

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

IN THE MATTER OF THE FILING BY	)	
NORTHWESTERN CORPORATION dba	)	NORTHWESTERN ENERGY'S
NORTHWESTERN ENERGY FOR	)	RESPONSE TO MOTION TO
APPROVAL OF A CONTRACT WITH	)	REOPEN THE DOCKET
DEVIATIONS WITH VALLEY QUEEN	)	
CHEESE FACTORY, INC.	)	NG 23-015

NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy (“NorthWestern”)¹ responds to the Motion to Reopen the Docket filed by Valley Queen Cheese Factory, Inc. (“Valley Queen”) on September 19, 2025 (the “Motion”) with the Commission. NorthWestern opposes the Motion as Valley Queen has failed to cite any statute or administrative rule allowing the Commission to reopen the 2023 docket. As shown below, the only applicable administrative rules reflect time periods that have long since lapsed or that do not apply in this matter and thereby prevent the Commission from reopening this docket. For these reasons, NorthWestern respectfully requests that the Commission deny the Motion.²

¹ Since this docket was first opened in 2023, NorthWestern has gone through a corporate restructuring. As such, the South Dakota utility now does business under the name NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy. NorthWestern Corporation d/b/a NorthWestern Energy is now only the Montana utility. If the South Dakota Public Utilities Commission (“Commission”) decides to grant the Motion, it should consider revising the caption for this docket to reflect the current utility name.

² Because NorthWestern argues that the Commission should deny the Motion on procedural grounds, it has not responded substantively to the allegations contained therein. If the Commission decides to grant the Motion notwithstanding NorthWestern’s objection and because NorthWestern adamantly disagrees with Valley Queen’s allegations, NorthWestern would request an opportunity to respond to the allegations from Valley Queen reflected in the Motion.

BACKGROUND

In 2018, NorthWestern agreed to provide firm natural gas transportation service to Valley Queen in an Amended and Restated Natural Gas Transportation Agreement dated April 11, 2018 (“Firm Agreement”). The Firm Agreement was approved by the Commission in Docket NG 18-008 as a contract with deviations. Under the terms of the Firm Agreement, NorthWestern agrees to provide Valley Queen firm natural gas service of 1,450 MMBtu per day (this equates to up to 72.5 MMBtu per hour for 20 hours).

In 2023, in Docket NG 23-015, NorthWestern requested Commission approval for a contract with deviations between NorthWestern and Valley Queen for interruptible natural gas service to be effective August 1, 2023 (“Interruptible Agreement”). This contract provided additional natural gas service to Valley Queen above the Firm Agreement but was interruptible at times when natural gas capacity on the line was limited. At the September 22, 2023, Commission business meeting, Valley Queen did not object to the request made by NorthWestern, and supported by staff, to approve the Interruptible Agreement. The Commission approved the contract with deviations through an order issued on September 26, 2023 with an effective date for the Interruptible Agreement of October 1, 2023. Docket NG 23-015 was then closed by the Commission.

On September 19, 2025, Valley Queen filed the Motion asking the Commission to reopen the docket and, among other things, requesting the Commission to vacate its prior approval of the Interruptible Agreement. Per its Order For and Notice of Hearing on Motion to Reopen Docket issued on October 8, 2025, the Commission scheduled the Motion to be heard at its November 6 business meeting and permitted NorthWestern to file a

response to the Motion by October 23, 2025 and Valley Queen to file a reply by October 31, 2025.

ARGUMENT

I. Under these circumstances, there is no statute or administrative rule permitting the Commission to reopen a closed docket.

Valley Queen is asking the Commission to reopen a closed docket to vacate an agreement it previously had no objection to. Valley Queen has not cited any legal authority for this request. This is likely because there is no statute or Commission administrative rule that allows the Commission to reopen a closed docket under these circumstances. NorthWestern could not locate any prior Commission decision granting such a Motion under similar circumstances. There are two Commission administrative rules that could potentially apply but are not applicable here because they are time-barred.

ARSD 20:10:01:30:01 allows a party to seek rehearing or reconsideration of a Commission decision. The request must be filed within 30 days from issuance of the Commission's decision. *Id.* Here, the Commission issued an order approving the Interruptible Agreement on September 26, 2023. Valley Queen filed the Motion on September 19, 2025, almost two years after the issuance of the order. As such, the Commission's administrative rule regarding reconsideration is not implicated here as it is well outside the timeframe of 30 days to make such a request.³

ARSD 20:10:01:27:01 permits the Commission to reopen the record of a proceeding, on its own motion or if good cause is shown by a party at "any time after the matter is

³ Arguably, Valley Queen should not be able to seek reconsideration of an agreement that it did not object to in the first instance.

taken under advisement and before a decision of the commission is entered.” (Emphasis added.) Again, here, the Commission has already issued an order in this matter approving the Interruptible Agreement. For these reasons, Valley Queen cannot rely on ARSD 20:10:01:27:01 for its request to reopen the record as it is similarly time-barred.

CONCLUSION

There are no Commission administrative rules or statutes that support Valley Queen’s Motion. The administrative rules on reconsideration and reopening the record of a proceeding before a decision are not applicable here. Valley Queen fails to cite to any legal authority permitting the Commission to hear, let alone grant, its Motion. For these reasons, the Commission should deny the Motion.

Respectfully submitted this 23rd day of October 2025.

NORTHWESTERN ENERGY

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