

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
 PETITION OF DECATUR COUNTY)
 RURAL ELECTRIC MEMBERSHIP)
 CORPORATION AND DUKE ENERGY) CAUSE NO. 44742
 INDIANA, LLC PURSUANT TO IND.)
 CODE § 8-1-2.3-6 FOR APPROVAL OF)
 A CHANGE TO THE SERVICE AREA) APPROVED: MAR 16 2016
 BOUNDARIES WITHIN U.S.G.S.)
 FACET MAP U-21-1, DECATUR)
 COUNTY, INDIANA)

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ORDER OF THE COMMISSION

Presiding Officer:

Marya E. Jones, Administrative Law Judge

On January 28, 2016, Decatur County Rural Electric Membership Corporation (“Decatur REMC”) and Duke Energy Indiana, LLC (“Duke Energy Indiana”) (collectively “Joint Petitioners”) filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) on U.S.G.S. Facet Map U-21-1 in Decatur County, Indiana, with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of certain electric service area boundary changes on U.S.G.S. Facet Map U-21-1 in Decatur County, Indiana, to which Decatur REMC and Duke Energy Indiana have mutually agreed. Verifications of Earl Martin Zearbaugh, Director Distribution Design Engineering for Duke Energy Indiana, and Don R. Schilling, President, Decatur REMC were attached to the Joint Petition.

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

1. Commission Jurisdiction. Joint Petitioner, Decatur REMC, is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Greensburg, Decatur County, Indiana. Decatur REMC is engaged in the business of distributing, furnishing, and selling retail electric service to the public in several counties in the State of Indiana, including Decatur County, and has charter authority to do so.

Joint Petitioner, Duke Energy Indiana, is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in the Town of Plainfield, Hendricks County, Indiana. Duke Energy Indiana is engaged in the business of distributing, furnishing, and selling retail electric service to the public in several counties in the State of Indiana, including Decatur County, and has charter authority to do so.

Each of the Joint Petitioners is an electricity supplier within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners seek the Commission’s approval to change their service area

boundaries pursuant to Ind. Code § 8-1-2.3-6(2), which provides that the assigned service area boundaries of electricity suppliers may be changed upon a mutual agreement of the affected electricity suppliers and approval of the Commission.

Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Verified Joint Petition.

2. **Relief Sought.** Joint Petitioners request a change in their respective assigned service boundaries previously established by the Commission's Order dated October 26, 1983, in Cause No. 36299-S226(X). Joint Petitioners assert that since the initial approval of the service area boundaries, a change in circumstances has occurred involving development of land located in Decatur County, Indiana. The Joint Petitioners' proposed modifications are shown on U.S.G.S. Facet Map U-21-1 attached to the Verified Joint Petition as Exhibit A, and on The Preserve At Sand Creek Master Plat attached to the Verified Joint Petition as Exhibit B. Joint Petitioners now believe that it would be more efficient to modify the service area boundary shown in detail in the crosshatched area identified on Exhibit B, that is currently within the certified electric service territory of Duke Energy Indiana, and to assign that area to Decatur REMC.

Joint Petitioners state that the proposed modification will not cause duplication of electric facilities, waste of materials or resources, and will promote economic, efficient, and adequate electric service to the public, consistent with Ind. Code § 8-1-2.3-6(2). There is no evidence to the contrary before the Commission in this proceeding.

3. **Notice.** Ind. Code § 8-1-2.3-6(2) provides:

If notice of a verified request for a change of boundary lines by mutual agreement under this subdivision is published in a newspaper of general circulation in every county in which the boundary lines are located and an affected electricity customer does not request a hearing within twenty (20) days of the last date of publication, the commission may approve the change without a hearing.

The evidence shows that Joint Petitioners' intent to file for a change of boundary lines located on U.S.G.S. Facet Map U-21-1 was published on February 6, 2016, in the *Greensburg Daily News*. This is a newspaper of general circulation in Decatur County, where the affected boundary lines are located. Proof of publication of the notice was filed with the Commission on February 29, 2016, and is hereby incorporated into the record of this Cause. More than 20 days have passed since the date of publication of the Notice and no affected electricity customer has requested a hearing. Therefore, pursuant to Ind. Code § 8-1-2.3-6(2), the Commission may approve the requested boundary line changes without a hearing.

4. **Approval of Requested Boundary Modifications.** Based upon the foregoing findings, the Commission concludes that the agreed-upon changes to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map U-21-1, as specifically depicted in the Joint Petition and Exhibits A and B attached thereto, will promote economical, efficient and adequate electric service to the public consistent with the legislative policy set forth in Ind. Code

§ 8-1-2.3-1 and, is therefore, approved.

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

1. Joint Petitioners' agreed-upon service area boundary line change as set forth above and in the Verified Joint Petition and attached exhibits is approved.

2. Within 30 days of the date this Order is approved, Joint Petitioners shall coordinate with Commission Technical Staff to update the service territory mapping system to reflect the modified service area boundary approved by this Order.

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

STEPHAN, MAYS-MEDLEY, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED: MAR 16 2016

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



Shala M. Coe
Acting Secretary to the Commission