

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF )  
DUKE ENERGY INDIANA, INC. AND HANCOCK )  
COUNTY RURAL ELECTRIC MEMBERSHIP )  
CORPORATION D/B/A CENTRAL INDIANA )  
POWER PURSUANT TO IND. CODE § 8-1-2.3-6 )  
FOR APPROVAL OF AGREED CHANGES TO )  
THEIR RESPECTIVE SERVICE AREA )  
BOUNDARIES ON U.S.G.S. FACET Q-17-1 IN )  
HANCOCK COUNTY, INDIANA )

CAUSE NO. 43626

APPROVED: JUL 30 2009

**BY THE COMMISSION:**

**Angela Rapp Weber, Administrative Law Judge**

On January 2, 2009, in accordance with Indiana Code § 8-1-2.3-6, Duke Energy Indiana, Inc. (“Duke Energy Indiana”) and the Hancock County Rural Electric Membership Corporation d/b/a Central Indiana Power (“CIP”) (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 modifications to which Duke Energy Indiana and CIP have mutually agreed.

Joint Petitioners’ mutual agreement is to modify certain service area boundaries located on U.S.G.S. Facet Map No. Q-17-1 in Hancock County, Indiana. The proposed boundary modification would result in Duke Energy Indiana and CIP exchanging service territory. A copy of maps depicting the service areas to be exchanged and the verification of Earl Martin Zearbaugh, Duke Energy Indiana’s Manager of Distribution Design, was attached to the Joint Petition. Notice of the publication of the proposed boundary modification was filed with the Commission on June 16, 2009.<sup>1</sup>

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, Indiana. Duke Energy Indiana qualifies as a “public utility” under Indiana Code § 8-1-2-1. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in various counties in Indiana, including Hancock County, and has charter authority to do so.

<sup>1</sup> On June 11, 2009, the Presiding Officer issued a Docket Entry informing the parties that this Cause would be dismissed within ten (10) days pursuant to 170 IAC1-1.1-24. The Docket Entry noted that a notice of publication of the proposed boundary modification had not been filed with the Commission in accordance with Indiana Code § 8-1-2.3-6(2). On June 16, 2009, the notice of publication was filed with the Commission thus curing the deficiency in the filing.

Joint Petitioner CIP 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 Greenfield, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in several counties in Indiana, including Hancock 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 modify 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.** Since the initial approval in 1984 of the service area boundaries in Cause No. 36299-S-215(CB)(X), Joint Petitioners agree that modifications to the current service area boundaries are necessary to prevent duplication of facilities and a waste of materials or resources. Joint Petitioners propose that the electric service area boundaries on U.S.G.S. Facet Map No. Q-17-1 be exchanged. Exhibit A depicts a portion of CIP's service territory, which consists of 35.1 acres located along west side of County Road 700 West and north of Interstate 70. Joint Petitioners agree that this portion should now be served by Duke Energy Indiana. Exhibit B depicts a portion of Duke Energy Indiana's service territory located along the County Road 600 West and south of County Road 500 North. Joint Petitioners agree that this portion should now be served by CIP. Joint Petitioners' mutual agreement would modify the existing boundaries as depicted on and described by Exhibits A and B attached to the Joint Petition.

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 modification of boundary lines located on U.S.G.S. Facet Map No. Q-17-1 was published on January 27, 2009 in the *Daily Reporter*, a newspaper of general circulation in Hancock 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 June 16, 2009 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 modifications to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map No. Q-17-1, 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 January 2, 2009, 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, ATTERHOLT, LANDIS, AND ZIEGNER CONCUR; GOLC ABSENT:**

**APPROVED: JUL 30 2009**

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

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