

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF )  
SOUTHEASTERN INDIANA RURAL ELECTRIC )  
MEMBERSHIP CORPORATION AND DUKE ENERGY )  
INDIANA, INC. PURSUANT TO IND. CODE § 8-1-2.3- )  
6(2) FOR APPROVAL OF CHANGES TO THE )  
SERVICE AREA BOUNDARIES WITHIN U.S.G.S. )  
FACET MAP W-22-1 )

CAUSE NO. 44107

APPROVED: DEC 14 2011

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

**Loraine L. Seyfried, Chief Administrative Law Judge**

On October 31, 2011, Southeastern Rural Electric Membership Corporation (“Southeastern REMC”) and Duke Energy Indiana, Inc. (“Duke Energy Indiana”) (collectively, “Joint Petitioners”) filed with the Indiana Utility Regulatory Commission (“Commission”) a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petition seeks approval of an electric service area boundary change to which Southeastern REMC and Duke Energy Indiana have mutually agreed.

Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map W-22-1 in Ripley County, Indiana. A copy of the proposed modification on U.S.G.S. Facet Map W-22-1, a detailed map of the property, the letter of agreement and verifications of Robert H. Mackey, General Manager for Southeastern REMC, and Earl M. Zearbaugh, Manager Distribution Design for Duke Energy Indiana, were attached to the Joint Petition.

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

**1. Commission Jurisdiction.** Southeastern REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana, with its principal office located in Osgood, Ripley County, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in the State of Indiana, including Ripley County, and has charter authority to do so.

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 the Town of Plainfield, Hendricks County, Indiana. It 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 Ripley County, and has charter authority to do so.

Each Joint Petitioner is an “electricity supplier” as such term is defined by Ind. Code § 8-1-2.3-2(b) and the purpose of the Joint Petition is to change each Joint Petitioner’s respective assigned service areas, pursuant to Ind. Code § 8-1-2.3-6(2). Therefore, the Commission has jurisdiction over Joint Petitioners and the subject matter of this Cause.

**2. Relief Requested.** The Joint Petition seeks Commission approval to change the service area boundaries of Southeastern REMC and Duke Energy Indiana 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 mutual agreement of the affected electricity suppliers and approval of the Commission. The electric service area proposed for modification is located on U.S.G.S. Facet Map W-22-1. The Commission originally approved the boundaries on Facet Map W-22-1 in Cause No. 36299-S226. Joint Petitioners propose to modify the particular service area boundaries so that only one utility provides service to the property. The change in service area boundaries results in Southeastern REMC gaining service territory and Duke Energy Indiana losing territory.

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 that notice of Joint Petitioners’ petition for a change in service area boundary lines located on U.S.G.S. Facet Map W-22-1 was published on November 8, 2011, in the Osgood Journal. This is a newspaper of general circulation in Ripley County, which is the county where the affected boundary lines are located. Proof of publication of the notice was filed with the Commission on November 21, 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 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 boundary line changes on U.S.G.S. Facet Map W-22-1, as specifically depicted in the Joint Petition and exhibits 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 Joint Petition and exhibits attached thereto filed in this Cause on October 31, 2011 shall be and are 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. This Order shall be effective on and after the date of its approval.

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

**APPROVED:**

DEC 14 2011

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

  
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Brenda A. Howe  
Secretary to the Commission