

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION


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IN THE MATTER OF THE JOINT PETITION OF)
HENDRICKS COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION D/B/A HENDRICKS)
POWER COOPERATIVE 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 N-17 and M-17-1)
IN HENDRICKS COUNTY, INDIANA)

CAUSE NO. 43687

APPROVED: JUN 30 2009

BY THE COMMISSION:

David E. Veleta, Administrative Law Judge

On May 12, 2009, Duke Energy Indiana, Inc. (“Duke”) and Hendricks County Rural Electric Membership Corporation d/b/a Hendricks Power Cooperative (“HPC”) (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 and HPC have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet N-17 and M-17-1 in Hendricks County, Indiana. A copy of a portion of U.S.G.S Facet Maps N-17 and M-17-1 and verifications of Earl Martin Zearbaugh, Manager of Distribution Design for Duke, and Donnis Mizelle, Chief Executive Officer of HPC, were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** Joint Petitioner Duke is a corporation organized and existing under the laws of the State of Indiana. Duke 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 within the State of Indiana, including Hendricks County, and has charter authority to do so.

Joint Petitioner HPC is a rural electric membership corporation organized and existing under the laws of the State of Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service within the State of Indiana, including Hendricks 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 since the initial approval of the service area boundaries in Cause No. 36299-S220(X), a change in circumstances has occurred involving the development of land located in Hendricks County, Indiana.

Joint Petitioners now believe that it would be more efficient to modify the service area boundaries, such that the crosshatched area depicted on Joint Petitioner's Exhibit D, which is currently within the certified electric service territory of HPC would be assigned to Duke and the crosshatched area depicted on Joint Petitioner's Exhibit U, which is currently within the certified electric service territory of Duke would be assigned to HPC.

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 line located on U.S.G.S. Facet Maps N-17 and M-17-1 was published on May 16, 2009, in *The Hendricks County Flyer*. This is a newspaper of general circulation in Hendricks 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 15, 2009, and is hereby incorporated into the record of this Cause.

4. **Approval of Requested Boundary Modifications.** Based upon the foregoing findings, the Commission concludes that the agreed-upon change to Joint Petitioners' assigned service area boundary located on U.S.G.S. Facet Maps N-17 and M-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.

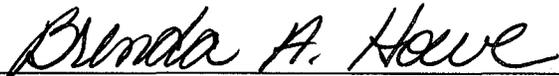
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Joint Petitioners' agreed-upon service area boundary line 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 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, GOLC, LANDIS, AND ZIEGNER CONCUR:

APPROVED: JUN 30 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**