

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
TOWN OF MONTEZUMA AND DUKE ENERGY)
INDIANA, INC. PURSUANT TO IND. CODE § 8-)
1-2.3-6 FOR APPROVAL OF AN AGREED)
CHANGE IN THE BOUNDARIES OF THEIR)
RESPECTIVE ASSIGNED SERVICE AREAS ON)
U.S.G.S. FACET MAP F-17 IN PARKE COUNTY,)
INDIANA)

CAUSE NO. 44109

APPROVED: DEC 14 2011

ORDER OF THE COMMISSION

Presiding Officers:
Larry S. Landis, Commissioner
Lorraine L. Seyfried, Chief Administrative Law Judge

On October 31, 2011, Duke Energy Indiana, Inc. (“Duke Energy Indiana”) and the Town of Montezuma Utility (“Montezuma Utility”) (collectively, “Joint Petitioners”) filed with the Indiana Utility Regulatory Commission (“Commission”) a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petition seeks approval of an electric service area boundary change to which Duke Energy Indiana and Montezuma Utility have mutually agreed.

Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map F-17 in Parke County, Indiana. A copy of the proposed modification on U.S.G.S. Facet Map F-17, a detailed map of the property and the verifications of Earl M. Zearbaugh for Duke Energy Indiana and Allen Cobb for Montezuma Utility were attached to the Joint Petition.

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

1. Commission Jurisdiction. Duke Energy Indiana is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Plainfield, Hendricks County, 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 Parke County, and has charter authority to do so.

Montezuma Utility is a municipal utility existing under the laws of the State of Indiana, with its principal office and place of business located in Montezuma, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in areas of Parke County, Indiana and has charter authority to do so.

Each Joint Petitioner is an “electricity supplier” as such term is defined by Ind. Code § 8-1-2.3-2(b) and the purpose of the Joint Petition is to change each Joint Petitioner’s respective assigned service areas, pursuant to Ind. Code § 8-1-2.3-6(2). Therefore, the Commission has jurisdiction over Joint Petitioners and the subject matter of this Cause.

2. **Relief Requested.** Joint Petitioners assert that since the initial approval of the service area boundaries on August 10, 1983 in Cause No. 36299-S219(X), a change in circumstances has occurred in the proposed trade area located in Parke County, Indiana. Joint Petitioners now believe it would be beneficial and consistent with good electric utility practice to modify the service area boundary, as reflected on Exhibit A attached to the Joint Petition. This would result in the crosshatched area depicted therein, which is currently within the electric service territory of Duke Energy Indiana, being assigned to Montezuma Utility.

Joint Petitioners state that the proposed modification will not cause duplication of facilities, cause a waste of materials or resources, or cause uneconomic, inefficient or inadequate electric service to the public. 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 notice of Joint Petitioners’ petition for a change in service area boundary lines located on U.S.G.S. Facet Map F-17 was published on November 9, 2011, in the Parke County Sentinel. This is a newspaper of general circulation in Parke County, which is the county where the affected boundary lines are located. Proof of publication of the notice was filed with the Commission on November 28, 2011 and is hereby incorporated into the record of this Cause. Twenty (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 change without a hearing.

4. **Approval of Requested Boundary Modifications.** Based upon the foregoing findings, the Commission concludes the agreed-upon boundary line changes on U.S.G.S. Facet Map F-17, as specifically depicted in the Joint Petition and exhibits 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 modifications as set forth above and in the Joint Petition and exhibits attached thereto filed in this Cause shall be and are hereby approved.

2. Within thirty (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 boundaries approved by this Order.

3. In accordance with Indiana Code § 8-1-2-70, Petitioner shall pay the following itemized charges within twenty (20) days from the date of the Order into the Treasury of the State of Indiana, through the Secretary of this Commission, as well as any additional costs that were incurred in connection with this Cause:

Commission Charges:	\$ 86.67
OUCC Charges:	\$ <u>16.80</u>
Total:	\$103.47

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

BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR. ATTERHOLT ABSENT:

APPROVED:

DEC 14 2011

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



Brenda A. Howe
Secretary to the Commission