

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

**IN THE MATTER OF THE PUC STAFF'S
COMPLAINT AGAINST BLACK HILLS
POWER, INC. DBA BLACK HILLS ENERGY**

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**ORDER DENYING MOTION TO
DISMISS**

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 29th 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

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner