

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)	PETITION FOR
NorthWestern Energy Group, Inc. for)	FORMAL INTERVENTION
Approval of Merger.)	(LIUNA Local 1140)

Pursuant to Neb. Admin. Code Title 291, Chapter 1, § 002.12, the Nebraska LIUNA Local 1140 (hereinafter, “Local 1140” or “Petitioner”), an affiliate of The Laborers International Union of North America (hereinafter, “LIUNA”) and the Great Plains Laborer’s District Council, hereby petitions the Nebraska Public Service Commission to allow it to formally intervene and become a party for all purposes in the above-numbered docket styled, *In the Matter of the Joint Application of NorthWestern Energy Public Service Corporation, Black Hills Corporation, and NorthWestern Energy Group, Inc. for Approval of Merger.*

BACKGROUND

1. Petitioner is an entity whose pecuniary and other interests will be directly and immediately affected by the outcome of Joint Applicants Black Hills Corporation (“BHC”) and NorthWestern Energy Group, Inc.’s (“NorthWestern Energy Group”) request to approve the merger transaction (the “Merger”). Without party status, Petitioner will not be able to protect its interests.

2. LIUNA is composed of over 500,000 members in North America trained to work competently, safely and efficiently in the construction and energy industries. LIUNA members work in every area of the energy sector, helping to build solar plants, wind farms, natural gas, petroleum and carbon dioxide pipelines, and providing maintenance for nuclear and coal power plants.

3. LIUNA has a multi-level structure supported by a system of district councils and local affiliates. Local 1140, based in Omaha, Nebraska, represents LIUNA members on the job throughout Nebraska and western Iowa through its business manager and union stewards. The Great Plains Laborer's District Council is the parent organization for Local 1140.

4. LIUNA, working with and through its district councils and its locals, including Local 1140, operates apprenticeship and training programs that provide union members the opportunity to develop, retain and upgrade the general labor skills needed in the construction of utility infrastructure, including generation facilities.

5. Local 1140 has approximately 375 members residing in Nebraska. Its members receive specialized training in energy-related construction, which accounts for over one-third of its total work hours annually.

6. LIUNA is signatory to the National Pipeline Agreement and the National Distribution Agreement (collectively, the "Agreements"), labor agreements among the largest and most experienced pipeline contractors in the United States and the major trade unions that provide labor for pipeline and distribution line construction.

7. Among other operations, NorthWestern Energy Group owns and operates significant natural gas transmission and distribution facilities in Montana, Nebraska, and South Dakota. Likewise, among other operations, BHC owns and operates significant natural gas transmission and distribution facilities in Arkansas, Colorado, Iowa, Kansas, Nebraska, and Wyoming.

8. Both BHC and NorthWestern Energy Group have employed union contractors who in turn employ LIUNA members and members of other trade unions for construction of various

pipeline and distribution facilities and, on information and belief, construction, repair and maintenance of electrical transmission systems, generators and associated facilities.

9. For example, prior to 2025, Local 1140 members averaged 75,000 work hours per year on BHC projects. 55,000 of those hours were associated with gas distribution in Nebraska.

BASIS FOR INTERVENTION

10. The proposed merger has the potential to affect approximately 375 Local 1140 members.

11. Petitioner has a substantial pecuniary interest in assuring the emerging company continues its predecessor's current practice of hiring contractors that are signatories to the Agreements and who hire union labor, as well as assuring that workers are hired at equivalent compensation packages. The income and livelihood of members of LIUNA and Local 1140 is dependent thereon.

12. Additionally, the pre-filed testimony of company witnesses in support of the Joint Application describes how the utility benefits from the merger; however, it remains unclear how the internal or contracted workforce benefit since the companies state they plan to achieve efficiencies in operations through increased buying power.

13. Accordingly, Petitioner requests intervenor status and all related rights of participation in this proceeding to ensure that the merger does not have adverse consequences on the standards and/or terms for contractors performing work for BHC and/or NorthWestern.

14. Intervention will not unduly broaden the issues at the proceeding because impact of the merger on the workforce of the merging company, safety at the emerging company's worksites, and ratepayer reliability are issues raised by the Joint Application and the testimony submitted in conjunction therewith.

15. Petitioner's intervention also serves the public interest. Guaranteeing the continuation of an experienced and well-trained contracted workforce ensures the safety and efficiency of Nebraska's key energy worksites and, therefore, reliability for Nebraska ratepayers.

16. On at least one other occasion, LIUNA was granted intervenor status by this Commission. *See In the Matter of the Application of TransCanada Keystone, L.P., for route approval of the Keystone XL Pipeline Project pursuant to the Major Oil Pipeline Siting Act, Application No. OP-0003.*

POSITION WITH RESPECT TO THE PROPOSED MERGER

17. Petitioner is evaluating whether it will support the proposed merger. Its support or opposition to the merger will likely be dependent upon whether it receives, by way of the Commission's Order or by other legally enforceable means, assurances that the emerging company and its post-merger affiliates and subsidiaries will continue to engage union contractors for its gas transmission and distribution infrastructure construction. The proposed merger of Black Hills and NorthWestern could leave only one investor-owned gas utility in Nebraska, meaning this merger could set the standard for gas utility construction workers statewide for decades to come.

CONCLUSION

18. Correspondence or communications regarding this Petition, including service of all notices and orders of the Nebraska Public Service Commission, should be addressed to counsel for Petitioner:

Ryan M. Kunhart
Claire E. Monroe
Dvorak Law Group, LLC
9500 West Dodge Road, Ste. 100
Omaha, NE 68114
rkunhart@ddlawgroup.com
cmonroe@ddlawgroup.com

WHEREFORE, Petitioner the Nebraska LIUNA Local 1140, an affiliate of The Laborers International Union of North America and the Great Plains Laborer's District Council, hereby respectfully requests the Commission, for the reasons described above, to grant its Petition to formally intervene in this matter.

DATED this 25th day of November 2025.

THE LABORERS INTERNATIONAL
UNION OF NORTH AMERICA, THE
GREAT PLAINS LABORER'S DISTRICT
COUNCIL, AND THE NEBRASKA
LIUNA LOCAL 1140,

By: /s/ Ryan M. Kunhart

Ryan M. Kunhart, #24692
Claire E. Monroe, #26835
Dvorak Law Group, LLC
9500 West Dodge Road, Ste. 100
Omaha, NE 68114
(402) 934-4770
(402) 933-9630 (facsimile)
rkunhart@ddlawgroup.com
cmonroe@ddlawgroup.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for Formal Intervention was served electronically on this 25th day of November 2025, upon the following:

Nebraska Public Service Commission	
Nichole Mulcahy nichole.mulcahy@nebraska.gov	Jonathan Smith jon.smith@nebraska.gov
Deena Ackerman deena.ackerman@nebraska.gov	Alex Timperley alex.timperley@nebraska.gov
Gregory Walklin gregory.walklin@nebraska.gov	Nebraska Public Service Commission psc.naturalgas@nebraska.gov
Black Hills Corporation	
Douglas Law douglas.law@blackhillcorp.com	Catherine Sabers cathy.sabers@blackhillscorp.com
Caitlin Shields cshields@wbklaw.com	Nick Wagner nick.wagner@blackhillscorp.com
Brooke N. Bassell-Herman brooke.bassellherman@blackhillscorp.com	Becky Purington becky.purington@blackhillscorp.com
Brad Quimby Brad.quimby@blackhillscorp.com	
Nebraska Public Advocate	
Chris Dibbern dibbernlawfirm@gmail.com	
NorthWestern Energy Public Service Corporation and NorthWestern Energy Group, Inc.	
Andrew S. Pollock apollock@remboltlawfirm.com	Jeffery Decker Jeff.Decker@northwestern.com
Pam Bonrud Pam.Bonrud@northwestern.com	Shannon M. Heim shannon.heim@northwestern.com
Michael W. Green michael.green@northwestern.com	Sarah N. Norcott sarah.norcott@northwestern.com

/s/ Ryan M. Kunhart

Ryan M. Kunhart