$1,583
39	Lehigh- Marshalltown- Franklin North & Montezuma	345	2032	\$588
40	Sub T - Woodford County - Collins & Reynolds	765	2034	\$2,298
41	Woodford County - Fargo & Radbourn	345	2032	\$422
42	Burr Oak - Schahfer	345	2032	\$68
Total Portfolio Cost			Total	\$21,868

Table 2.35: Tranche 2.1 Portfolio Projects

**STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application for a
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Midwest 765 kV and 345 kV Transmission
Line Project**

**Docket E-002, ET2, ET6675/CN-25-117
OAH Docket No. 28-2500-41617**

AFFIDAVIT OF CAROL A. OVERLAND

**STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)**

I, Carol A. Overland, state and affirm as follows:

1. I am an attorney in good standing licensed in the state of Minnesota, Lic. No. 254617.
2. I represent North Route Group and NO765MN in the above-captioned Public Utilities Commission Dockets.
3. I am filing both a Subpoena Request and Motion to Compel Attendance of MISO's Jeanna Furnish, MISO's only witness, to insure Ms. Furnish is present, in person, via zoom, or by phone, so that members of the public may question Ms. Furnish about the subjects of her testimony and MISO's MTEP 24, Tranche 2.1, and other exhibits.
4. This Motion to Compel and Subpoena Request are being filed essentially to assure that the public has the opportunity to fully participate. The Public Utilities Commission has a mandate for a "broad spectrum of public participation," and this PowerOn docket is a stand-out example of public interest and participation thus far.
5. In this docket there have been over 250 comments of individuals, in addition to participation of local governments including two cities, four counties, and twenty-three townships, each of whom have material concerns about the need for and the impacts of PowerOn Midwest. This intense level of public participation is unusual – there are more commenters in this docket than any transmission docket I've observed in 31 years of

practice. Although some comments are routing comments, the comments primarily and appropriately relate to a range of Certificate of Need issues, system alternatives (which may only be addressed in a Certificate of Need proceeding) and the criteria for approving this Application, including, but not limited to, the purpose of the project, cost, impact on rates, how the costs of this project and the Tranche 2.1 portfolio will be apportioned, benefits of the project, tax revenue, etc.

6. Attached as Exhibit A is a true and correct copy of a short email thread dated October 19, 2026, from and to MISO's counsel Lisa Crum and CAH's Cara Hunter, wherein MISO's Crum informs Ms. Hunter that MISO will not be attending the public hearings. There has been no court order excusing MISO's attendance.
7. Attached as Exhibit B is a true and correct copy of an email thread between myself and MISO's Crum and Meyer regarding MISO presence at public hearings, and reminding them of public participation opportunities based on the Commission Order of April 21, 2026; the October 19, 2026 Commission Notice of Public Hearings and Availability of Environmental Report; Minn. Stat. §14.60; Minn. R. 1400.6200, Subp. 5; Minn R. 1400.7150; Minn. R. 1400.7800; Minn. R. 1405.0800; and Minn. R. 1405.1400.
8. At 2:30 p.m. on October 22, Overland and MISO attorneys Crum, Dornfeld, and Meyer discussed Furnish and MISO's appearance at the public hearing, and no resolution was reached.

Further your affiant sayeth naught.



A handwritten signature in blue ink, reading "Carol A. Overland".

Carol A. Overland Lic. No. 254617
Attorney for NRG and NO765MN
1110 West Avenue
Red Wing, MN 55066

612-227-8638
overland@legalelectric.org

Signed and affirmed before me this 24th day
of October, 2026

A handwritten signature in blue ink, reading "Makayla M Zimdars".

Notary Public

Exhibit A - Crum to Hunter - MISO won't attend Public Hearings

Subject: RE: Prehearing Conference CAH 28-2500-41617
From: "Hunter, Cara (CAH)" <Cara.Hunter@state.mn.us>
Date: 10/19/2026, 12:49 PM
To: Crum Energy Law <lisa.crum@crumenergylaw.com>
CC: "Ek, Scott (PUC)" <scott.ek@state.mn.us>, "Agnew, Lauren (She/Her/Hers) (PUC)" <Lauren.Agnew@state.mn.us>, "Kothlow, Tessa (PUC)" <Tessa.Kothlow@state.mn.us>, "lagrimonti@fredlaw.com" <lagrimonti@fredlaw.com>, "Waller Pitts, Haley" <hwallerpitts@fredlaw.com>, "vherring@taftlaw.com" <vherring@taftlaw.com>, "kverhalen@taftlaw.com" <kverhalen@taftlaw.com>, "mmeyer@misoenergy.org" <mmeyer@misoenergy.org>, "Bscape57@gmail.com" <Bscape57@gmail.com>, "overland@legalelectric.org" <overland@legalelectric.org>, "JJPugleasa@gmail.com" <JJPugleasa@gmail.com>

Good afternoon, Ms. Crum,

Thank you for providing that information.

Cara Hunter

Lead Legal Assistant

Court of Administrative Hearings

600 Robert St N
PO Box 64620
St. Paul, MN 55164-0620
P: 651-361-7970
mn.gov/oah



From: Crum Energy Law <lisa.crum@crumenergylaw.com>
Sent: Monday, October 19, 2026 11:29 AM
To: Hunter, Cara (CAH) <Cara.Hunter@state.mn.us>
Subject: Prehearing Conference CAH 28-2500-41617

You don't often get email from lisa.crum@crumenergylaw.com. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Ms. Hunter,

MISO did not attend the prehearing conference today in the docket noted above because it will not be presenting at the public hearings. In addition, I would like to provide notice that MISO will not be attending the public hearings.

Please let me know if you have any questions.

Best regards,
Lisa Crum

Lisa A. Crum, Attorney
CRUM ENERGY LAW
302 E. Howard Street, Suite 122
Hibbing, MN 55746
651-246-7645 (cell)

Subject: Re: Prehearing Conference CAH 28-2500-41617
From: Crum Energy Law <lisa.crum@crumenergylaw.com>
Date: 10/21/2026, 4:09 PM
To: "Carol A. Overland" <overland@legalelectric.org>
CC: Max Meyer <mmeyer@misoenergy.org>

Ms. Overland,

Thank you for your message. MISO recognizes its obligation to make its witness available for the evidentiary hearings, however, there is no requirement for testifying witnesses to attend the public hearings. MISO reiterates that it will not be attending the public hearings.

Best regards,
Lisa

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From: Carol A. Overland <overland@legalelectric.org>
Sent: Wednesday, 21 October 2026 13:45:45
To: Crum Energy Law <lisa.crum@crumenergylaw.com>
Cc: Max Meyer <mmeyer@misoenergy.org>
Subject: Re: Prehearing Conference CAH 28-2500-41617

Ms. Crum and Mr. Meyer -

I don't believe I've misinterpreted -- you've announced that MISO will not appear at the Public Hearings. There's been no excusal by the ALJ, and also, there's the public participation mandate of the Commission.

Statute & rule provide that the public may question witnesses (and testify & enter exhibits). Because of MISO's fundamental role in this and all the Tranche 2.1 projects, MISO's witness should be present to address MISO's role and need based questions of the public in narrowly focused cross-examination.

Public participation in hearings has been an issue before, the most egregious I've experienced was in the Mesaba Project siting docket (06-668), where 12 witnesses, though present, were rammed through in a matter of hours with no questioning allowed! This was also an issue in a rate case docket where no witnesses at all were present for at least the one public hearing that I attended.

In this docket, the Commission's Notice and Order for Hearings specifically limits public participation in the Evidentiary Hearings!

Evidentiary Hearings

Members of the public may attend and listen to the evidentiary hearings, but these hearings will not provide opportunities for public comments. To provide oral comments, please attend one of the in-person or online public hearings described earlier in this notice.

The evidentiary hearings will be held in the Minnesota Public Utilities Commission Hearing Rooms at 121 7th Place East, Suite 350, St. Paul, MN 55101, beginning on November 18, 2026, at 9:30 AM. The hearings may continue on November 19 and 20, 2026, if needed, as determined by Judge Meyer.

Notice, p. 4, October 19, 2026 [202610-237730-01](#).

The April 26, 2026 Commission Order for Contested Case, p. 5, [20264-230753-01](#), notes that persons have the right to present evidence, conduct cross-examination, and make written and oral argument, also referencing Minn. R. 1400.7000, subpoenas to compel attendance of witnesses and the production of documents.

Exhibit B - email thread - Overland - Crum

There's Minn. Stat. 14.60, Subd. 3; Minn. R. 1400.6200, Subp. 5, 1400.7150; 1400.7800, and there's also 1405.0800 and **1405.1400** (though Minn. R. ch. 1405 is for PPSA hearings, the April 26, 2026 does cite **Minn. R. 1405.1400** - 1405.2300!).

I could file a Motion to Compel or Subpoena Request, but I'd rather not waste the time.

Please confirm that Ms. Furnish will appear at the Public Hearings.

Carol

On 10/21/2026 12:45 PM, Crum Energy Law wrote:

Ms. Overland,

Thank you for your message. MISO notified ALJ Meyer's office that it would not be present at the upcoming public hearings for the PowerOn docket. I believe that you have possibly misinterpreted MISO's notification to be for the evidentiary hearings. Unless otherwise ordered by the ALJ, MISO's witness will be present at the evidentiary hearings at which members of the public may ask questions.

Please let me know if you have any questions.

Best regards,
Lisa

Lisa A. Crum, Attorney
CRUM ENERGY LAW
302 E. Howard Street, Suite 122
Hibbing, MN 55746
651-246-7645 (cell)

From: Carol A. Overland <coverland@legalelectric.org>
Sent: Tuesday, October 20, 2026 3:42 PM
To: Crum Energy Law <lisa.crum@crumenergylaw.com>
Subject: Fwd: Prehearing Conference CAH 28-2500-41617

Ms. Crum -

Question. I see that you've said that MISO will not be attending the hearings. Given that the public may question witnesses in the proceeding, I don't see how that's possible if MISO's witness isn't present. Given MISO's role in this proceeding, MISO's presence is important.

In the past, witnesses have had to receive permission from ALJ to skip the hearings, and that's not occurred.

Do I need to raise this with the ALJ?

Carol

COURT OF ADMINISTRATIVE HEARINGS PO Box 64620 St. Paul, Minnesota 55164-0620 (651) 361-7900 FAX (651) 539-0310		SUBPOENA REQUEST FORM Minn. R. 1400.7000 CAH File No.28-2500-41617 Request Date October 24, 2026	
Name of Judge: Joseph C. Meyer		Type of Subpoena (Check one) Public Hearing Presence ☒ Testimony & attachments for record Attend <u>PUBLIC HEARINGS</u> in person or by zoom or by phone?	

In the Matter of the Application for a Certificate of Need for the PowerOn Midwest 765 kV and 345 kV Transmission Line Project

Requesting Party or Attorney Requesting Party or Attorney Name Carol A. Overland, for NRG & NO765MN Address 1110 West Avenue Red Wing, MN 55066 Telephone: (612) 227-8638 Email: overland@legalelectric.org		Person Being Served Name: Jeanna Furnish, Sr. Dir. Expansion Planning, MISO (MISO witness in docket) 720 City Center Drive Carmel, IN 46032 Telephone: 317-249-5400 Email: jfurnish@misoenergy.org	
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Date and Location of Public Hearings::See attached schedule

Relevancy of Testimony or Document to be Subpoenaed
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MISO Counsel has unilaterally announced that MISO will not appear at public hearings. MISO developed Tranche 2.1, and in many subjects "Applicants" have cut and pasted MISO MTEP 24 information into their application, and defer questions to MISO. MISO was creator of Tranche 2.1, including purpose of Tranche 2.1 & identifying transmission projects including PowerOn Midwest and the "studied projects" LRTP 22, 23, 24, 25, and 26; demand forecasts & marketing plans; economic analysis; cost estimates; cost/benefit analysis including benefit categories; cost allocation across MISO; preliminary routes; endpoints; etc. There is strong public interest, with packed Applicant and PUC meetings, and in eDockets, over 250 comments from individuals plus at least 50 filed in "batches" who are participants, not intervenors, plus two cities, four counties, and twenty-three townships that have weighed in, including comments and questions about need, demand, cost and benefits. These topics are within MISO's purview and Furnish's testimony. MISO's witness should be available to the public, with ALJ discretion, of course, to avoid repetitive and/or off point questioning.

Please Note: There is a \$5.00 fee for each subpoena issued. CAH will bill the party/attorney for the subpoenas. *Documents to be produced must be described with specificity on the reverse side of this form.*

A copy of this request must be sent to all other parties.

If you have any questions concerning this subpoena request, please consult Minn. R. 1400.7000, or contact a Staff Attorney at 651-361-7900.

The requesting person is responsible for personal service of the subpoena. Anyone, except the requesting person, may personally serve the subpoena. The requesting person is also responsible for payment to the witness of any statutory fees or costs before the witness' appearance. Minn. Stat. § 357.22 provides for a witness fee of \$20.00 per day and travel expenses of 28 cents per mile.

IMPORTANT: *This proceeding concerns whether the project is needed. Granting a certificate of need would not approve a specific transmission line route or guarantee approval of a route permit. If a certificate of need is granted, specific routes would be reviewed in separate route permit proceedings, with additional opportunities for public comment at meetings and hearings. The Applicants expect to file route permit applications no earlier than the first quarter of 2027.*

In-Person Public Hearings

Date	Hearing Location	Time
Monday, November 9, 2026	St. Leo Church (Gym) 415 S Hiawatha Avenue Pipestone, MN 56164	10:00 AM – 1:00 PM
Monday, November 9, 2026	Murray County Central Schools (Gym) 2420 28th Street Slayton, MN 56172	5:00 PM – 8:00 PM
Tuesday, November 10, 2026	Worthington Event Center 1447 Prairie Drive Worthington, MN 56187	10:00 AM – 1:00 PM
Tuesday, November 10, 2026	Windom Community Center 1750 Cottonwood Lake Drive Windom, MN 56101	5:00 PM – 8:00 PM
Thursday, November 12, 2026	Fox Lake Event Center 730 125th Street Sherburn, MN 56171	10:00 AM – 1:00 PM
Thursday, November 12, 2026	Golden Bubble 11575 State Highway 22 Wells, MN 56097	5:00 PM – 8:00 PM
Friday, November 13, 2026	Austin Eagles Lookout Aerie 703 107 11th Street NE Austin, MN 55912	10:00 AM – 1:00 PM
Monday, November 16, 2026	Dodge County Fairgrounds Midway Building 100 11th Street NE Kasson, MN 55944	10:00 AM – 1:00 PM

If any reasonable accommodation is needed to enable you to fully participate in these hearings, please contact the Commission at 651-296-0406 or 1-800-657-3782 at least one week in advance of the hearing. To find out if a hearing is canceled due to bad weather or other reasons, call 1-855-731-6208 or visit mn.gov/puc.