

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint Application of) Application No. NG-128
NorthWestern Energy Public Service)
Corporation, Black Hills Corporation, and) MOTION FOR CONTINUANCE BY THE
NorthWestern Energy Group, Inc. for) NEBRASKA PUBLIC ADVOCATE
Approval of Merger.)

The Nebraska Public Advocate, Intervenor in the above matter (hereinafter "Public Advocate"), pursuant to Rules of Commission Procedure 003.07 and for good cause, hereby respectfully moves the Commission for an order continuing the proceedings and hearing in the matter. For good cause, the Public Advocate states and alleges as follows:

1. On or about October 27, 2025, Applicants Black Hills Corporation and NorthWestern Energy Group, Inc (hereinafter collectively "Applicants") filed their Joint Application with the Commission seeking approval of a proposed merger of the Applicants.
2. In their Joint Application, the Applicants proposed a procedural timeline that, among other things, required testimony of the Public Advocate completed by January 9, 2026, and the hearing on the matter on March 4-5, 2026.
3. After a planning conference conducted on December 3, 2025, the Commission Hearing Officer entered an Order Setting Procedural Schedule ("Scheduling Order") for the matter on December 9, 2025.
4. According to the Scheduling Order, discovery by the Public Advocate and other intervenors was to be conducted between November 4, 2025, and January 23, 2026. Further, written testimony of the Public Advocate and other intervenors is due February 3, 2026, and the hearing is scheduled for April 7-8, 2026.

5. Unlike for natural gas utility rate cases, the Public Advocate is unaware of any Nebraska law or Commission rules or procedures that require a utility merger application to be heard and ruled on by the Commission within a timeframe or by a date certain.

6. While the Public Advocate understands and appreciates the development of a schedule to manage case progression, the expediency of the current schedule is not mandated by law or rule.

7. As noted in the Joint Application, the Applicants also are filing applications and seeking approvals from public service commissions in at least two other states. (Joint Application at p.3)

8. The Applicants do not expect to complete and close the merger transaction until August 2026 at the earliest or November 2026 at the latest.

9. The Public Advocate has twice, in good faith and the spirit of cooperation, granted the Applicants more time to respond to discovery requests served by the Public Advocate.

10. On or about November 5, 2025, the Public Advocate served her first discovery requests on the Applicants seeking the Applicant's filings for their Hart-Scott-Rodino Antitrust Improvements Act ("HSR") obligations.

11. On or about November 14, 2025, the Applicants objected and refused to provide the requested HSR records and information.

12. On or about December 10, 2025, the Public Advocate served her third and fourth discovery requests on each Applicant seeking the underlying records and information relating to the Applicant's HSR obligations.

13. On or about December 17, 2025, Commission staff issued their first discovery request on the Applicants. This first discovery set included requests for documents which, in whole

or in part, are the types of documents that will be required to be submitted under the Applicants' HSR obligations.

14. On or about December 22, 2025, the Applicants objected and refused to provide the HSR-related records and information requested by the Public Advocate.

15. On or about December 30, 2025, the Public Advocate filed a motion to compel discovery with the Commission seeking an order compelling the Applicants to answer certain discovery requests served by the Public Advocate relating to the Applicant's HSR obligations.

16. The Public Advocate, and its expert consultants, strongly believe the records and information relating to the Hart-Scott-Rodino Antitrust Improvements Act and withheld by the Applicants are vital to understanding the complete picture of the proposed merger by the Applicants and in developing the testimony of the Public Advocate.

17. In particular, it is believed the documents will show complete and detailed assessments of the expected benefits *and risks* of the proposed transaction as understood by each of the Applicant's respective board of directors acting on behalf of company shareholders to recommend approval of the proposed transaction. This is in contrast to the Applicants' direct testimony, which focuses almost exclusively on aspirational and vague benefits of the merger without any specific supporting documentation and calculations to support the claimed benefits. Likewise, the Applicants have refused to answer and provide meaningful responses to the Public Advocate's request for supporting documentation and calculations related to the aspirational and vague benefits reflected in the Applicants' direct testimony.

18. As of the date of the filing of the motion to compel, the Public Advocate has a mere three weeks remaining for discovery pursuant to the Scheduling Order.

19. The amount of time it may take the Hearing Officer to decide the Public Advocate's motion to compel and, if granted by the Hearing Officer, the amount of time needed by the Applicants to produce the records and information will reduce the limited and precious time the Public Advocate has to develop its written testimony, if following the existing Scheduling Order.

20. Continuing the proceedings by extending the Scheduling Order timelines would prevent prejudice upon the Public Advocate.

21. Continuing the proceedings by extending the Scheduling Order timelines will not prejudice the Applicants.

22. Continuing the proceedings by extending the Scheduling Order timelines is not being requested by the Public Advocate for purposes of delay.

23. Continuing the proceedings by extending the Scheduling Order timelines is not being requested by the Public Advocate for frivolous or bad faith reasons.

24. For all of the foregoing reasons, the Public Advocate respectfully requests that the timelines and deadlines in the Order Setting Procedural Schedule be extended by at least ninety (90) days.

WHEREFORE, the Public Advocate respectfully requests a continuance of the proceedings and timelines in the present matter by at least ninety (90) days.

DATED this 30th day of December, 2025

NEBRASKA PUBLIC ADVOCATE

By:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Public Advocate's Motion for Continuance was served electronically on this 30th day of December 2025 upon the following:

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