

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF WHITEWATER VALLEY)
RURAL ELECTRIC MEMBERSHIP)
CORPORATION AND DUKE ENERGY)
INDIANA, INC. FOR APPROVAL OF AN)
AGREED CHANGE IN THE BOUNDARY OF)
THEIR RESPECTIVE ASSIGNED SERVICE)
TERRITORIES ON U.S.G.S. FACET Y-19 IN)
LIBERTY TOWNSHIP OF UNION COUNTY,)
INDIANA PURSUANT TO IND. CODE §8-1-)
2.3, AND ASSOCIATED CONSENT.)

CAUSE NO. 44334

APPROVED:

MAY 29 2013

ORDER OF THE COMMISSION

Presiding Officer:

Marya E. Jones, Administrative Law Judge

On April 25, 2013, Whitewater Valley Rural Electric Membership Corporation (“Whitewater Valley REMC”) and Duke Energy Indiana, Inc. (“Duke Energy Indiana”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition For Approval Of Modification To Service Area Boundary, And Associated Consent* (“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 Y-19 in Liberty Township, Union County, Indiana. A copy of Facet Map Y-19 is attached to the Joint Petition as Exhibits “1” and “A.” The Joint Petition also seeks approval of Duke Indiana Energy’s associated consent to Whitewater Valley REMC’s past and present service associated with the modification.

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

1. Commission Jurisdiction. Joint Petitioner Whitewater Valley REMC is a member-owned non-profit electric distribution cooperative organized and existing under the laws of the State of Indiana with its principal place of business in Liberty, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in various counties in the State of Indiana, including Union County, Indiana.

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 the Town of Plainfield, Hendricks County, Indiana. Duke Energy Indiana has legal authority to engage in the business of generating, transmitting, distributing, furnishing and selling retail electric service to the public in Indiana, including Union County.

Both Whitewater Valley REMC and Duke Energy Indiana 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-S224 a change in circumstances has occurred involving portions of U.S.G.S. Facet Map Y-19 in Union County, Indiana. Upon Commission approval Joint Petitioners’ area boundaries in Union County would change in a manner that Whitewater Valley REMC would gain service area and Duke Energy Indiana would lose service area on U.S.G.S. Facet Map Y-19. Copies of portions of U.S.G.S. Facet Map Y-19, attached to the Joint Petition as Exhibits “1” and “A,” depict in detail the proposed service area modification.

Joint Petitioners state the proposed modification involves approximately 228 acres located in Sections 31, 16 and 21 of Liberty Township in Union County, Indiana (“Transferred Area”). Current GIS maps and U.S.G.S. Facet Map Y-19 show the Transferred Area to be within Duke Energy Indiana’s assigned service area. Joint Petitioners agree that the Transferred Area should be in Whitewater Valley REMC’s service area. Joint Petitioner Whitewater Valley REMC has been serving the Transferred Area for approximately 46 years and serves approximately 7 customers. Duke Energy Indiana consents to Whitewater Valley REMC providing retail electric service to those 7 customers. Joint Petitioners explained that the Transferred Area was inadvertently overlooked during the initial boundary proceedings in Cause No. 36299-S224, but came to the Joint Petitioners’ attention in connection with a planned service upgrade by Whitewater Valley REMC. Duke Energy Indiana and Whitewater Valley REMC 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 that 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. 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 Y-19 was published on May 2, 2013 in the *Liberty Herald*. This is a newspaper of general circulation in Union County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with this Commission on May 17, 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 Y-19, 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