

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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IN THE MATTER OF THE JOINT)
PETITION OF JOHNSON COUNTY RURAL)
ELECTRIC MEMBERSHIP CORPORATION)
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 O-19-1 IN JOHNSON)
COUNTY, INDIANA)

CAUSE NO. 43825

APPROVED:

DEC 16 2009

BY THE COMMISSION:

David E. Veleta, Administrative Law Judge

On November 12, 2009, Johnson County Rural Electric Membership Corporation ("Johnson REMC") and Duke Energy Indiana, Inc. ("Duke") (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 Johnson REMC and Duke have mutually agreed. Joint Petitioners agreed to change a service area boundary located on U.S.G.S. Facet Map O-19-1 in Johnson County, Indiana. A copy of a portion of U.S.G.S. Facet Map O-19-1 and verifications of Earl Martin Zearbaugh, Manager of Distribution Design for Duke, and L. Chester Aubin, Chief Executive Officer for Johnson REMC, were attached to the Joint Petition. On November 23, 2009, Johnson REMC filed its *Motion to Substitute Exhibit* ("Motion") in this Cause. On December 2, 2009, the Presiding Officer issued a Docket Entry in this Cause, granting Johnson REMC's Motion.

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

1. **Commission Jurisdiction.** Joint Petitioner Johnson REMC is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Franklin, Johnson 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 Johnson County, and has charter authority to do so.

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 Johnson 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-S215(CB)(X), a change in circumstances has occurred involving a parcel of real estate in Johnson County, Indiana.

Facet Map O-19-1 currently shows the service area boundary between Duke and Johnson REMC. Joint Petitioners' mutual agreement would modify the existing boundary as depicted in Exhibit A, attached to the Motion, such that the crosshatched area identified as "Proposed Trade Area Duke to Johnson County REMC", which is currently within the certified electric service territory of Duke would be assigned to Johnson REMC.

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 O-19-1 was published on November 18, 2009 in the *Daily Journal*. This is a newspaper of general circulation in Johnson County, which is the county where the affected boundary line is located. Proof of publication of the notice was filed with the Commission on December 4, 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 O-19-1, 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 Ind. Code § 8-1-2.3-1 and, therefore, should be approved.

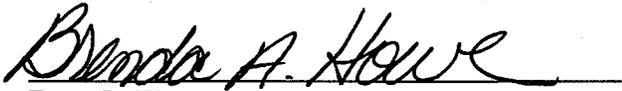
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION, that:

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: DEC 16 2009

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


Brenda Howe
Secretary to the Commission