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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF PARKE COUNTY)
RURAL ELECTRIC MEMBERSHIP)
CORPORATION AND DUKE ENERGY)
INDIANA, INC., PURSUANT TO IND.)
CODE § 8-1-2.3-6(2), FOR APPROVAL)
OF AN AGREED CHANGE IN THE)
BOUNDARIES OF THEIR RESPECTIVE)
ASSIGNED SERVICE AREAS ON USGS)
FACET H-19-1 IN PARKE COUNTY,)
INDIANA)

CAUSE NO. 43985

APPROVED: MAR 30 2011

BY THE COMMISSION:

Gregory R. Ellis, Administrative Law Judge

On January 10, 2011, Parke County Rural Electric Membership Corporation (“Parke 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 changes to which Parke REMC and Duke have mutually agreed. Joint Petitioners’ mutual agreement is to change certain electric service area boundaries located on United States Geological Survey (“USGS”) Facet Map H-19-1 in Parke County, Indiana. Drawings of the agreed upon boundary changes and the verifications of Gregory A. Ternet, General Manager of Parke County REMC, 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 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. Duke is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b).

Parke REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal office located in Rockville, Indiana. Parke 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 Parke County, and has authority to do so. Parke REMC 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 on August 10, 1983 in Cause No. 36299-S219(X), certain modifications to the boundaries set forth therein are now required in order to allow electric service to be provided in a manner consistent with good electrical utility engineering practice. Exhibits A and B attached to the Joint Petition reflect areas currently authorized to be served by the Joint Petitioners and which the Joint Petitioners propose to change. Exhibit A consists of a portion of USGS Facet Map H-19-1 showing the proposed boundary changes and a more detailed drawing designated as Exhibit B which delineates the service area boundary changes between Duke Energy Indiana and Parke REMC. The modifications would result in Duke gaining service territory and Parke REMC losing service 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 USGS Facet Map H-19-1 was published on January 19, 2011, in the *Parke County Sentinel*. This is a newspaper of general circulation in Parke County, which is the county where the affected boundary is located. Proof of publication of the notice was filed with the Commission on March 7, 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 USGS Facet Map H-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 change in service area boundary lines as set forth above and in the Joint Petition and exhibits 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.

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

APPROVED:

MAR 30 2011

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



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