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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF INDIANA MICHIGAN)
POWER COMPANY AND MARSHALL)
COUNTY REMC PURSUANT TO I.C. §8-1-)
2.3-6 FOR APPROVAL OF AN AGREED)
CHANGE IN THE BOUNDARIES OF THEIR)
RESPECTIVE ASSIGNED SERVICE AREAS)
ON U.S.G.S. FACET N-4 IN ST. JOSEPH)
COUNTY, INDIANA)

CAUSE NO. 44326

APPROVED:

MAY 29 2013

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On March 26, 2013, Indiana Michigan Power Company (“I&M”) and Marshall County REMC (“Marshall”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition To Modify Service Area Boundaries* (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. 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 N-4 in St. Joseph County, Indiana. A copy of Facet Map N-4 is attached to the Joint Petition as Exhibits “A” and “B.”

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

1. **Commission Jurisdiction.** Joint Petitioner I&M is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business in Ft. Wayne, Indiana. I&M has corporate power and authority to engage in the business of generating, transmitting, distributing and selling electric energy within the States of Indiana and Michigan. I&M is a “public utility” within the meaning of Ind. Code § 8-1-2-1.

Joint Petitioner Marshall is a rural electric membership corporation organized and existing under the laws of the State of Indiana with its principal place of business in Marshall County, Indiana. It is engaged in the business of, furnishing retail electric service to areas in St. Joseph County, Indiana with existing electric distribution lines.

Both I&M and Marshall are “electricity suppliers” within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners have sought the Commission’s approval to change their service area boundaries pursuant to Ind. 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 their respective assigned service area boundaries in Cause No. 36299-S205 a change in circumstances has occurred involving portions of U.S.G.S. Facet Map N-4 in St. Joseph County, Indiana. Upon Commission approval, Joint Petitioners' area boundaries in St. Joseph County would change in a manner that I&M would gain service area and Marshall would lose service area on U.S.G.S. Facet N-4. Copies of portions of U.S.G.S. Facet Map N-4, attached to the Joint Petition as Exhibits "A" and "B," depict in detail the proposed service area modification.

Joint Petitioners state the proposed modification involves a customer, Fred Rowe, ("Customer") who owns land located in the Southwest corner of Section 17, Township 35 North, Range 2 East, Harrison Monument of St. Joseph County. Customer intends to construct a pole building on the site. Joint Petitioners explained that the site consists of one parcel that is split between their respective service territories and that the Customer has requested I&M provide its electric service. I&M's facilities capable of providing electric service to the building site are approximately 1,000 feet closer than Marshall's closest facilities. Joint Petitioners state the proposed boundary changes will not require a change in the electricity supplier for existing customers of either utility. The Joint Petitioners further allege the proposed boundary change will not cause duplication of facilities, waste of materials or resources or cause uneconomic, inefficient, or inadequate electric service to the public. Nor will the proposed change to the assigned service area boundaries result in the transfer of any facilities and monies between Joint Petitioners. There is no other evidence to the contrary before the Commission in this proceeding.

3. **Notice.** Ind. 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 boundary lines located on U.S.G.S. Facet Map N-4 was published on March 31, 2013 in the *South Bend Tribune*. This is a newspaper of general circulation in St. Joseph County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with this Commission on April 8, 2013, 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 Ind. 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 N-4, 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 Ind. 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 change as set forth above and in the Joint Petition and exhibits attached thereto is hereby approved.

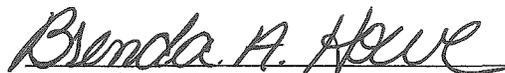
2. Within thirty (30) days of the date this Order is approved, Joint Petitioners shall coordinate with Commission Technical Staff to update the service territory mapping system to reflect the modified service area boundaries approved by this Order.

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

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

APPROVED: MAY 29 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