STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF HANCOCK COUNTY RURAL ELECTRIC MEMBERSHIP CORPORATION, D/B/A CENTRAL INDIANA POWER AND DUKE ENERGY INDIANA, INC., PURSUANT TO IND. CODE § 8-1-2.3-6(2), FOR APPROVAL OF SERVICE AREA BOUNDARY MODIFICATIONS ON U.S.G.S. FACET R-16	)	**CAUSE NO. 43971** **APPROVED:** MAR 3 0 2011

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

On November 22, 2010, Hancock County Rural Electric Membership Corporation, d/b/a Central Indiana Power ("Central Indiana Power") 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 (the "Commission"). Pursuant to Ind. Code § 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-16 in Hamilton County to which Duke and Central Indiana Power have mutually agreed. Drawings of the agreed upon boundary changes were attached to the Submission Of Inadvertently Omitted Exhibits filed on March 18, 2011. The verifications of Thomas N. Seng, President and CEO of Central Indiana Power, and Earl Martin Zearbaugh, Manager Distribution Design for Duke, were attached to the Joint Petition.

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

1. **Commission Jurisdiction**. Duke is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Plainfield, Indiana. Duke 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. Duke is an "electricity supplier" within the meaning of Ind. Code § 8-1-2.3-2(b).

Central Indiana Power is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal office located in Greenfield, Indiana. Central Indiana Power 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 Hancock County, Hamilton County, and Madison County. Central Indiana Power is an "electricity supplier" within the meaning of Ind. Code § 8-1-2.3-2(b).

Joint Petitioners seek the Commission's approval to change their service area boundaries pursuant to Ind. Code § 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 assert that since the initial approval of the service area boundaries in Cause No. 43337, a change in circumstances has occurred involving the development of land located in Hamilton County. Joint Petitioners propose the following boundary modification:

The electric service area boundaries proposed for modification are located in Hamilton County north of 126th Street within the Britton Falls subdivision. Facet Map R-16 currently shows the service area boundary between Duke and Central Indiana Power. Joint Petitioners' mutual agreement would modify the existing boundary as depicted in Exhibits B and C attached to the Joint Petition. This modification would result in Duke gaining territory.

By their 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 notice of Joint Petitioners' petition for a change of boundary lines located on U.S.G.S. Facet Map R-16 was published on February 4, 2011, in Hancock County in the *Daily Reporter* and on February 7, 2011, in Hamilton County in the *Noblesville Daily Times*. Each of the newspapers is a newspaper of general circulation in their respective county. Proof of publication of the notice was filed with the Commission on March 3, 2011, and is hereby incorporated into the record of this Cause. Twenty (20) days have passed since the dates 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 the agreed-upon change to Joint Petitioners' assigned

service area boundaries located on U.S.G.S. Facet Map R-16, 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 change in service area boundary lines as set forth above and in the Joint Petition and exhibits is 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.

ATTERHOLT, BENNETT, LANDIS, AND MAYS CONCUR; ZIEGNER ABSENT:

APPROVED: MAR 3 0 2011

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