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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE CITY OF) WASHINGTON, INDIANA AND DAVIESS-) MARTIN COUNTY RURAL ELECTRIC) MEMBERSHIP CORPORATION PURSUANT) TO IND. CODE §8-1-2.3-6 FOR APPROVAL) OF AN AGREED CHANGE IN THE) BOUNDARIES OF THEIR RESPECTIVE) ASSIGNED SERVICE AREAS)	CAUSE NO. 44312 APPROVED: MAR 27 2013
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ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On February 25, 2013, the City of Washington, Indiana (“City”) filed a *Verified Petition to Modify Service Area Boundaries* (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Indiana Code § 8-1-2.3-6(2), the Petition seeks Commission approval of electric service area boundary changes mutually agreed to by the City and Daviess-Martin County Rural Electric Membership Corporation (“REMC”) in Daviess County, Indiana on U.S.G.S. Facet Map G-26. A copy of U.S.G.S. Facet Map G-26 was attached to the Petition. Proof of publication of the proposed changes was provided to the Commission on March 8, 2013.

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

1. Commission Jurisdiction. The City owns and operates a municipal electric utility with its principal place of business located at 2100 Memorial Avenue, Washington, Indiana 47501. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in and around its boundaries. The City is an “electric supplier” within the meaning of Indiana Code § 8-1-2.3-2(b).

REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana with its principal place of business located at 12628 E 75 N, Loogootee, Indiana 47533. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in Daviess, Martin and Lawrence Counties, and has charter authority to do so. REMC is an “electric supplier” within the meaning of Indiana Code § 8-1-2.3-2(b).

The City and REMC have sought the Commission’s approval to change their respective 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 City and REMC and of the subject matter of the Petition.

2. **Relief Sought.** The City asserts that since the initial approval of the service area boundaries in Cause No. 36299-S233(CB), a change in circumstances has occurred involving the development of land located in Daviess County, Indiana, and specifically U.S.G.S. Facet Map G-26. The City and REMC agree that service area modifications between the City and REMC are necessary.

The copy of a portion of U.S.G.S. Facet Map G-26 attached to the Petition depicts in detail the proposed service area modification. As a result of the proposed modification, REMC will lose service territory which the City will gain as service territory. The City states the proposed modification will not cause duplication of facilities; cause a waste of materials or resources; or cause uneconomical, 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 the change of boundary lines located on U.S.G.S. Facet Map G-26 was published in the *Washington-Times Herald* on February 26, 2013. This is a newspaper of general circulation in Daviess 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 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 the respective assigned service area boundaries of the City and REMC located on U.S.G.S. Facet Map G-26 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. The agreed upon service area boundary lines change for the City and REMC as set forth above and in the Petition and exhibits attached thereto is hereby approved.

2. Within thirty (30) days of the date this Order is approved, Petitioner 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. Pursuant to Indiana Code §8-1-2-70, Petitioner shall pay the following charge within twenty (20) days from the effective date of this Order to the Secretary of the Commission, as well as any additional costs that were or may be incurred in connection with this Cause:

Commission Charge \$ 87.39

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

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: MAR 27 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**