

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION)	
OF CITY OF AUBURN AND CITY OF)	CAUSE NO. 44189
GARRETT FOR APPROVAL OF CHANGES TO)	
THEIR SERVICE AREA BOUNDARIES)	APPROVED: MAY 23 2012
PURSUANT TO I.C. 8-1-2.3-6)	

ORDER OF THE COMMISSION

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

On April 16, 2012, the City of Auburn ("Auburn") and the City of Garrett ("Garrett") (collectively "Joint Petitioners") filed their *Verified Joint Petition to Modify Service Area Boundaries* ("Joint Petition") with the Indiana Utility Regulatory Commission ("Commission").

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

1. Commission Jurisdiction. Joint Petitioner Auburn is a municipality located in DeKalb County, Indiana. It owns and operates a municipal electric utility which furnishes electric service to approximately 7,140 metered customers within its designated service area boundaries.

Joint Petitioner Garrett is a municipality located in DeKalb County, Indiana. It owns and operates a municipal electric utility, which furnishes retail electric service to approximately 2,900 metered customers within its designated service area boundaries.

Each Joint Petitioner is an "electricity supplier" within the meaning of Indiana Code § 8-1-2.3-2(b). Joint Petitioners seek 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 approval of this Commission. Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Joint Petition.

2. Relief Sought. 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 Auburn and Garrett have mutually agreed. Joint Petitioners' mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Number X-5 in DeKalb County, Indiana. A description of the parcels at issue and signed resolutions of the Garrett Board of Public Works and Auburn Board of Public Works and Safety were attached to the Joint Petition.

Joint Petitioners assert that since the initial approval of the service area boundaries in Cause No. 36299-S208(X) and subsequent modification in Cause No. 42558, a change in circumstances has occurred involving the development of land located in DeKalb County, Indiana. Facet Map X-5 currently shows a portion of the service area boundary between Auburn and Garrett. Joint Petitioners' mutual agreement would modify the existing boundary as depicted in Exhibit B, attached to the Joint Petition, such that the parcels identified as Tracts A, B, C, D and E, which are currently within the certified electric service territory of Garrett would be assigned to Auburn.

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 line was published on March 5, 2012, in *The Garrett Clipper*. This is a newspaper of general circulation in DeKalb 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 April 16, 2012, 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 Number X-5, 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 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 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. In accordance with Indiana Code § 8-1-2-70, Auburn and Garrett shall, within twenty (20) days from the date of this Order, pay into the Treasury of the State of Indiana, through the Secretary of this Commission, the following itemized charges, as well as any additional charges which were or may be incurred in connection with this Cause:

Commission Charges:	\$ 88.29
OUCG Charges:	\$ <u>103.86</u>
Total:	\$ 192.15

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

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

APPROVED: MAY 23 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