

ORIGINAL

JPA
B
C
CM

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
INDIANAPOLIS POWER & LIGHT COMPANY,)
HENDRICKS COUNTY RURAL MEMBERSHIP)
CORPORATION D/B/A HENDRICKS COUNTY)
POWER COOPERATIVE AND DUKE ENERGY)
INDIANA, INC. PURSUANT TO IND. CODE § 8-1-)
2.3-6 FOR APPROVAL OF CHANGES TO THE)
ASSIGNED SERVICE BOUNDARIES WITHIN)
U.S.G.S. FACET NO. N-17 IN HENDRICKS)
COUNTY, INDIANA AND U.S.G.S. FACET NO. O-)
16 IN HAMILTON COUNTY, INDIANA)

CAUSE NO. 44029

APPROVED: AUG 18 2011

BY THE COMMISSION:

James D. Atterholt, Chairman
Gregory R. Ellis, Administrative Law Judge

On May 26, 2011, Indianapolis Power & Light Company (“IPL”), Hendricks County Rural Electric Membership Corporation, d/b/a Hendricks Power Cooperative (“Hendricks Power”) and Duke Energy Indiana, Inc. (“Duke Energy Indiana”) (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 certain electric service area boundary changes on United States Geological Survey (“U.S.G.S.”) Facet Map N-17 in Hendricks County and U.S.G.S. Facet Map O-16 in Hamilton County to which Joint Petitioners have mutually agreed. The verifications of Kevin Walker, Customer Projects Engineering for IPL, Donniss Mizelle, CEO of Hendricks Power, and Earl Martin Zearbaugh, Manager Distribution Design of Duke Energy Indiana were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** IPL is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Indianapolis, Marion County, Indiana. IPL is engaged in the business of distributing, furnishing and selling retail electric service to the public within the State of Indiana, including Hendricks and Hamilton Counties, and has charter authority to do so. IPL is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b).

Hendricks Power is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Danville, Hendricks County, Indiana. Hendricks Power is engaged in the business of distributing, furnishing and selling retail electric service to the public within its assigned service area in Indiana, including Hendricks County. Hendricks Power is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b).

Duke Energy Indiana is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Plainfield, Hendricks County, Indiana. Duke Energy Indiana is engaged in the business of distributing, furnishing and selling retail electric service to the public in numerous counties in the State of Indiana, including Hendricks and Hamilton Counties, and has charter authority to do so. Duke Energy Indiana 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 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 seek approval of certain boundary changes pursuant to an Agreement between the Joint Petitioners. The electric service area boundaries proposed for modification are located in Hendricks County, Indiana and Hamilton County, Indiana. Joint Petitioners’ mutual agreement would modify the existing boundaries as depicted in Exhibit A, Exhibit B, and Exhibit C attached to the Joint Petition. These modifications would result in (1) the transfer of certain parts of the assigned service areas of Hendricks Power and Duke Energy Indiana in Hendricks County to IPL; (2) the transfer of a portion of IPL’s assigned service area in Hendricks County to Hendricks Power; (3) the transfer of a portion of IPL’s assigned service area in Hamilton County to Duke Energy Indiana; and (4) the transfer of a portion of Duke Energy Indiana’s assigned service area in Hamilton County to IPL.

By their Joint Petition, Joint Petitioners state that the proposed modification will not cause duplication of facilities, cause a waste of materials or resources, and will promote economic, efficient and adequate 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 that notice of Joint Petitioners’ petition for a change of boundary lines located on U.S.G.S. Facet Map N-17 and U.S.G.S. Facet Map O-16 was published in Hendricks County in the *Hendricks County Flyer* on June 25, 2011, in Hamilton County in the *Noblesville Daily Times* on June 18, 2011, and in Marion County in the *Indianapolis Star* on

June 20, 2011. Each of the newspapers is a newspaper of general circulation in their respective county. Proofs of publication of the notices were filed with the Commission on July 14, 2011, and are 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 that the agreed-upon changes to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map N-17 and U.S.G.S. Facet Map O-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 attached thereto are hereby approved.

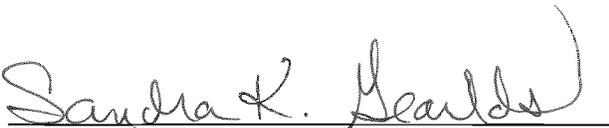
2. Within thirty (30) days of the date of this Order, Joint Petitioners shall coordinate with Commission Technical Staff to update the service territory mapping system to reflect the modified service area boundaries approved by this Order.

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

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR; BENNETT NOT PARTICIPATING:

APPROVED: AUG 18 2011

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



Sandra K. Gearlds
Acting Secretary to the Commission