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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT )  
PETITION OF DUKE ENERGY INDIANA, )  
INC. AND WABASH COUNTY RURAL ) CAUSE NO. 44259  
ELECTRIC MEMBERSHIP CORPORATION )  
PURSUANT TO IND. CODE §8-1-2.3-6 FOR )  
APPROVAL OF TWO CHANGES TO THE ) APPROVED:  
SERVICE AREA BOUNDARIES WITHIN ) DEC 05 2012  
U.S.G.S. FACET MAP R-9 )

ORDER OF THE COMMISSION

**Presiding Officer:**  
**Lorraine L. Seyfried, Chief Administrative Law Judge**

On October 5, 2012, Duke Energy Indiana, Inc. (“Duke Energy Indiana”) and Wabash County Rural Electric Membership Corporation (“Wabash County REMC”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition to Modify Service Area Boundaries* (“Joint Petition”) on U.S.G.S. Facet Map R-9 in Wabash County, Indiana, with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Indiana Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service area boundary change to which Joint Petitioners have agreed on U.S.G.S. Facet Map R-9 in Wabash County, Indiana. Copies of portions of Facet Map R-9 were attached to the Joint Petition. Proof of publication of the proposed changes was provided to the Commission on November 9, 2012.

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

**1. Commission Jurisdiction.** Joint Petitioner Duke Energy Indiana is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business in Plainfield, Hendricks County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in various counties, including Wabash County, and has charter authority to do so. Duke Energy Indiana is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2(b).

Joint Petitioner Wabash County REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana with its principal place of business in Wabash, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in various counties, including Wabash County, and has charter authority to do so. Wabash County REMC is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2(b).

Joint Petitioners have sought 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 the Commission. Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of the Joint Petition.

2. **Relief Sought.** Joint Petitioners assert that since the initial approval of the service area boundaries in Cause No. 36299-S211(X), a change in circumstances has occurred involving the development of land located in Wabash County, Indiana, and specifically U.S.G.S. Facet Map R-9. Joint Petitioners agree that service area modifications between Duke Energy Indiana and Wabash County REMC are necessary.

The copies of portions of U.S.G.S. Facet Map R-9 attached to the Joint Petition depict in detail the proposed service area modifications. As a result of the proposed modifications, Duke Energy Indiana and Wabash County REMC will each lose service territory respectively which the other will gain as service territory. Joint Petitioners state 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) in part 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' Joint Petition for a change of a boundary line located on U.S.G.S. Facet Map R-9 was published on October 10, 2012 in the *The Wabash Plain Dealer*. This is a newspaper of general circulation in Wabash County, which is the county where the affected boundary lines are located. 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 Modification.** 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. Face Map R-9, 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 lines change as set forth above and in the Joint Petition and exhibits attached thereto is 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.

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

**APPROVED: DEC 05 2012**

**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**