

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
 PETITION OF WILLIAMSPORT)
 MUNICIPAL UTILITIES AND DUKE)
 ENERGY INDIANA, INC. PURSUANT TO)
 IND. CODE § 8-1-2.3-6 FOR APPROVAL) CAUSE NO. 44157
 PURSUANT TO IND. CODE § 8-1-2.3-4(a) OF)
 AN AGREED CHANGE IN THE) APPROVED: APR 11 2012
 BOUNDARIES OF THEIR RESPECTIVE)
 SERVICE AREAS AND TEMPORARY)
 CONSENT TO SERVE ON U.S.G.S. FACET F-)
 13-I IN WARREN COUNTY, INDIANA)

ORDER OF THE COMMISSION

Presiding Officers:

Jeffery A. Earl, Administrative Law Judge

On February 10, 2012, Duke Energy of Indiana, Inc. (“Duke”) and Williamsport Light & Water (“WLW”) (collectively, “Joint Petitioners”) filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). On March 23, 2012, Joint Petitioners filed a Proof of Publication of notice of this Cause and the proposed service area boundary modification.

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

1. Commission Jurisdiction. WLW is a municipal electric utility organized and existing under the laws of the State of Indiana, with its principal place of business located in Williamsport, Warren County, Indiana, and is a wholesale customer of Duke Energy Indiana. WLW is engaged in the business of distributing, furnishing, and selling retail electric service to the public in Warren County in the State of Indiana and has charter authority to do so.

Duke 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 Warren 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. Therefore, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Joint Petition.

2. **Relief Sought.** 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 WLW and Duke have mutually agreed. Joint Petitioners have agreed to change service area boundaries located on U.S.G.S. Facet Map F-13-I in Warren County, Indiana. Drawings of the agreed upon boundary changes were attached to the Joint Petition.

Joint Petitioners assert that since the initial approval of the service area boundaries on July 8, 1983, in Cause No. 36299-S218(X), certain modifications to the boundaries set forth therein on U.S.G.S. Facet Map F-13-I are now required in order to allow electric service to be provided in a manner consistent with good electrical utility engineering practice. Joint Exhibit A consists of a screen view of the pertinent portion of the existing U.S.G.S. Facet Map F-13-I and also a detailed drawing of the proposed territory to be transferred from Duke Energy Indiana to WLW. WLW has agreed to pay Duke Energy Indiana \$58,658 for the value of utility property within the area to be transferred. Joint Petitioners state that the proposed modifications detailed in the verified Petition and on Joint Exhibit A will not cause a duplication of electric utility 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. Until the transfer is completed, WLW has consented that Duke Energy Indiana shall continue to provide service to the transfer area.

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 F-13-I was published on February 23, 2012, in *The Review Republican*. This is a newspaper of general circulation in Warren County, Indiana, which is the County where the affected boundary lines are located. Proof of publication of this notice was filed with this 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 Line Modification.** Based upon the findings above, the Commission concludes that the agreed upon change to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map F-13-I in Warren County, 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.

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 approved.

2. Within thirty (30) days of the date of this Order, Joint Petitioners shall coordinate with Commission's 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, MAYS AND ZIEGNER CONCUR:

APPROVED: APR 11 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