

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

**IN THE MATTER OF THE APPLICATION OF THE )  
JOINT APPLICATION OF NORTHWESTERN )  
ENERGY PUBLIC SERVICE CORPORATION, )  
BLACK HILLS CORPORATION AND )  
NORTHWESTERN ENERGY GROUP, INC., FOR )  
APPROVAL OF MERGER )  
)  
)**

**ORDER FOR AND NOTICE OF  
EVIDENTIARY HEARING**

**GE25-001**

On October 27, 2025, the South Dakota Public Utilities Commission (Commission) received a Joint Application by Black Hills Corporation (Black Hills) and NorthWestern Energy Group, Inc. (NorthWestern Group and collectively, the Merger Parties) and NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy (NorthWestern) (together with Merger Parties, the Joint Applicants) for Approval of Merger.

On October 30, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of November 14, 2025, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On December 3, 2025, the Commission granted South Dakota Laborers Local 620, the Great Plains Laborer's District Council, and the Laborers International Union of North America's (together, Intervenors) Petition to Intervene. On February 17, 2026, the Commission issued an Order Granting Motion and Stipulation to Extend Statutory Deadline to July 27, 2026.

On April 29, 2026, the Joint Applicants and Staff filed a Joint Motion for Approval of Settlement Stipulation (Settlement Stipulation). Intervenors did not join the Settlement Stipulation. The Settlement Stipulation, which resolves all issues between Joint Applicants and Staff, requests the Commission grant the Settlement Stipulation and approve the requested merger.

**NOTICE IS HEREBY GIVEN that the Commission will hold an evidentiary hearing beginning at 10:00 a.m. CT, June 22, 2026, and continuing as needed through June 24, 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 20:10, in making its determination. All persons testifying at the evidentiary hearing will be subject to cross-examination.

The issues at the hearing will be whether the requested merger, subject to the terms and conditions of the Settlement Stipulation, will have a likelihood of significant adverse impacts to customers in this state and whether the Commission should grant the Settlement Stipulation or otherwise approve the merger pursuant to SDCL 49-34A-36. Based upon the law and the evidence presented, the Commission may ultimately grant the Settlement Stipulation and approve of the merger, deny the Settlement Stipulation but approve of the merger notwithstanding the Settlement Stipulation, or deny the merger.

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 June 22, 2026, and continuing as needed through June 24, 2026, in Room 413 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.

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

Dated at Pierre, South Dakota, this 27<sup>th</sup> day of May 2026.

<b>CERTIFICATE OF SERVICE</b>	
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><i>Justin Edwards</i></u>
Date:	<u>27 May 2026</u>

BY ORDER OF THE COMMISSION:

*Chris Nelson*

CHRIS NELSON, Chairman

*Kristie Fiegen*

KRISTIE FIEGEN, Commissioner

*Gary Hanson*

GARY HANSON, Commissioner