

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF )  
FULTON COUNTY RURAL ELECTRIC )  
MEMBERSHIP CORPORATION 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 O-7-1 IN FULTON )  
COUNTY, INDIANA )

CAUSE NO. 44118

APPROVED: DEC 21 2011

ORDER OF THE COMMISSION

**Presiding Officer:**  
**Loraine L. Seyfried, Chief Administrative Law Judge**

On November 9, 2011, Fulton County Rural Electric Membership Corporation (“Fulton County REMC”) and Duke Energy Indiana, Inc. (“Duke Energy Indiana”), collectively, “Joint Petitioners”), filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Indiana Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service boundary changes to which Fulton County REMC and Duke Energy Indiana have mutually agreed. Joint Petitioners agreed to change service area boundaries located on U.S.G.S. Facet Map O-7-1 in Fulton County, Indiana. Drawings of the agreed upon boundary changes and verifications of the Joint Petitioners were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** Joint Petitioner Fulton County REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana. Fulton County REMC 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 Fulton County, and has authority to do so.

Joint Petitioner Duke Energy Indiana is a corporation organized and existing under the laws of the State of Indiana. Duke Energy Indiana qualifies as a “public utility” under Indiana Code § 8-1-2-1 and 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 Fulton County, and has authority to do so.

Each Joint Petitioner is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2(b). Joint Petitioners seek Commission approval to change their service area boundaries pursuant to Indiana 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 Joint Petitioners and the subject matter of their Joint Petition.

2. **Relief Sought.** Joint Petitioners assert that since the initial approval of the service area boundaries on August 10, 1983 in Cause No. 36299-S136, certain modifications to the boundaries set forth therein are now necessary. Exhibits A and B attached to the Joint Petition reflect areas currently authorized to be served by these Joint Petitioners and the proposed change. Exhibit A consists of a portion of U.S.G.S. Facet Map O-7-1 showing the proposed boundary changes and a more detailed drawing designated as Exhibit B delineates the service area boundary changes between Duke Energy Indiana and Fulton County REMC. Joint Petitioners’ proposed modifications on U.S.G.S. Facet Map O-7-1 result in Fulton County REMC gaining service territory and Duke Energy Indiana losing service territory.

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.** Indiana 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 the Joint Petition was published on November 16, 2011, in the Rochester Sentinel. This is a newspaper of general circulation in Fulton County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with the Commission on December 7, 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 Indiana Code § 8-1-2.3-6(2), the Commission may approve the requested boundary line change without a hearing.

4. **Approval of Requested Boundary Modification.** Based upon the foregoing findings, the Commission concludes that the agreed upon change to Joint Petitioners’ respective assigned service area boundaries located on U.S.G.S. Facet Map O-7-1, as specifically depicted

in the Joint Petition and the exhibits attached thereto, will promote economical, efficient, and adequate electric service to the public consistent with the legislative policy set forth in Indiana Code § 8-1-2.3-1 and, therefore, should be approved.

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

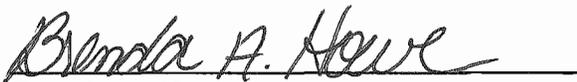
1. Joint Petitioners' agreed upon service area boundary line change as set forth above and in the Joint Petition and exhibits attached thereto are hereby approved.

2. Within thirty (30) days of the date of this Order, Joint Petitioners shall coordinate with the 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.

**BENNETT, LANDIS, MAYS, AND ZIEGNER CONCUR; ATTERHOLT ABSENT:**  
**APPROVED: DEC 21 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**