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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF )  
SOUTH CENTRAL INDIANA 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-22 IN BROWN )  
COUNTY, INDIANA. )

CAUSE NO. 43584

APPROVED: JAN 07 2009

**BY THE COMMISSION:**

**Angela Rapp Weber, Administrative Law Judge**

On October 8, 2008, in accordance with Indiana Code § 8-1-2.3-6, Duke Energy Indiana, Inc. ("Duke Energy Indiana") and South Central Indiana Rural Electric Membership Corporation ("South Central REMC") (collectively, "Joint Petitioners") filed their *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 area boundary changes to which Duke Energy Indiana and South Central REMC have mutually agreed.

Joint Petitioners' mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map No. O-22 in Brown County, Indiana. The Verified Petition explains that when the Commission approved the current service boundaries, the land was undeveloped. Joint Petitioners now agree that modifications need to be made to the current service area boundaries. The proposed boundary modification would result in Duke Energy Indiana gaining service territory. Copies of a portion of Facet Map No. O-22 and a letter of agreement between Duke Energy Indiana and South Central REMC are attached to the Joint Petition. A certified proof of publication of the proposed service area boundary change was submitted on October 24, 2008.

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

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

Joint Petitioner South Central 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 Martinsville, Indiana. It is engaged in the business of distributing, furnishing and

selling retail electric service to the public in the State of Indiana, including Brown County, and has charter 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 have sought the Commission's 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 this Commission.

Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Joint Petition.

2. **Relief Sought.** Joint Petitioners assert that when the Commission initially approved the service area boundaries in Cause No. 36299-S229(X), the real estate was undeveloped. Joint Petitioners agree that service territory modifications between Duke Energy Indiana and South Central REMC are now necessary. Joint Petitioners suggest transferring to Duke Energy Indiana certain service territories located in an area commonly known as the Pine Tree Hills Subdivision.

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 Joint Petitioners' intent to file for a change of boundary lines located on U.S.G.S. Facet Map No. O-22 was published on October 15, 2008 in the *Brown County Democrat*, a newspaper of general circulation in Brown County, which is the county in which the affected boundary line is located. Proof of publication of the notice was filed with the Commission on October 24, 2008 and is hereby incorporated into the record of this Cause. Twenty (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 Indiana Code § 8-1-2.3-6(2), the Commission may approve the requested boundary line changes without a hearing.

4. **Approval of Requested Boundary Modifications.** 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 No. O-22, as specifically depicted in the Joint Petition and 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 modification as set forth above and in the Joint Petition and exhibits attached thereto filed in this Cause on October 8, 2008, shall be and is hereby approved.

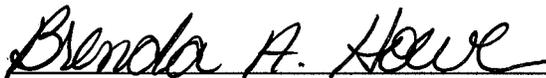
2. Within thirty (30) days of the date this Order is approved, Joint Petitioners shall coordinate with Commission Technical Staff to update the service territory mapping system to reflect the modified service area boundaries approved by this Order.

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

**HARDY, GOLC, LANDIS, AND ZIEGNER CONCUR; SERVER ABSENT:**

**APPROVED: JAN 07 2009**

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



**Brenda A. Howe**  
**Secretary to the Commission**