BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE JOINT APPLICATION OF NORTHWESTERN ENERGY PUBLIC SERVICE CORPORATION, BLACK HILLS CORPORATION, AND NORTHWESTERN ENERGY GROUP, INC., FOR APPROVAL OF MERGER	**GE25-001** **Petition to Intervene** **by** **South Dakota Laborers Local 620, the Great Plains Laborer's District Council and the Laborers International Union of North America**

Petition to Intervene

South Dakota Laborers Local 620, the Great Plains Laborer's District Council and the Laborers International Union of North America, by and through their undersigned counsel of record, respectfully petition the South Dakota Public Utilities Commission for its order allowing them to intervene and to have party status in the captioned matter.

References

As used herein "Black Hills" and "NorthWestern" refer to both the the holding companies that propose the merger and their various affiliates and wholly owned subsidiaries, including their regulated utilities, unless otherwise indicated.

Background

On October 27, 2025 Black Hills and NorthWestern filed a joint application with the South Dakota Public Utilities Commission seeking the Commission's approval to merge the companies. If approved, the merger will effectively combine management and control of the two companies' regulated utilities. Corporate policy for the new parent company will be set by a board of directors composed, at least in part, of former directors of the merging companies.

The Commission set November 14, 2025 as the deadline for intervention. Pursuant to ARSD 20:10:01:15.02 *et seq.* and South Dakota statutes made and provided, the Laborers International Union of North America, the Great Plains Laborer's District Council, and South Dakota Laborers Local 620 respectfully request the Commission enter an order approving their intervention in Docket GE25-001 as parties.

Basis for Intervention

The Laborers International Union of North America (hereafter "LIUNA"), the Great Plains Laborer's District Council, and South Dakota Laborers Local 620 (collectively the "Petitioners") are entities whose pecuniary and other interests will be directly and immediately affected by the outcome of Applicant's request to merge. Without party status, Petitioners will not be able to protect their interests.

LIUNA is composed of over 500,000 members in North America trained to work competently, safely and efficiently in the construction and energy industries. LIUNA members work in every area of the energy sector, helping to build solar plants, wind farms, natural gas, petroleum and carbon dioxide pipelines, and providing maintenance for nuclear and coal power plants.

LIUNA has a multi-level structure supported by a system of district councils and local affiliates. In South Dakota Local 620 represents LIUNA members on the job through its business manager and union stewards. Local 620, based at 606 N. Kiwanis Ave. in Sioux Falls, is a South Dakota state-wide local affiliate of LIUNA that currently has 80 members who live throughout the state.[1] The Great Plains Laborers District Council is the parent organization for locals in Iowa, Nebraska, South Dakota, and north central Illinois.

LIUNA, working with and through its district councils and its locals, including South Dakota based Laborers Local 620, operates apprenticeship and training programs that provide union members the opportunity to develop, retain and upgrade the general labor skills needed in the construction of utility infrastructure projects and maintenance of existing utility infrastructure, including generation facilities. Laborers Local 620 supplies highly trained, skilled and experienced members to contractors who perform both construction and maintenance work for Black Hills and NorthWestern.

LIUNA is signatory to the National Pipe Line and the National Distribution Agreements, labor agreements among the largest and most experienced pipeline contractors in the United States and the major trade unions that provide labor for pipeline and distribution line construction.

Northwestern owns and operates significant natural gas transmission and distribution facilities in Montana, South Dakota and Nebraska. Black Hills owns and operates significant natural gas transmission and distribution facilities in Wyoming, Colorado, Nebraska, Iowa, Kansas and Arkansas. Both own and operate electricity generating facilities in South Dakota and elsewhere.

Both Black Hills and NorthWestern have employed union contractors who in turn employ LIUNA members and members of other trade unions for construction of various pipeline and distribution facilities and, on information and belief, construction, repair and maintenance of

[1] A map showing where members live in South Dakota is attached as Exhibit 1.

electrical transmission systems, generators and associated facilities. For example, Laborers Local 620 members worked on natural gas pipeline projects in Hamlin, Deuel, and Grant counties in South Dakota for NorthWestern in 2023, 2024 and 2025. Laborers Local 620 members worked on gas pipeline projects for Black Hills in South Dakota in the last two years. LIUNA members are currently working on NorthWestern's CoalStrip facility in Montana and have worked on Black Hills gas pipelines in Colorado, Nebraska, and Iowa. Laborers Local 620 members have worked on Black Hills pipeline projects in Iowa.

In their pre-filed testimony, company witnesses express an interest in safe, cost effective and efficient operation, construction and maintenance of the transmission, distribution and generating facilities of the combined enterprise. That work inherently is the responsibility of company employees and outside contractors. To date the merger application only addresses the direct workforce of Black Hills and Northwestern. Both companies use a hybrid work force composed of in-house employees and outside contractors to construct and maintain their respective infrastructure. Outside contractor employment is a substantial part of the work force that isn't addressed in the merger application. Presumably, that will be the case with the emerging company.

In pre-filed testimony and recent public meetings officials of the companies have noted that the emerging company will have more efficiencies and leverage in contractor hiring. It is unclear if the asserted efficiencies would mean lower labor standards for employees and/or elimination or reduction of the use of contractor supplied union labor.

It is in the public interest to insure that the workforce employed by the emerging company and its contractors operate, construct and maintain its generation, transmission and distribution facilities throughout its service areas, including South Dakota, in a safe, cost effective and efficient manner, assuring the utmost reliability to the public. Continued retention of contractors who employ LIUNA and Laborers Local 620 members assures that the work will be done by highly trained, skilled and efficient workers resulting in safe, cost effective, efficient and reliable operation.

LIUNA members and Laborers Local 620 members have a substantial pecuniary interest in assuring the emerging company continue its predecessor's current practice of hiring contractors that are signatory to the National Pipeline Agreement and National Distribution Agreement and who hire union labor. The income and livelihood of LIUNA members and Laborers Local 620 is dependent thereon.

Intervention will not unduly broaden the issues at the proceeding because impact of the merger on the workforce of the merging company, safety at the emerging company's worksites, and ratepayer reliability are issues raised by the Joint Application and the testimony submitted in conjunction therewith.

Position with respect to the proposed merger

LIUNA, the Great Plains Laborer's District Council, and Laborers Local 620 are evaluating whether they will support the proposed merger. Their support for the merger will be dependent upon whether they receive, by way of the Commission's order or by other legally

enforceable means, assurances that the emerging company and its post-merger affiliates and subsidiaries will continue to engage union contractors for its gas and electric transmission and distribution infrastructure construction and generation facility maintenance.

Wherefore

LIUNA, the Great Plains Laborer's District Council, and Laborers Local 620 respectfully request the Public Utilities Commission enter its order admitting them as parties to the subject docket.

Dated this 14th day of November, 2025.

TAYLOR LAW FIRM, P.C.

By William Taylor

William Taylor
John E. Taylor
4820 E. 57th Street, Suite B
Sioux Falls, South Dakota 57108
Phone: (605)
bill.taylor@taylorlawsd.com
john.taylor@taylorlawsd.com
Attorneys for Laborers Local 620, the Great Plains Laborer's District Council and the Laborers International Union of North America

Please include the following persons on the service list:

William Taylor
Bill.taylor@taylorlawsd.com

Petition to Intervene
LIUNA, Great Plains Laborer's District
Council, Laborers Local 620

John Taylor
John.taylor@taylorlawsd.com

Erin Bryant
ebryant@liuna.org

May Va Lor
mlor@liuna.org