

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

[Handwritten signatures and initials: JDA, JLG, and a large signature]

IN THE MATTER OF THE JOINT)
PETITION OF INDIANA MICHIGAN)
POWER COMPANY AND JAY COUNTY)
RURAL ELECTRIC MEMBERSHIP)
CORPORATION PURSUANT TO IND. CODE)
§ 8-1-2.3-6 FOR APPROVAL OF AN)
AGREED CHANGE IN THE BOUNDARY OF)
THEIR RESPECTIVE ASSIGNED SERVICE)
AREAS ON U.S.G.S FACET Y-10 IN ADAMS)
COUNTY, INDIANA.)

CAUSE NO. 43752

APPROVED: SEP 03 2009

BY THE COMMISSION:

David E. Veleta, Administrative Law Judge

On July 29, 2009, Indiana Michigan Power Company ("I&M") and Jay County Rural Electric Membership Corporation ("Jay REMC") (collectively "Joint Petitioners") filed a *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(2), the Joint Petition seeks Commission approval of the electric service area boundary change to which I&M and Jay REMC have mutually agreed. Joint Petitioners agreed to change a service area boundary located on U.S.G.S. Facet Map Y-10 in Adams County, Indiana. A copy of a portion of Facet Map Y-10, and verifications of John Nill, President and CEO of Jay REMC, and Helen J. Murray, President and Chief Operating Officer of I&M, were attached to the Joint Petition. Proof of publication of the proposed changes was provided to the Commission on August 20, 2009.

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

1. **Commission Jurisdiction.** Joint Petitioner I&M is a corporation organized and existing under the laws of the State of Indiana. I&M qualifies as a "public utility" under Ind. Code § 8-1-2-1 and is engaged in the business of distributing, furnishing and selling retail electric service to the public in various counties in the State of Indiana, including Jay County, and has charter authority to do so.

Joint Petitioner Jay REMC 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 various counties in the State of Indiana, including Adams County, and has charter authority to do so. Each Joint Petitioner is an "electricity supplier" within the meaning of Ind. Code § 8-1-2.3-2(b).

Joint Petitioners have sought the Commission's approval to change their service area boundaries pursuant to Ind. 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-S209(X), a change in circumstances has occurred involving a 7.9 acre parcel of real estate in Wabash Township, Adams County, Indiana.

The proposed modification would move the current boundary line as indicated in Exhibit A attached to the Joint Petition, to allow Jay REMC to provide service to the 7.9 acre parcel. Facet Map Y-10 shows the service area at issue currently is assigned to I&M. Joint Petitioners' mutual agreement would modify the boundary such that Facet Map Y-10 would reflect the entire service area to be assigned to Jay REMC as shown in Exhibit A 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.** Ind. 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 a boundary line located on U.S.G.S. Facet Map Y-10 was published on August 3, 2009 in the *Berne Tri-Weekly News*. This is a newspaper of general circulation in Adams County, which is the county where the affected boundary line is located. Proof of publication of the notice was filed with the Commission on August 20, 2009 and is hereby incorporated into the record of this Cause. Twenty (20) days have passed since the 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(2), the Commission may approve the requested boundary line change without a hearing.

4. **Approval of Requested Boundary Modification.** 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 Y-10, 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 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 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 boundary 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: SEP 03 2009

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


Brenda Howe
Secretary to the Commission