

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF DUBOIS RURAL ELECTRIC)
COOPERATIVE , INC. AND THE TOWN OF)
FERDINAND, INDIANA FOR A CHANGE IN)
THEIR ASSIGNED SERVICE AREA)
BOUNDARIES PURSUANT TO IND. CODE §)
8-1-2.3-6(2))

CAUSE NO. 44027

APPROVED: JUL 1 3 2011

BY THE COMMISSION:

Kari A.E. Bennett, Commissioner
David E. Veleta, Administrative Law Judge

On May 23, 2011, the Town of Ferdinand, Indiana (“Town”) and Dubois Rural Electric Cooperative, Inc. (“DREC”) (collectively “Joint Petitioners”) filed a *Joint Petition, Agreement and Stipulation* (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Indiana Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which DREC and the Town have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map J-30 in Dubois County, Indiana. A description of the parcel at issue and verifications of Donald E. Book, General Manager of DREC, and Ken Sicard, Council President of the Town of Ferdinand, were attached to the Joint Petition. The Joint Petition included the stipulations of the parties resolving all terms of the agreement at issue.

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

1. Commission Jurisdiction. Joint Petitioner DREC is a corporation organized and existing under the laws of the State of Indiana. DREC 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 Dubois, Crawford, parts of Pike, Perry, Martin and Orange Counties, and has charter authority to do so.

Joint Petitioner Town is a municipality duly organized and existing under the laws of the State of Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service within its assigned service boundaries within Dubois County, and is a “municipally owned utility” as defined in Indiana Code § 8-1-22-2(f). Each Joint Petitioner is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2(b).

Joint Petitioners have sought the Commission’s approval to change their service area boundaries pursuant to Indiana 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 upon 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 RND Development, LLC (“RND”), which is currently being developed for commercial purposes, is located in the service territory assigned by the Commission to the Town. Additionally, real estate consisting of all of the State of Indiana right-of-way of State Road 162 (“SR 162”) between the northerly boundary line of the Town retail electric service territory and to the northerly line of the real estate now owned by Marvin L. and Antionette L. Weyer is located in the service area territory of DREC. DREC wants to acquire the Town RND property as part of its service territory in exchange for the DREC SR 162 property.

Joint Petitioners have mutually agreed to exchange with one another property described in the Joint Petition and change the service area boundary lines in such a manner as would allow and require the Town to render retail electric service to the DREC SR 162 property and to allow and require DREC to render retail electric service to the Town RND Property.

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.** Indiana 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 lines located on U.S.G.S. Facet Map J-30 was published on June 7, 2011, in the *The Herald*. This is a newspaper of general circulation in Dubois 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 June 14, 2011, 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 § 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 change to Joint Petitioners’ assigned service area boundary located on U.S.G.S. Facet Map J-30, as specifically depicted in the Joint Petition, will promote economical, efficient and adequate electric service to the public consistent

with the legislative policy set forth in Indiana 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 attached thereto is 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 boundaries approved by this Order.

3. Joint Petitioner the Town of Ferdinand shall pay the following itemized charges within twenty (20) days of the date of this Order into the Treasury of the State of Indiana, through the Secretary of the Commission:

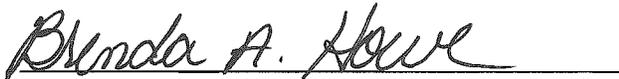
Commission Charges	\$ 65.59
OUCG Charges:	<u>\$ 34.10</u>
TOTAL	\$ 99.69

4. This Order shall be effective on and after the date of its approval.

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

APPROVED: JUL 13 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**