

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT )  
PETITION OF NORTHERN INDIANA )  
PUBLIC SERVICE COMPANY AND )  
KOSCIUSKO RURAL ELECTRIC )  
MEMBERSHIP CORPORATION )  
PURSUANT TO IND. CODE § 8-1-2.3-6(2) )  
FOR APPROVAL OF SERVICE AREA )  
BOUNDARY MODIFICATIONS ON )  
U.S.G.S. FACET R-5-1 )

CAUSE NO. 43932

APPROVED: SEP 22 2010

**BY THE COMMISSION:**

**Jeffery A. Earl, Administrative Law Judge**

On July 30, 2010, Northern Indiana Public Service Company (“NIPSCO”) and Kosciusko Rural Electric Membership Corporation (“Kosciusko REMC”) (collectively “Joint Petitioners”) filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (the “Commission”). Pursuant to Indiana Code section 8-1-2.3-6(2), the Joint Petition seeks Commission approval of certain electric service area boundary changes on U.S.G.S. Facet Map R-5-1 to which NIPSCO and Kosciusko REMC have mutually agreed. Drawings of the agreed upon boundary changes and the verifications of Steven Rhodes, President and CEO of Kosciusko REMC, and Timothy A. Dehring, Senior Vice President of Energy Delivery for NIPSCO, were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** NIPSCO is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Merrillville, Indiana. NIPSCO is engaged in the business of distributing, furnishing, and selling retail electric service to the public within the State of Indiana and has charter authority to do so. NIPSCO is an “electricity supplier” within the meaning of Indiana Code section 8-1-2.3-2(b).

Kosciusko REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal office located in Warsaw, Indiana. Kosciusko REMC is engaged in the business of distributing, furnishing, and selling retail electric service to the public within its assigned service area in Indiana, which includes Kosciusko County. Kosciusko REMC is an “electricity supplier” within the meaning of Indiana Code section 8-1-2.3-2(b).

Joint Petitioners seek the Commission’s approval to change their service area boundaries pursuant to Indiana Code section 8-1-2.3-6(2), which provides the assigned service area boundaries of electricity suppliers may be changed upon a mutual agreement of the affected electricity suppliers and approval of the Commission.

Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of the Joint Petition.

2. **Relief Sought.** Joint Petitioners seek approval of agreed-upon boundary changes. The electric service boundaries proposed for modification are located in Kosciusko County, Indiana. Joint Petitioners' mutual agreement would modify the existing boundaries as depicted in Exhibits A and B, which are attached to the Joint Petition. Exhibit A attached to the Joint Petition reflects areas currently authorized to be served by Joint Petitioners, including the specific area that Joint Petitioners propose to change. Exhibit B depicts Lot #1 of the Robinson Industrial Complex, situated CR 200 N near Boeing Road in Kosciusko County, Indiana ("Lot #1"). Joint Petitioners' mutual agreement, as reflected in the Joint Petition, would modify the existing boundaries by transferring Lot #1 from NIPSCO to Kosciusko REMC.

Joint Petitioners state the proposed modification is necessary because NIPSCO does not have three-phase electric service within a reasonable distance from Lot #1, while Kosciusko REMC has three-phase electric service immediately available. Joint Petitioners further state modification of the existing boundaries 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 section 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 notice of Joint Petitioners' petition for a change of boundary lines located on U.S.G.S. Facet Map R-5-1 was published on August 13, 2010, in the Warsaw Times-Union. This is a newspaper of general circulation in Kosciusko County, which is the county where the affected boundary lines are located. Proof of publication of the notice was filed with the Commission on September 8, 2010, 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 Indiana Code section 8-1-2.3-6(2), the Commission may approve the requested boundary line change without a hearing.

4. **Approval of Requested Boundary Modifications.** Based upon the foregoing findings, the Commission concludes the agreed-upon change to Joint Petitioners' assigned service area boundaries located on U.S.G.S. Facet Map R-5-1, 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 section 8-1-2.3-1 and, therefore, should be approved.

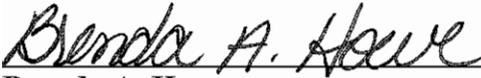
**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. Joint Petitioners' agreed change in service area boundary lines as set forth above and in the Joint Petition and exhibits attached thereto are hereby approved.
2. Within thirty (30) days of the date of this Order, 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, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED: SEP 22 2010**

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

  
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**Brenda A. Howe**  
**Secretary to the Commission**