

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

IN THE MATTER OF THE PUC STAFF'S ) ORDER DENYING MOTION TO  
COMPLAINT AGAINST BLACK HILLS ) DISMISS  
POWER, INC. DBA BLACK HILLS ENERGY )  
 )  
 ) PS25-003  
 )

On November 4, 2025, Commission staff (Staff) filed with the South Dakota Public Utilities Commission (Commission) a Complaint against Black Hills Power, Inc. dba Black Hills Energy (BHE) alleging violations of SDCL chapters 49-34B and 49-41B, as well as associated administrative rules.

On November 6, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of November 25, 2025, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. No petitions to intervene were filed. On November 25, 2025, BHE filed a Motion to Dismiss and Answer to Complaint (Motion to Dismiss). The Parties agreed to a procedural schedule on the Motion to Dismiss and the Commission issued an Order for and Notice of Hearing on December 11, 2025, setting the hearing date for January 27, 2026. On January 2, 2026, Staff filed a Brief in Opposition to the Motion to Dismiss.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, 49-34B, and 49-41B.

At the January 27, 2026, hearing, the Commission considered the Motion to Dismiss. Having read and considered the filings of the Parties and having heard oral arguments and asked questions of the Parties, the Commission voted unanimously to deny the Motion to Dismiss.

It is therefore

ORDERED, that the Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of January 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.

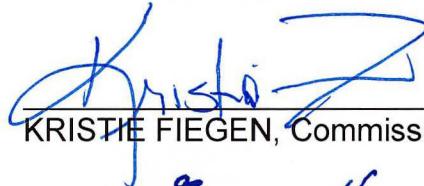
By: Kristie Fiegen

Date: 29 January 2026

## BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner