

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF)	ORDER FOR AND NOTICE OF
SWEETMAN CONST. CO. DBA KNIFE)	EVIDENTIARY HEARING AND
RIVER, TO HAVE XCEL ENERGY)	ORDER AMENDING DEADLINE
ASSIGNED AS ITS ELECTRIC PROVIDER IN)	FOR FILING OF EXHIBITS AND
THE SERVICE AREA OF SIOUX VALLEY)	WITNESS LISTS
ELECTRIC)	
)	
)	
)	EL25-032

On September 12, 2025, the South Dakota Public Utilities Commission (Commission) received a Petition by Sweetman Const. Co. dba Knife River (Knife River or Petitioner) to have Xcel Energy (Xcel), assigned as its Electric Provider in the Service Area of Sioux Valley Electric (Sioux Valley). The Petition asks the Commission for an order pursuant to SDCL 49-34A-56 that allows Knife River to take electric service from Xcel, for its proposed rock crushing plant (Electric Load) to be located at 25944 482nd Ave., Brandon, South Dakota. The location is currently within the assigned service area of Sioux Valley. Pursuant to SDCL 49-34A-56, new customers at new locations that develop after March 21, 1975, and who require electric service with a contracted minimum demand of two thousand kilowatts or more, are not obligated to take electric service from the electric utility having the assigned service area where the customer is located if the Commission so determines, after consideration of certain factors set forth in statute.

On September 18, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of October 3, 2025, to interested individuals and entities on the Commission’s PUC Weekly Filing electronic listserv. On October 27, 2025, Sioux Valley-Southwestern Electric Cooperative, Inc., East River Electric Power Cooperative, Inc., Basin Electric Power Cooperative, and Xcel Energy were granted intervention. On November 24, 2025, Knife River filed a Motion for a Procedural Schedule. The Commission issued an Order Granting Motion for Procedural Schedule (Procedural Schedule) on December 4, 2025.¹ On March 4, 2026, Commission Staff filed a letter informing the Commission that the Parties have agreed to amend the Procedural Schedule due to the Commission office being closed for administrative leave on April 6, 2026, which was the deadline for filing exhibits and witness lists. The Parties have agreed to move that deadline to April 2, 2026.

NOTICE IS HEREBY GIVEN that the Commission will hold an evidentiary hearing beginning at 10:00 a.m. CT, April 13, 2026, and continuing as needed through April 15, 2026, as ordered below.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A. The Commission may rely upon any or all of these or other applicable laws, including relevant Administrative Rules as found in ARSD Chapter 20:10, in making its determination. All persons testifying at the evidentiary hearing will be subject to cross-examination.

¹ The Commission notes hereby corrects a clerical error in its December 4, 2025 Order. That order inadvertently included two deadlines for filing of Exhibits and Witness Lists, the incorrect of which was listed as April 21, 2026, which is after the scheduled evidentiary hearing. The error was communicated to the Parties by Commission Counsel and is memorialized here.

The issue at the hearing is whether Knife River may receive electric service, as requested in its Petition, from Xcel pursuant to SDCL 49-34A-56. The specific issues to be determined, as set forth in SDCL 49-34A-56 include:

1. Whether Petitioner is a new customer within the meaning of SDCL 49-34A-56;
2. Whether the Electric Load is located at a new location within the meaning of SDCL 49-34A-56;
3. The electric service requirements of the load to be served;
4. The availability of an adequate power supply;
5. The development or improvement of the electric system of the utility seeking to provide the electric service, including the economic factors relating thereto;
6. The proximity of adequate facilities from which electric service of the type required may be delivered;
7. The preference of the customer;
8. Any and all pertinent factors affecting the ability of the utility to furnish adequate electric service to fulfill customers' requirements.

The evidentiary hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. Pursuant to ARSD 20:10:01.02, the rules of civil procedure as used in circuit court apply to this proceeding except to the extent that they are in conflict with SDCL Chapter 1-26.

All Parties will have the opportunity to appear, present evidence, cross-examine the other Parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 15-6, and 49-34A, and ARSD Chapter 20:10:01. All Parties have the right to be present and to be represented by an attorney. Under South Dakota Law, all entities must be represented by an attorney authorized to practice in this state.

These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence offered and received into evidence at the hearing. If a Party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issues set forth above. The Commission's final decision may be appealed by the Parties to the circuit court and the State Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission beginning at 10:00 a.m. CT on April 13, 2026, and continuing as needed through April 15, 2026, in Room 414 of the Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. It is further

ORDERED, that all persons testifying must be personally present at the evidentiary hearing unless otherwise ordered by the Commission. It is further

ORDERED, that any witness called to testify must be disclosed on the witness list filed by the calling party pursuant to the Procedural Schedule. It is further

ORDERED, that all exhibits must be marked and filed pursuant to the Procedural Schedule. It is further

ORDERED, that pursuant to the agreement all Parties, the Procedural Schedule is

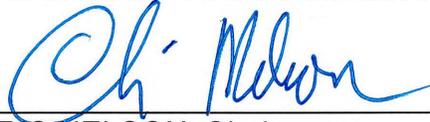
hereby amended to establish April 2, 2026, as the deadline for filing of exhibits and witness lists.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

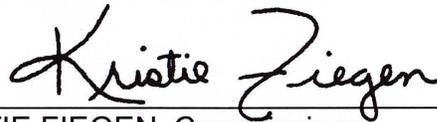
Dated at Pierre, South Dakota, this 5th day of March 2026.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u></u>
Date: <u>5th March 2026</u>

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner