

ORIGINAL

[Handwritten signatures]

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF NORTHERN INDIANA)
PUBLIC SERVICE COMPANY FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING IT TO)
RENDER NATURAL GAS SERVICE TO)
THE PUBLIC IN CERTAIN AREAS OF)
ADAMS, ALLEN, CASS, DEKALB, HOWARD,)
HUNTINGTON, JASPER, MIAMI, NOBLE,)
TIPTON AND WELLS COUNTIES IN)
INDIANA, AS WELL AS A CORRECTION TO)
THE AUTHORIZED AREA OF WHITLEY)
COUNTY IN INDIANA AND FOR APPROVAL)
OF THE GRANTING TO PETITIONER)
LICENSES, PERMITS AND FRANCHISES)
FOR THE USE OF COUNTY ROADS AND)
RIGHTS-OF-WAY BY THE BOARD OF)
COMMISSIONERS.)

CAUSE NO. 44276

APPROVED:

MAY 15 2013

ORDER OF THE COMMISSION

Presiding Officers:

David E. Ziegner, Commissioner

Marya E. Jones, Administrative Law Judge

On November 30, 2012 Northern Indiana Public Service Company (“NIPSCO,” the “Company” or “Applicant”) filed its Verified Application (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) authorizing it to render natural gas service to the public in certain areas of Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton and Wells Counties in Indiana as well as a correction to the Necessity Certificate authorized in Whitley County in Indiana. Applicant prefiled the Direct Testimony and Exhibits of Michael J. Martin on November 30, 2012. Applicant filed the Supplemental Direct Testimony and Revised Exhibit of Michael J. Martin on January 25, 2013. The Indiana Office of Utility Consumer Counselor (“OUCC”) prefiled testimony of Laura J. Anderson on February 28, 2013. Applicant prefiled Rebuttal Testimony and Exhibits of Mr. Martin on March 14, 2013. The Presiding Officers issued a Docket Entry on April 3, 2013 ordering Applicant to respond to questions to which Applicant responded on April 5, 2013. The Presiding Officers also issued a Docket Entry on April 8, 2013 ordering Applicant to respond to questions to which Applicant responded on April 9, 2013.

On April 9, 2013, pursuant to notice duly published as required by law, an evidentiary hearing was convened at 1:30 p.m. in Room 224, PNC Center, 101 West Washington Street, Indianapolis, Indiana. At the hearing, NIPSCO and the OUCC appeared by counsel and offered their

respective prefiled testimony and exhibits, which were admitted into evidence without objection. No member of the general public participated at the hearing.

The Commission, having examined all of the evidence of record, and being duly advised in the premises, now finds as follows:

1. **Notice and Jurisdiction.** Proper, legal, and timely notice of the hearing in this cause was given and published by the Commission as provided for by law. The proofs of publication of the notice of the hearing have been incorporated into the record of this proceeding. Applicant is a “public utility” within the meaning of Ind. Code § 8-1-2-1. Applicant is also an “energy utility” within the meaning of Ind. Code § 8-1-2.5-2. Pursuant to Ind. Code § 8-1-2-87 the Commission has jurisdiction over the rendering of natural gas service in rural areas. Thus, the Commission has jurisdiction over the Applicant and the subject matter of this proceeding.

2. **Applicant’s Characteristics.** Applicant is a public utility corporation organized and existing under the laws of the State of Indiana with its principal office and place of business at 801 East 86th Avenue, Merrillville, Indiana. Applicant is engaged in rendering electric and gas public utility service in the State of Indiana and owns, operates, manages and controls, among other things, plant and equipment within the State of Indiana used for the generation, transmission, distribution and furnishing of such service to the public. Applicant is authorized by the Commission to provide gas utility service to the public in all or part of Adams, Allen, Benton, Carroll, Cass, Clinton, DeKalb, Elkhart, Fulton, Howard, Huntington, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Miami, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White and Whitley Counties in northern Indiana. Applicant provides gas utility service to approximately 786,000 residential, commercial and industrial customers.

3. **Relief Requested.** Applicant requests authorization to render natural gas service outside the present boundaries of its currently authorized service territory in rural areas of eleven (11) counties in northern Indiana (the “Expansion Areas”), namely portions of Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton, and Wells Counties. Applicant also seeks to make a correction to the township information in the Necessity Certificate previously issued in Cause No. 39402 authorizing Applicant to render natural gas service to the public in certain areas of Whitley County, Indiana. The certificated area in Whitley County correctly lists the Political Township (Richland), but incorrectly notes that all of the sections listed are in Township 32N. Sections 3, 4, 9, 16 and 21 are in Township 31N and do not exist in Township 32N. Finally, Applicant seeks Commission approval of its request for licenses, permits, and franchises for the use of county roads and rights-of-way by the Board of Commissioners in each of the eleven counties within the Expansion Areas.

4. **Evidence Presented.**

A. **Applicant’s Case-In-Chief.** Michael J. Martin, Director of Regulatory Policy for NIPSCO, testified in support of the Petition. He stated that NIPSCO is authorized to provide gas utility service to the public in all or part of the following counties in northern Indiana: Adams, Allen

Benton Carroll, Cass, Clinton, DeKalb, Elkhart, Fulton, Howard, Huntington, Jasper, Kosciusko, La Grange, Lake, LaPorte, Marshal, Miami, Newton, Noble, Porter Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, and Whitley. NIPSCO provides gas utility service to approximately 786,000 residential, commercial and industrial customers.

Mr. Martin testified that Applicant has three requests for relief in this Cause. First, NIPSCO requests authority to serve natural gas customers that it currently serves without the proper authorization so that NIPSCO is able to comply with Indiana Code § 8-1-2-87. He explained that this statute requires gas distribution utilities to obtain necessity certificates before rendering service in any rural area of the State. Mr. Martin stated that NIPSCO specifically requests authorization to render natural gas service in the Expansion Areas. Mr. Martin testified that NIPSCO's request includes portions of Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton, and Wells Counties. Mr. Martin further described the Expansion Area as follows:

Adams County (Blue Creek, Root, Union and Preble Townships)

Sections 4, 7 and 8, Township 26N, Range 15E

Sections 1, 2, 10, 11 and 12, Township 28N, Range 14E

Sections 5, 6, 7, 8 and the southwest quarter of Section 31, Township 28N, Range 15E

Section 33, Township 28N, Range 13E

Allen County (Eel River, Milan and Perry Townships)

North half of Section 25, Township 32N, Range 11E

Sections 19, 24 and 30, Township 31N, Range 14E

Sections 31 and 32, Township 32N, Range 12E

Cass County (Jackson Township)

Sections 18 and 19, Township 25N, Range 3E

DeKalb County (Wilmington, Keyser, Union, Jackson and Butler Township)

Sections 14 and 15, Township 34N, Range 14E

Sections 6, 9 and 12, Township 33N, Range 12E

Sections 27, 28 and 31, Township 34N, Range 12E

Sections 27 and 34, Township 34N, Range 13E

Sections 4 and 9, Township 33N, Range 13E

Section 24, Township 33N, Range 12E

Howard County (Honey Creek, Monroe and Taylor Townships)

Sections 34, 35 and 36, Township 23N, Range 2E

Sections 4, 9 and 16, Township 23N, Range 2E

Sections 24 and 25, Township 23N, Range 4E

Sections 19 and 30, Township 23N, Range 5E

Huntington County (Jackson Township)

Sections 9, 16 and 21, Township 29N, Range 10E

Jasper County (Kankakee and Union Townships)

Portion of Section 9 and Sections 16 and 17, Township 32N, Range 5W

Sections 31 and 32, Township 31N, Range 7W

Sections 5, 6, 7, 8, 17, 18 and 30, Township 30N, Range 7W

Miami County (Deer Creek Township)

Sections 7 and 8, Township 25N, Range 4E

Noble County (Albion and Noble Townships)

Sections 13 and the north half of Section 24, Township 34N, Range 9E

Sections 18 and the north half of Section 19, Township 34N, Range 10E

Section 36, Township 33N, Range 9E

Tipton County (Cicero Township)

Sections 28 and 35, Township 22N, Range 4E

Portion (1/8) of Section 35, Township 22N, Range 4E

Portion (3/16) of Section 2, Township 21N, Range 4E

Wells County (Jefferson Township)

Sections 17, 20, 25 and 36, Township 28N, Range 12E

Sections 30, 31 and 32, Township 28N, Range 13E.

Mr. Martin provided an historical overview explaining how NIPSCO discovered that it was providing service to some members of the public without proper certification in the Expansion Areas. Mr. Martin testified that prior to filing its request for a CPCN in this matter NIPSCO filed for a CPCN in Jasper County on June 25, 2012 in Cause No. 44228. Mr. Martin, who also testified in Cause No. 44228, stated that NIPSCO received a petition for natural gas distribution service from several property owners in Walker Township in Jasper County, Indiana. He explained that when NIPSCO researched to determine whether the requesting property owners were in NIPSCO's current certificated service territory, NIPSCO discovered that it did not have authority to serve any rural areas in Walker Township. He testified that NIPSCO immediately identified those meters in service in Walker Township and determined what territory expansion would be necessary to obtain the proper authority to serve both the current NIPSCO customers and the property owners requesting service. In addition to filing for a CPCN, Mr. Martin stated that the experience in Jasper County prompted NIPSCO to review all of its service territory. Specifically, he testified that NIPSCO began reviewing its natural gas service territory to identify other rural areas where NIPSCO might be inadvertently providing natural gas service without the required approval. Mr. Martin asserted that NIPSCO anticipated that the areas of greatest concern might be the rural areas towards NIPSCO's southern rural boundary as well as those areas served by Northern Indiana Fuel and Light ("NIFL") and Kokomo Gas prior to their merger with NIPSCO.

Mr. Martin testified that in order to comply with the Commission's Order in Cause No. 44228 (October 31, 2012), NIPSCO filed a Service Study Report ("Report"), a detailed study of NIPSCO's entire service territory, on October 31, 2012. He explained that NIPSCO performed a

detailed study of its entire service territory using its Geographical Information System (“GIS”) mapping system, the records on file at the Commission approving certificated areas of service, and archived materials from the State Archives of Indiana. Mr. Martin testified that the Report identified rural areas in eleven counties being served without proper certification. He specified that the eleven counties represent approximately one-third of all counties in NIPSCO’s authorized gas service territory and that the Expansion Areas includes approximately thirty-two miles of distribution main and involves service rendered to 860 customers. As a point of comparison, he said this represents 0.2% of NIPSCO’s 17,306 miles of underground distribution lines (as reported to the U.S. Department of Transportation in March 2012) and 0.1% of NIPSCO’s total natural gas customer base. Mr. Martin testified that the Report indicated NIPSCO would begin preparing the necessary filing to request proper certification of the rural areas in the eleven counties and that NIPSCO’s Petition in this Cause serves as that referenced filing.

Mr. Martin testified that NIPSCO is the closest natural gas utility provider to most of the Expansion Areas. He explained that each of the counties within the Expansion Area is contiguous to NIPSCO’s current certificated service territory. He also stated that since NIPSCO is already providing service to customers in the Expansion Areas, no facilities extensions are necessary. He clarified that Indiana Gas and Water Company, now a part of Vectren North, has approval to serve Cicero Township in Tipton County (Section 35, Township 22N, Range 4E and Section 2, Township 21N, Range 4E). Mr. Martin also stated that to NIPSCO’s knowledge none of the other Expansion Areas noted in his testimony are in the certificated areas of any other gas utility. He explained that NIPSCO used the maps on the Commission’s website and the GIS maps from the counties affected to determine the next nearest gas utilities. Mr. Martin explained in detail that Ohio Valley Gas Company’s facilities are approximately twenty (20) miles from NIPSCO’s Expansion Areas in Adams and Wells Counties. He stated that, at the closest point, Vectren North’s facilities are approximately ten (10) miles from NIPSCO’s Expansion Areas in Howard, Huntington, Miami and Wells Counties. Mr. Martin indicated that Rensselaer’s municipal gas company is the only other close provider for Jasper County and that there are no other gas utilities near the Expansion Areas in Allen, Cass, DeKalb, and Noble Counties. Mr. Martin testified that NIPSCO reached out to Vectren North and Ohio Valley Gas Company to inquire whether they had plans to serve in any of the Expansion Areas. He stated that Ohio Valley Gas Company indicated that they have no plans to serve customers in the Expansion Areas identified by NIPSCO in this filing.

Mr. Martin also addressed NIPSCO’s ability to serve the Expansion Areas. He testified NIPSCO provides safe and adequate gas distribution service to approximately 786,000 residential, commercial and industrial customers. He stated that NIPSCO’s capacity rights with interstate gas pipelines, coupled with its access to an adequate supply of gas commodity, would enable it to continue to provide service to its current customers as well as to customers in the Expansion Areas. He stated NIPSCO’s field personnel are well trained and versed in the provision of natural gas service. He noted the employees who directly perform operation and maintenance on the gas distribution system have been properly qualified in accordance with the Department of Transportation Rules and Regulations. Mr. Martin testified the professional engineers oversee all operational activities, and those engineers have many years of experience in natural gas distribution and that NIPSCO’s office staff has the training and experience necessary for the provision of natural

gas service in the Expansion Areas.

Mr. Martin testified NIPSCO possesses the financial resources to provide natural gas distribution service in the Expansion Areas. To demonstrate this ability, Mr. Martin sponsored financial statements dated as of June 30, 2012 (Exhibit C to the Petition attached to Applicant's Exhibit No. MJM-1).

Mr. Martin testified that NIPSCO has the corporate power and authority to provide natural gas service to the Expansion Areas, noting that NIPSCO is both a public utility and an energy utility corporation organized and existing under the laws of the State of Indiana. He testified that NIPSCO renders electric and gas public utility service within the State and owns, operates, manages, and controls plant and equipment in Indiana used for the generation, transmission, distribution, and furnishing of such service to the public. He noted that NIPSCO is specifically authorized by the Commission to provide gas utility service to the public in all or part of thirty-two (32) counties in northern Indiana.

Finally, Mr. Martin testified that the public interest is served by NIPSCO's proposal to provide natural gas service to the Expansion Areas. Mr. Martin also testified that since NIPSCO is already providing service to customers in the Expansion Areas under its approved and effective rates, rules, and regulations applicable to gas service as presently approved by the Commission, NIPSCO would continue to render service under its Commission-approved IURC Gas Service Tariff, Original Volume No. 7, and that approval of NIPSCO's request will not change the Company's operating tariff.

Second, NIPSCO requests the Commission correct a CPCN granted to Applicant in Cause No. 39402 on June 4, 1992 concerning service in Whitley County. Mr. Martin explained that the certificated area in Whitley County correctly lists the political Township (Richland) but incorrectly states that all of the sections listed are in Township 32N. He testified that instead of listing Sections 3, 4, 9, 16 and 21 as being in Township 31N, they are all listed in Township 32N. He emphasized that there are no Sections 3, 4, 9, 16 and 21 in Township 32N. Mr. Martin referred to Exhibit B of NIPSCO's Petition, which shows the correction.

Third, NIPSCO requests Commission approval regarding rights-of-way for each of the affected counties. Mr. Martin stated that NIPSCO requests the Commission approve the grant of licenses, permits and franchises for the use of county roads and rights-of-way by the Board of Commissioners in each of the eleven counties within the Expansion Areas. He noted that in the future NIPSCO may build extensions of its gas utility service within each of the Expansion Areas, and this may require the use of county roads and rights-of-way.

B. Applicant's Supplemental Direct Testimony and Revised Exhibit. Mr. Martin provided supplemental testimony and a revised exhibit addressing NIPSCO's revised request regarding Tipton County.

Mr. Martin explained that NIPSCO continued discussions with Vectren North following the filing of its request including a meeting in NIPSCO's Indianapolis office on January 9, 2013. He testified that legal, regulatory and engineering teams of both companies were part of the discussion, and that the assembled group reviewed each company's service territory maps for the sections within Tipton County where both utilities serve customers. Mr. Martin stated that NIPSCO agreed to limit its request in Tipton County to include only those minimal portions of Section 2 and Section 35 within which NIPSCO is already serving customers. He described the expansion area in Tipton County as revised to include only the following specific portions: Section 28, Township 22N, Range 4E; 1/8th of Section 35, Township 22N, Range 4E; and 3/16ths of Section 2, Township 21N, Range 4E. Mr. Martin referred to the revised map shown in Applicant's Exhibit MJM-S1.

Mr. Martin concluded that NIPSCO also agreed it would not serve any new customers in the requested and revised minimal portions of Section 2 and Section 35 in Cicero Township without first receiving Vectren North's written consent and that NIPSCO's service would continue only until such time as Vectren North is in a position to provide gas service.

C. **OUC's Evidence.** Laura J. Anderson, Utility Analyst II for the OUC, provided an overview of NIPSCO's requests in this Cause. She also discussed the testimony of Michael J. Martin, noting her agreement with the County, Township, and number of locations between the documents and the testimony provided by Mr. Martin concerning the Expansion Areas.

Ms. Anderson also testified about other gas utilities serving in the Expansion Areas. She noted that NIPSCO and Vectren North had agreed to limit NIPSCO's request in Tipton County to include only those minimal portions of Sections 2 and 35 within which NIPSCO is currently serving customers. She also stated that NIPSCO agreed it would not serve any new customers in the requested minimal portions of Sections 2 and 35 without first receiving Vectren North's written consent. However, Ms. Anderson raised a concern about the revised map of Cicero Township shown in Applicant's Exhibit MJM-S1. She testified that the map does not contain detailed road markers for each boundary in the requested Expansion Area. She expressed concern that the northern boundary of Section 35 and the southern boundary of Section 2 are not defined, which could result in future disputes.

Ms. Anderson noted that NIPSCO determined Ohio Valley Gas Company is the next nearest natural gas provider in Adams and Wells Counties, Vectren North is the next nearest provider in Howard, Huntington, Miami, Tipton and Wells Counties and Rensselaer Municipal is the next nearest provider in Jackson County. She further noted that NIPSCO contacted individuals at Ohio Valley Gas Company and determined that Ohio Valley Gas Company does not have plans to serve customers in the Expansion Areas, and that Applicant communicated with Rensselaer Municipal as well. Ms. Anderson noted that in response to a data request from the OUC, NIPSCO confirmed that it had made contact with Rensselaer Municipal and that Rensselaer Municipal has no plans to expand into the expansion area located in Jackson County based on distance.

Ms. Anderson testified that NIPSCO has the requisite legal power and authority to serve the Expansion Areas. She recognized that NIPSCO has Commission authority to provide gas utility

service to the public in all or part of thirty-two counties in northern Indiana and that NIPSCO meets the statutory requirements for being both a public utility and an energy utility under the law of the State of Indiana. She also testified that NIPSCO confirmed it possesses the financial ability to provide service to the Expansion Areas in that its tendered financial statements for the twelve (12) months ending June 30, 2012 provide that NIPSCO has more than \$4.6 billion in assets with a net operating income of \$128 million. Ms. Anderson concluded that since NIPSCO is already providing service in the Expansion Areas, no facilities extensions are necessary and NIPSCO would continue serving customers under the Commission approved IURC Gas Service Tariff, Original Volume No. 7.

Ms. Anderson noted NIPSCO's request for Commission approval of the grant of licenses, permits, and franchises for the use of county roads and rights-of-way by the Board of Commissioners in each of the eleven counties within the Expansion Areas, and that NIPSCO may build extensions of its gas utility service within each of the Expansion Areas which could require the use of county roads and rights-of-way. Ms. Anderson also noted NIPSCO's request for a clarification of its Whitley County Necessity Certificate approved in Cause No. 39402, and agreed with NIPSCO's assertions that certain sections of Richland Township are incorrectly listed in Township 32N instead of Township 31N.

Ms. Anderson also testified that the OUCC supports NIPSCO's request for a CPCN in the Expansion Areas subject to one recommendation. Ms. Anderson requested that NIPSCO provide clarity on the expansion area in Tipton County. Specifically, Ms. Anderson explained that the OUCC wants NIPSCO to more specifically identify the boundary lines of Sections 2 and 35 of Cicero Township in Tipton County so that the minimal areas NIPSCO is serving in Vectren North's certificated area are distinct.

Ms. Anderson also testified that the OUCC supports NIPSCO's request for approval of a correction to its CPCN in Whitley County approved by the Commission in Cause No. 39402 and NIPSCO's request for the Commission to approve the grant of licenses, permits and franchises for the use of county roads and rights-of-way by the Board of Commissioners in the Expansion Areas.

D. Applicant's Rebuttal Evidence. Mr. Martin addressed the OUCC's recommendation set forth by Ms. Anderson. Specifically, Mr. Martin testified that NIPSCO, following its procedures, would update the service area boundaries in its GIS upon Commission approval of the revised territory, which would include the areas that contain the un-certificated customers in all the rural areas including the minimal portion of Cicero Township. Mr. Martin sponsored Applicant's Exhibit No. MJM-R1, which is an illustration of a screen shot that shows the GIS map.

Mr. Martin also testified that for purposes of clarity and convenience to address the OUCC's concern, NIPSCO prepared a map of these sections that includes the specific dimensions of this proposed service area. Mr. Martin explained that a full Section has both a length and a width of 5,280 feet. He stated that NIPSCO's request for certification is for 1/8th of a section in Section 35 and 3/16ths of a section in Cicero Township, Tipton County. Mr. Martin referred to Applicant's

Exhibit No. MJM-R2, which is the screen shot of the GIS map that includes these specific dimensions.

5. **Commission Discussion and Findings.** Applicant has presented evidence in this proceeding that its proposed extension of gas distribution service to the Expansion Areas meets the criteria set forth in Ind. Code § 8-1-2-87(d). Section 87(d) provides that if the Commission makes the following findings, it shall grant an application for a CPCN to extend service in rural areas:

- (1) that the applicant has the power and authority to obtain the certificate and to render the proposed gas distribution service if it obtains the certificate;
- (2) that the applicant has the financial ability to provide the proposed gas distribution service;
- (3) that the public convenience and necessity require the providing of the proposed service; and
- (4) that the public interest will be served by the issuance of the necessity certificate.

The record establishes that NIPSCO possesses the requisite corporate power and authority, and possesses the requisite financial capability, to provide natural gas service to the Expansion Areas. No party challenged NIPSCO's evidence. Based on the evidence of record, the Commission finds that NIPSCO possesses the requisite corporate authority and financial capability to provide natural gas distribution service to the Expansion Areas and that such service will further public convenience and serve the public interest. Therefore, the Commission approves NIPSCO's request for a CPCN to serve the Expansion Areas.

The Commission also finds that the correction to NIPSCO's CPCN in Whitley County is warranted, and approves the request for correction to reflect that the certificated area in Whitley County correctly lists Sections 3, 4, 9, 16 and 21 in Township 31N of Richland Township rather than in Township 32N of Richland Township where those sections do not exist.

Finally, pursuant to Ind. Code § 36-2-2-23, we find that the respective Boards of County Commissioners of Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton and Wells Counties may grant to NIPSCO such licenses, permits or franchises as may be required for the use of county roads and rights-of-way for the provision of gas distribution service in the Expansion Areas.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:

1. A Certificate of Public Convenience and Necessity is hereby issued to NIPSCO to provide natural gas distribution service in the Expansion Areas, described in Applicant's Verified Petition and evidence in this Cause, for Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton and Wells Counties.

2. This Order shall be the sole evidence of such Certificates of Public Convenience and Necessity.

3. The Commission approves the correction to NIPSCO's Certificate of Public Convenience and Necessity in Whitley County to correctly reflect that the certificated area in Whitley County lists Sections 3, 4, 9, 16 and 21 in Township 31N.

4. The County Commissioners of Adams, Allen, Cass, DeKalb, Howard, Huntington, Jasper, Miami, Noble, Tipton and Wells Counties, the counties in which the Expansion Areas are located, have the consent and approval of the Commission to grant such licenses, permits or franchises for the use of county property by NIPSCO as may be required for the provision of gas distribution services authorized in this Certificate of Public Convenience and Necessity.

5. This Order shall become effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: **MAY 15 2013**

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



Brenda A. Howe
Secretary to the Commission