ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF NORTHERN INDIANA PUBLIC SERVICE COMPANY AND THE TOWN OF BREMEN, INDIANA PURSUANT TO IND. CODE § 8-1-2.3-6(2) FOR APPROVAL OF SERVICE AREA BOUNDARY MODIFICATIONS ON U.S.G.S. FACET O-4-2-A	)))))))	**CAUSE NO. 43945** **APPROVED:** DEC 15 2010

BY THE COMMISSION:
Gregory R. Ellis, Administrative Law Judge

On September 3, 2010, Northern Indiana Public Service Company ("NIPSCO") and the Town of Bremen, Indiana ("Bremen") (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 changes to which NIPSCO and Bremen have mutually agreed. Joint Petitioners' mutual agreement ("Agreement") is to change certain electric service area boundaries located on United States Geological Survey ("USGS") Facet Map O-4-2-A in Marshall County, Indiana. Verifications of Rick Graverson, President of the Town of Bremen, and Timothy A. Dehring, Senior Vice President of Energy Delivery for NIPSCO, were attached to the Verified Joint Petition.

The Commission, having considered the evidence and applicable law, and being duly advised in the premises, now finds:

1. **Commission Jurisdiction**. Joint Petitioner NIPSCO is a corporation organized and existing under the laws of the State of Indiana. NIPSCO 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 within the State of Indiana and has charter authority to do so.

Joint Petitioner Bremen is an Indiana Municipal Corporation organized and existing under the laws of the State of Indiana. Bremen operates an electric utility system furnishing retail electric service to the public. Pursuant to Ind. Code § 8-1-2-1(h), Bremen qualifies as "municipally owned utility". 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-S(206), a change in circumstances has occurred involving the development of land located in the Town of Bremen in Marshall County, Indiana. The proposed boundary modification would enable Bremen to provide service to an area that it previously annexed pursuant to Bremen Ordinance 11-2007. USGS Facet Map O-4-2-A as depicted in Exhibit B of Exhibit 1 to the Joint Petition shows the service area boundary between NIPSCO and Bremen.

Joint Petitioners seek approval of the terms of their Agreement, which was attached as Exhibit 1 to the Joint Petition and would modify the existing electric service area boundaries located in Bremen, Indiana. These modifications would result in NIPSCO losing service territory and Bremen gaining service territory.

Joint Petitioners state that the proposed boundary modifications will not cause duplication of electric utility facilities, waste of materials or resources, or uneconomic, inefficient or inadequate electric service to the public. Joint Petitioners' Agreement indicates that the proposed modification will not result in an exchange of customers or facilities. 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 boundary line located on USGS Facet Map O-4-2-A was published on September 23, 2010, in the *Bremen Enquirer*. This is a newspaper of general circulation in Marshall 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 October 15, 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 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 Modifications**. Based upon the foregoing findings, the Commission concludes that the agreed-upon changes to Joint Petitioners' respective assigned service area boundaries located on USGS Facet Map O-4-2-A, 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 modifications as set forth above and in the Verified 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 the 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.

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: DEC 1 5 2010

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

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission