

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

Handwritten signatures and initials: JLB, SDA, JLB, and a large scribble.

IN THE MATTER OF THE JOINT)
 PETITION OF DECATUR COUNTY RURAL)
 ELECTRIC MEMBERSHIP CORPORATION) CAUSE NO. 43819
 AND SOUTHEASTERN INDIANA RURAL)
 ELECTRIC MEMBERSHIP CORPORATION)
 PURSUANT TO IND. CODE § 8-1-2.3-6(2)) APPROVED: NOV 24 2009
 FOR APPROVAL OF CHANGES TO THE)
 SERVICE AREA BOUNDARIES WITHIN)
 U.S.G.S FACET MAP T-23)

BY THE COMMISSION:

David E. Veleta, Administrative Law Judge

On October 21, 2009, Decatur County Rural Electric Membership Corporation ("Decatur County REMC") and Southeastern Indiana Rural Electric Membership Corporation ("Southeastern 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 Decatur County REMC and Southeastern REMC have mutually agreed. Joint Petitioners agreed to change a service area boundary located on U.S.G.S. Facet Map T-23 in Jennings County, Indiana. A copy of a portion of Facet Map T-23, and verifications of Don R. Schilling, President of Decatur County REMC, and Robert Mackey, General Manager of Southeastern REMC, were attached to the Joint Petition. Proof of publication of the proposed changes was provided to the Commission on November 9, 2009.

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

1. **Commission Jurisdiction.** Joint Petitioner Decatur County REMC is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Greensburg, Decatur County, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in the State of Indiana, including Jennings County, and has charter authority to do so.

Joint Petitioner Southeastern 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 Osgood, Ripley County, 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 Jennings County, and has charter authority to do so.

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-S225(X), a change in circumstances has occurred involving a 19.515 acre parcel of real estate in Jennings County, Indiana.

The proposed modification would move the current boundary line as indicated in Exhibit A attached to the Joint Petition, to allow Southeastern REMC to provide service to the 19.515 acre parcel. Facet Map T-23 shows the service area at issue currently is assigned to Decatur County REMC. Joint Petitioners' mutual agreement would modify the boundary such that Facet Map T-23 would reflect a portion of this service area to be assigned to Southeastern 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 T-23 was published on October 20, 2009 in *The North Vernon Sun*. This is a newspaper of general circulation in Jennings County, which is the county where the affected boundary line is located. Proof of publication of the notice was filed with the Commission on November 9, 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 T-23, 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.

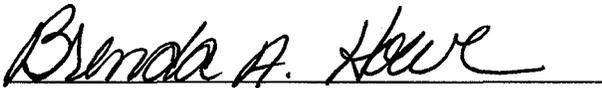
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION, that:

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: NOV 24 2009

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



**Brenda Howe
Secretary to the Commission**