

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
DUKE ENERGY INDIANA, INC. AND JOHNSON)
COUNTY RURAL ELECTRIC MEMBERSHIP) CAUSE NO. 44636
CORPORATION PURSUANT TO IND. CODE § 8-)
1-2.3-4 FOR APPROVAL OF TEMPORARY) APPROVED:
CONSENT TO SERVE WITHIN U.S.G.S. FACET)
O-19-1 IN JOHNSON COUNTY INDIANA)

SEP 02 2015

ORDER OF THE COMMISSION

Presiding Officer:
Gregory R. Ellis, Administrative Law Judge

On July 31, 2015, Duke Energy Indiana, Inc. (“Duke”) and Johnson County Rural Electric Membership Corporation (“Johnson REMC”) (collectively “Joint Petitioners”) filed a Verified Joint Petition for Approval of Temporary Consent to Serve (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-4(a), the Petition seeks Commission approval of Johnson REMC’s consent to Duke’s provision of retail electric service, on a temporary basis, to a certain customer located within Johnson REMC’s assigned service area boundary as set forth on United States Geological Survey (“U.S.G.S.”) Facet Map O-19-1 in Johnson County, Indiana. Drawings of the agreed-upon temporary consent were attached to the Petition along with the verifications of L. Chester Aubin, Chief Executive Officer of Johnson REMC, and Earl Martin Zearbaugh, Director Distribution Design Engineering for Duke.

The Commission, having considered the evidence and applicable law, now finds:

1. **Commission Jurisdiction.** Joint Petitioner Duke is a corporation organized and existing under the laws of the State of Indiana, with its principal office in the Town of Plainfield, Hendricks County, Indiana. It is engaged in the business of generating, transmitting, distributing, furnishing, and selling retail electric energy to the public in various counties in Indiana, including Johnson County, and has charter authority to do so.

Joint Petitioner Johnson REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal office and place of business located in the City of Franklin, Johnson County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in several counties in Indiana, including Johnson County, and has charter authority to do so.

Each Joint Petitioner is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners seek the Commission’s approval of Johnson REMC’s written consent to Duke’s provision of retail electric service, on a temporary basis, to a certain customer located in Johnson REMC’s assigned service area boundary, pursuant to Ind. Code § 8-1-2.3-4(a).

Therefore, the Commission has jurisdiction over the Joint Petitioners and the subject matter of this Cause.

2. **Relief Sought.** Ind. Code § 8-1-2.3-4(a) provides that an electricity supplier may render retail electric service within the boundaries of the assigned service area of another electricity supplier upon consent of the affected electricity supplier and approval of the Commission. Joint Petitioners seek Commission approval of Johnson REMC's consent for Duke to provide retail electric service on a temporary basis to the City of Greenwood Lift Station at Brighton Estates as shown on the maps attached to the Petition. The property is located in Johnson REMC's assigned service area as established by Order of the Commission in Cause No. 36299-228-(X) on April 11, 1984.

Johnson REMC has consented and Duke has agreed to provide service to the City of Greenwood Lift Station at Brighton Estates as shown on the U.S.G.S. Facet Map O-19-1 and survey map attached to the Petition as Exhibit Y. Duke will render electric service through existing adjacent distribution lines until such time as Johnson REMC extends its service to the location. The Joint Petitioners indicated that the temporary consent will not cause duplication of electric facilities; waste of materials or resources; or uneconomic, inefficient, or inadequate electric service to the public.

3. **Notice and Approval of Written Consent.** In *Joint Petition of Electricity Suppliers*, Cause No. 42868, 2006 Ind. PUC LEXIS 275, at *11 (Sept. 28, 2006), the Commission noted that requests for approval of consents of temporary extraterritorial retail service, under Indiana Code § 8-1-2.3-4, have been considered and acted upon by the Commission following a hearing. However, the Commission acknowledged that if certain conditions were met, it may be appropriate to act upon requests for approval of consent to serve without a hearing, "as long as such petitions evidence publication of the request in each impacted county ten (10) days prior to Commission action." *Id.* In this case, notice of the filing of the Petition was published in the *Daily Journal*, a newspaper of general circulation in the City of Franklin, Johnson County, Indiana, on August 5, 2015. More than ten days have passed since publication of the notice, and no hearing was requested. Accordingly, the Commission did not conduct a hearing on Joint Petitioner's request for approval of Johnson REMC's consent to allow Duke to provide service to the customer in Johnson REMC's service area.

Based upon the applicable law and evidence presented, the Commission finds that Johnson REMC's consent to allow Duke to temporarily provide electric service to the new customer located in Johnson REMC's assigned service area, as set forth in the Petition, is reasonable and should be approved.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION, that:

1. Johnson REMC's temporary consent to Duke's provision of electric service to the City of Greenwood Lift Station at Brighton Estates located within Johnson REMC's service area boundaries is hereby approved.

2. Within 30 days of the date that service in the area is transferred from Johnson REMC to Duke, Joint Petitioners shall file notice with the Commission that Duke is providing electric service to the City of Greenwood Lift Station at Brighton Estates.

3. Joint Petitioners shall file notice with the Commission under this Cause if Johnson REMC's consent for Duke to provide electric service to the City of Greenwood Lift Station at Brighton Estates is terminated.

4. This Order shall be effective on and after the date of its approval.

**STEPHAN, HUSTON, AND ZIEGNER CONCUR; MAYS-MEDLEY AND WEBER
ABSENT:**

APPROVED: SEP 02 2015

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



**Brenda A. Howe
Secretary to the Commission**