

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION



IN THE MATTER OF THE JOINT)
PETITION OF CITY OF HUNTINGBURG)
MUNICIPAL ELECTRIC UTILITY AND)
DUBOIS RURAL ELECTRIC)
COOPERATIVE, INC. FOR APPROVAL)
OF AN AGREED CHANGE IN THE)
ELECTRICITY SUPPLIERS ASSIGNED)
SERVICE AREA BOUNDARIES (U.S.G.S.)
FACET I-29)

CAUSE NO. 43691

APPROVED: JUL 30 2009

BY THE COMMISSION:
David E. Veleta, Administrative Law Judge

On May 20, 2009, Huntingburg Municipal Electric Utility (“Huntingburg”) and Dubois Rural Electric Cooperative, Inc. (“Dubois REC”) (collectively “Joint Petitioners”) filed their *Joint Petition* (“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 Huntingburg and Dubois REC have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet I-29 in Dubois County, Indiana. A copy of a portion of U.S.G.S Facet Maps I-29, and verifications of Marvin R. Belcher, Mayor of Huntingburg, and Richard Wendholt, President of Dubois REC, were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** Joint Petitioner Dubois REC 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 to the public in several counties in the State of Indiana, including Dubois County, and has charter authority to do so.

The City of Huntingburg is a municipality organized under the laws of the State of Indiana, located in Dubois County, Indiana. Huntingburg owns and operates an electric distribution utility. Huntingburg furnishes retail electric service to residential, industrial and other customers within its assigned service area. 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, a change in circumstances has occurred involving the development of land located in Dubois County, Indiana.

Facet Map I-29 currently shows the service area boundary between Huntingburg and Dubois REC. Joint Petitioners' mutual agreement would modify the existing boundary as depicted in Exhibit 1, attached to the Joint Petition, such that the area currently surrounded by the Huntingburg service territory, which is currently part of the Dubois REC service territory would be assigned to Huntingburg. The area to be assigned to Huntingburg is approximately 29 acres and is located in the Southwest Quarter of Section 22, and the Northwest Quarter of Section 27, T-2-S, R-5-W, Patoka Township, Dubois County, Indiana.

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 Map I-29 was published on July 3, 2009, in *The Herald*. This is a newspaper of general circulation in Dubois 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 July 24, 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 Map I-29, 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 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. Petitioner shall pay the following itemized charges within twenty (20) days from the date of this Order to the Secretary of the Commission, as well as any additional costs which were or may be incurred in connection with this Cause.

Commission Charges	\$45.29
OUCG Charges	\$ 0.00
Legal Advertising Charges	<u>\$ 0.00</u>
TOTAL:	\$45.29

4. 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.



Brenda Howe
Secretary to the Commission