

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF DUKE)
ENERGY INDIANA, INC. AND SOUTH CENTRAL)
INDIANA RURAL ELECTRIC MEMBERSHIP)
CORPORATION PURSUANT TO IND. CODE § 8-1-2.3-6)
FOR APPROVAL OF A CHANGE TO THE SERVICE)
AREA BOUNDARIES WITHIN U.S.G.S. FACET MAP M-)
19 IN MORGAN COUNTY, INDIANA)

CAUSE NO. 44611

APPROVED:

[Handwritten signatures and initials]
MAY 20 2015

ORDER OF THE COMMISSION

Presiding Officer:
Gregory R. Ellis, Administrative Law Judge

On April 7, 2015, Duke Energy Indiana, Inc. (“Duke”) and South Central Indiana Rural Electric Membership Corporation (“South Central Indiana REMC”), (collectively “Joint Petitioners”) filed their *Verified Joint Petition To Modify Service Area Boundaries* (“Petition”) with the Indiana Utility Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petitioners seek Commission approval of the electric service area boundary changes to which South Central Indiana REMC and Duke have mutually agreed. Joint Petitioners’ mutual agreement is to modify certain electric service area boundaries located on United States Geological Survey (“U.S.G.S.”) Facet Map M-19 in Morgan County, Indiana. A detailed map with the agreed-upon boundary changes identified and the verifications of Greg McKelfresh, ~~President and Chief Executive Officer of South Central Indiana REMC~~, and Earl Martin Zearbaugh, Director of Distribution Design Engineering for Duke, were attached to the Petition.

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

1. **Commission Jurisdiction.** Duke is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Plainfield, Indiana. Duke qualifies as a “public utility” under Ind. Code § 8-1-2-1 and is engaged in the business of distributing, furnishing, and selling retail electric service to the public within the State of Indiana, including Morgan County, and has charter authority to do so.

South Central Indiana REMC is a rural electric membership cooperative organized and existing under the laws of the State of Indiana, with its principal office and place of business located in Martinsville, Indiana. It 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 Morgan County, Indiana and has legal authority to do so.

Duke and South Central Indiana REMC each provide electric service to customers located within their respective assigned service areas and are “electricity suppliers” 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 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 the Petition.

2. Relief Sought. Joint Petitioners assert that, pursuant to the Commission's November 23, 1983 Order in Cause No. 36299-S229(X), the Commission established boundary lines between the Joint Petitioners on U.S.G.S. Facet Map M-19. At that time, portions of the boundary lines established traversed through real estate, which was essentially undeveloped. Since the initial approval of the service area boundaries, certain modifications to the boundaries between Duke Energy Indiana and South Central Indiana REMC have become necessary in order to allow electric service to be provided in a manner consistent with good electrical utility engineering practice. Exhibit A attached to the Joint Petition reflects areas currently authorized to be served by the Joint Petitioners and which the Joint Petitioners propose to change. Exhibit A consists of a portion of U.S.G.S. Facet Map M-19 showing the proposed boundary changes and a more detailed drawing which delineates the service area boundary changes between Duke Energy Indiana and South Central Indiana REMC. The modifications would result in Duke gaining service territory and South Central Indiana REMC losing service territory.

Joint Petitioners state in their Petition that, consistent with the requirements of Ind. Code § 8-1-2.3-6(2), the proposed modification will not cause: duplication of facilities; waste of materials or resources; or 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 20 days of the last date of publication, the commission may approve the change without a hearing.

Joint Petitioners' *Submission of Proof of Publication* filed on April 20, 2015, demonstrates notice of Joint Petitioners' petition for a change of a boundary lines located on U.S.G.S. Facet Map M-19 was published on April 14, 2015, in the *Martinsville Reporter*. This is a newspaper of general circulation in Morgan County, which is the county where the affected boundary lines are located. 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 change without a hearing.

4. Approval of Requested Boundary Modifications. Based upon the foregoing findings, the Commission finds the agreed-upon changes to Joint Petitioners' assigned service area boundaries located on U.S.G.S. Facet Map M-19, as specifically depicted in the Petition and

attached Exhibit A, 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. South Central Indiana REMC and Duke's agreed-upon service area boundary line modifications as set forth above and in the Petition and attached Exhibit A filed in this Cause are 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 boundaries 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: MAY 20 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