

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION)
OF DUKE ENERGY INDIANA, LLC AND)
TIPMONT 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 J-12-1 IN TIPPECANOE)
COUNTY, INDIANA)

CAUSE NO. 44782

APPROVED: JUN 08 2016

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On April 22, 2016, in accordance with Ind. Code § 8-1-2.3-6, Tipmont Rural Electric Membership Corporation (“Tipmont REMC”) and Duke Energy Indiana, LLC (“Duke Energy Indiana”) (collectively, “Joint Petitioners”) filed their *Verified Joint Petition to Modify Service Area Boundaries* (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(a)(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which Tipmont REMC and Duke Energy Indiana have mutually agreed. Joint Petitioners’ mutual agreement is to change certain Commission-assigned service area boundaries located on U.S.G.S. Facet Map J-12-1 in Tippecanoe County, Indiana. Drawings of the agreed-upon boundary changes were attached to the Joint Petition as Exhibits “A-1,” “A-2,” and “A-3.”

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

1. Commission Jurisdiction. Joint Petitioner, Tipmont REMC, is a Rural Electric Membership Corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Linden, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in the State of Indiana, including Tippecanoe County, and has charter authority to do so.

Joint Petitioner, Duke Energy Indiana, is a limited liability company organized and existing under the laws of the State of Indiana, with its principal office in the Town of Plainfield, Hendricks County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in the State of Indiana, including Tippecanoe County, 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 the Joint Petitioners' respective assigned service areas, pursuant to Ind. Code § 8-1-2.3-6(a)(2). Therefore, the Commission has jurisdiction over the parties and the subject matter of this Cause.

2. **Relief Sought.** Joint Petitioners assert that since the initial approval of the service area boundaries in Cause No. 36299-S217(X), a change in circumstances has occurred involving development of land located in Tippecanoe County, Indiana. Joint Petitioners now believe that it would be more efficient to modify the service area boundary, as reflected on the exhibits attached to the Joint Petition, such that the crosshatched area identified on Exhibits "A-1," "A-2," and "A-3," which is currently within the certified electric service territory of Duke Energy Indiana, would be assigned to Tipmont REMC.

Specifically, Joint Petitioners assert that Tipmont REMC would gain service territory from Duke Energy Indiana for the portion of the affected customer's property that needs three-phase power, which Duke Energy Indiana cannot provide. The three-phase power is needed for new construction. Joint Petitioners assert that they have agreed Tipmont REMC will provide three-phase power to the new construction and Duke Energy Indiana will continue to provide single-phase power to the remainder of the customer's property to meet its preexisting needs. Joint Petitioners state that the proposed modifications 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(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.

The evidence shows that Joint Petitioners' intent to file for a change of boundary lines located on U.S.G.S. Facet Map J-12-1 was published on April 28, 2016, and May 5, 2016, in the *Journal & Courier*. This is a newspaper of general circulation in Tippecanoe County, which is the county in which the affected boundary lines are located. More than 20 days have passed since the last 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(a)(2), the Commission may approve the requested boundary line changes without a hearing.

4. **Approval of Requested Relief.** 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 J-12-1, as specifically depicted in the Joint Petition and attached Exhibits "A-1," "A-2," and "A-3," 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 attached Exhibits "A-1," "A-2," and "A-3" 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, 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