

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
 PETITION OF UTILITIES DISTRICT OF)
 WESTERN INDIANA RURAL ELECTRIC)
 MEMBERSHIP CORPORATION AND DUKE) CAUSE NO. 44140
 ENERGY INDIANA, INC. PURSUANT TO)
 IND. CODE §8-1-2.3-6 FOR APPROVAL OF) APPROVED: FEB 15 2012
 CHANGES TO SERVICE AREA)
 BOUNDARIES WITHIN U.S.G.S. FACET NO.)
 BLOOMINGTON, L-22)

ORDER OF THE COMMISSION

Presiding Officer:
Aaron A. Schmoll, Senior Administrative Law Judge

On January 9, 2012, Utilities District of Western Indiana Rural Electric Membership Corporation (“UDWI”) and Duke Energy of Indiana, Inc. (“Duke Energy”) (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 UDWI and Duke Energy have mutually agreed. Joint Petitioners agree to change service area boundaries located on U.S.G.S. Facet Map No. L-22 in Monroe County, Indiana. Drawings of the agreed upon boundary were attached to the Joint Petition.

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

1. Commission Jurisdiction. Joint Petitioner UDWI 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 Bloomfield, Greene County, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public and several counties in the State of Indiana, including Monroe County, and has charter authority to do so.

Joint Petitioner Duke Energy is a corporation organized and existing under the laws of the State of Indiana, with its principal office 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 various counties in the State of Indiana, including Monroe County, and has charter authority to do so.

Each Joint Petitioner is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners have sought 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 the 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 since the initial approval of the service area boundaries on August 30, 1983, in Cause No. 36299-S231, 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. Exhibit A attached to the Joint Petition reflects areas currently authorized to be served by these Joint Petitioners, which these Joint Petitioners propose to change as indicated in Exhibit B.

Joint Petitioners state that the proposed modification will not cause duplication of facilities, waste of materials or resources, or 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' intent to file for a change of boundary lines located on U.S.G.S. Facet Map No. L-22 was published on January 12, 2012, in the *Herald-Times*. This is a newspaper of general circulation in Monroe County, which is the county in which the affected boundary lines are located. Proof of publication of the notice was filed with the Commission, 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 that the agreed upon change to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map No. L-22, as specifically depicted in the Joint Petition and the Exhibits attached thereto, will promote economical, efficient, and adequate electric service to the public consistent with the legislative policies 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 changes as set forth above and in the Joint Petition and Exhibits attached thereto 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.

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

APPROVED: FEB 15 2012

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



Brenda A. Howe
Secretary to the Commission