

Docket Number: GE25-001
Subject Matter: First Set of Data Requests to LIUNA
Request to: South Dakota Laborers Local 620, Great Plains Laborers' District Council, and Laborers' International Union of North America (collectively, "LIUNA")
Request from: South Dakota Public Utilities Commission Staff ("Staff")
Date of Request: 5/27/2026
Responses Due: 6/06/2026

Below, please find Staff's First Set of Data Requests to LIUNA, related to the Prepared Direct Testimony of Randall L. Harris filed May 15, 2026 and the recommended conditions of approval set forth therein.

Staff encloses, as Attachment A to this set, the "Adverse Impact Schedule" in Microsoft Excel format, to be used for LIUNA's response to Data Request No. 1-5 below. Please submit responses by the requested due date, or promptly contact Staff to discuss an alternative arrangement. Rather than waiting for completion of responses to the entire request, please provide individual responses as they become available. Please provide the response to each question on a separate page(s).

In each response, please provide the following:

1. The name of the person(s) responsible for the response; and
2. An electronic version of the response in the native format in which the response was created (note that Excel worksheets should be "working" copies with formulas and references intact), where applicable.

Data Requests

- 1-1. With regard to the "standard of review" referenced by Witness Harris on page 11 of his direct testimony, please:
 - a) State (yes/no) whether Witness Harris agrees that the statutory standards governing the South Dakota Public Utilities Commission's review of utility mergers are contained in SDCL 49-34A-35 and SDCL 49-34A-36.
 - b) If the answer to subpart (a) is not affirmative, identify all South Dakota statutes relied upon by Witness Harris in developing the "standard of review" applied in his testimony.
 - c) Provide a direct quote of the South Dakota statute(s) Witness Harris relied upon when he asserted that part of the standard of review is that the Commission considers whether the proposed merger is consistent with the "public interest."
 - d) Define "public interest" as that term is used by Witness Harris on page 11 of his direct testimony.
- 1-2. With regard to the statement made on pages 28 and 29 of Witness Harris's direct testimony that, "Mergers of this size and stated synergy magnitude typically generate pressure to consolidate vendor lists, renegotiate contractor agreements, push more work to lowest-price bidders, and standardize procurement practices across the combined footprint." Provide all

source documents relied upon by Witness Harris to support the assertion that the types of pressures described in the quoted statement “typically” occur in mergers of this size and stated synergy magnitude.

- 1-3. With regard to the “Local Hire and Reporting” listed on page 28 of Witness Harris’s testimony, please:
 - a) Assume a hypothetical in which a qualified local contractor and a qualified non-local contractor are competing for the same project, and the local contractor’s bid is higher than the non-local contractor’s bid. Does Witness Harris agree that a local hiring contracting preference could result in the higher-cost local contractor being selected over the lower-cost non-local contractor?
 - b) If the answer to subpart (a) is not affirmative, explain why Witness Harris believes a local hiring contracting preference could not result in that outcome, given that the condition requires that it “recognizes and assigns a value or benefit to bidders that employ a higher percentage of South Dakota residents.”
 - c) If the answer to subpart (a) is affirmative, state whether Witness Harris considered the potential increase in costs that could result from this condition. If yes, provide all studies, analyses, workpapers, and supporting documents developed or relied upon by Witness Harris.
 - d) If the answer to subpart (a) is affirmative, state whether Witness Harris believes the cost difference between the higher-cost local contractor and the lower-cost non-local contractor would be eligible for recovery from customers.

- 1-4. Please provide the “empirical research” referenced in the following statement made on page 31 of Witness Harris’s testimony: “Empirical research on the construction industry consistently links the use of a well-trained, apprenticeship-based workforce with materially lower rates of serious injuries, fatalities, and OSHA violations, and conversely associates inadequately trained labor with a higher incidence of preventable incidents and project failures on large, high-hazard projects.”

- 1-5. Please complete the Adverse Impact Schedule enclosed as Attachment A. Separately identify each significant adverse impact to South Dakota customers that LIUNA contends is likely to occur as a result of the proposed Merger by completing one row of the Adverse Impact Schedule for each asserted impact and providing the information requested in each column, including:
 - a) The specific adverse impact to South Dakota customers (Column B);
 - b) The page and line citation in the Harris Direct where the impact is identified or supported (Column C);
 - c) The basis on which LIUNA contends the impact is significant (Column D);
 - d) The quantified magnitude of the impact, with units (Column E);

- e) The basis on which LIUNA contends the impact has a likelihood of occurring (Column F);
- f) The specific South Dakota customer group(s) that LIUNA contends would be adversely affected (Column G);
- g) The causal connection between the proposed Merger and the asserted impact, including the specific Merger-related action on which LIUNA relies (Column H);
- h) The supporting documents on which LIUNA relies; for any document that has not previously been produced in the instant proceeding, provide a copy (Column I);
- i) The recommended condition set forth at pages 26–29 of the Harris Direct that LIUNA contends would mitigate the adverse impact (Column J); and
- j) The manner in which the recommended condition identified in (i) would mitigate the impact (Column K).

**LIUNA may add additional rows to the Adverse Impact Schedule as necessary. If LIUNA contends that no significant adverse impacts to South Dakota customers have a likelihood of occurring as a result of the proposed Merger, please state so affirmatively in lieu of completing the Adverse Impact Schedule.*

