

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
HENRY COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION AND THE TOWN)
OF SPICELAND, INDIANA PURSUANT TO IND.)
CODE § 8-1-2.3-6(2) FOR APPROVAL OF)
CHANGES TO THE SERVICE AREA)
BOUNDARIES WITHIN U.S.G.S. FACET MAP U-17)

CAUSE NO. 44748

APPROVED: APR 20 2016

ORDER OF THE COMMISSION

Presiding Officer:

Marya E. Jones, Administrative Law Judge

On February 10, 2016, in accordance with Ind. Code § 8-1-2.3-6¹, Henry County Rural Electric Membership Corporation (“Henry County REMC”) and the Town of Spiceland, Indiana (“Spiceland”) (collectively “Joint Petitioners”), filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”), along with the verifications of Darrin W. Jacobs, President, Spiceland Council, and Shannon Thom, Chief Executive Officer of Henry County REMC. Pursuant to Ind. Code § 8-1-2.3-6(a)(2), the Joint Petition seeks Commission approval of the transfer of a portion of Henry County REMC’s assigned service territory to Spiceland, and the transfer of a portion of Spiceland’s assigned service territory to Henry County REMC, as set forth on U.S.G.S. Facet Map U-17 in Henry County, Indiana. A map of the agreed-upon territory transfers was attached to the Joint Petition as Exhibit B (“Exh. B”).

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

1. Commission Jurisdiction. Joint Petitioner Henry County 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 New Castle, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in various counties in the State of Indiana, including Henry, and has charter authority to do so.

Joint Petitioner Spiceland is a municipality duly organized and existing under the laws of the State of Indiana and located in Henry County, Indiana. Spiceland owns and operates the Spiceland Municipal Electric Utility, which furnishes retail electric service to residential, commercial and industrial customers within its assigned service area.

¹ In 2015, the Electricity Suppliers’ Service Area Assignments statute concerning mutual agreement to change service area boundary lines, Ind. Code § 8-1-2.3-6(2), was amended by the Indiana General Assembly and is now Ind. Code § 8-1-2.3-6(a)(2).

Joint Petitioners are electricity suppliers within the meaning of Ind. Code § 8-1-2.3-2. Joint Petitioners seek the Commission's approval to change their service area boundaries pursuant to Ind. Code § 8-1-2.3-6(a)(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 this Commission. Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Joint Petition.

2. Relief Sought. Joint Petitioners request a change in their respective assigned service boundaries previously established by the Commission's Order dated June 7, 1983, in Cause No. 36299-S227(X), as depicted on U.S.G.S Facet Map U-17, as modified by the Commission's Order dated February 3, 2016, in Cause No. 44564.

Pursuant to a Settlement Agreement between the Joint Petitioners dated September 11, 2015, attached as Exhibit A to the Joint Petition, Joint Petitioners seek Commission approval of the transfer of a portion of Henry County REMC's assigned service territory to Spiceland and the transfer of a portion of Spiceland's assigned service territory to Henry County REMC, as depicted on Exh. B to the Joint Petition.

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

3. Notice. Ind. Code § 8-1-2.3-6(a)(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.

On February 12, 2016, Joint Petitioners published notice of the Joint Petition in the *Courier-Times*. More than 20 days have passed since the publication of such notice, and no affected electricity customer has requested a hearing. Accordingly, the Commission may grant the Petition without a hearing.

4. Approval of Boundary Line Change. 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-17, as specifically described in the Joint Petition and depicted in Exh. 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, therefore, should be 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 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, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED:

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



Mary M. Becerra
Secretary of the Commission