

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
 PETITION OF NORTHERN INDIANA)
 PUBLIC SERVICE COMPANY AND)
 KANKAKEE VALLEY RURAL ELECTRIC)
 MEMBERSHIP CORPORATION PURSUANT) CAUSE NO. 44267
 TO IND. CODE §8-1-2.3-6(2) FOR)
 APPROVAL OF AN AGREED CHANGE IN) APPROVED:
 THE BOUNDARIES OF THEIR) DEC 12 2012
 RESPECTIVE SERVICE AREAS ON U.S.G.S.)
 FACET MAP K-6 IN STARKE COUNTY,)
 INDIANA.)

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On November 7, 2012, Northern Indiana Public Service Company (“NIPSCO”) and Kankakee Valley Rural Electric Membership Corporation (“Kankakee Valley REMC”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition* (“Joint Petition”) 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 K-6 in Starke County, Indiana. Copies of portions of Facet Map K-6 were attached to the Joint Petition.

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

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

Joint Petitioner Kankakee Valley 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 Wanatah, LaPorte County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in various counties, including Starke County, and has charter authority to do so. Kankakee Valley 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 assigned service area boundaries in Cause No. 36299-S201(X) a change in circumstances has occurred involving a portion of California Township in Starke County, Indiana. Kankakee Valley REMC has exclusive right to serve the electric service area boundary proposed for modification located in Starke County at plat Section 18, Township 32 North, Range 2 West, which includes a tract of land with an approximate United States Postal Service mailing address of 5123 S 50 E, North Judson, Indiana 46366. Kankakee Valley REMC has agreed to relinquish its assigned service area to NIPSCO because, due to its close proximity, it will be more efficient for NIPSCO to provide electric service. Upon Commission approval, Joint Petitioners' mutual agreement would change Joint Petitioners' area boundaries in Starke County in a manner that NIPSCO would gain service area and Kankakee Valley REMC would lose service area. Copies of portions of U.S.G.S. Facet Map K-6 attached to the Joint Petition depict in detail the proposed service area modification.

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) 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 K-6 was published on November 15, 2012 in *The Leader*. This is a newspaper of general circulation in Starke County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with this Commission on November 29, 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 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. Facet Map K-6, 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, LANDIS AND ZIEGNER CONCUR; BENNETT AND MAYS ABSENT:

APPROVED: DEC 12 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