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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF INDIANA MICHIGAN)
POWER COMPANY AND UNITED 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 MAP W-9-1 IN WELLS)
COUNTY, INDIANA.)

CAUSE NO. 44361

APPROVED:

JUL 31 2013

ORDER OF THE COMMISSION

Presiding Officer:

Marya E. Jones, Administrative Law Judge

On June 28, 2013, Indiana Michigan Power Company (“I&M”) and United REMC (“United”) (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 W-9-1 in Wells County, Indiana.

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 United is a rural electric membership cooperative organized and existing under the laws of the State of Indiana with its principal place of business in Markle, Indiana. United is engaged in the business of furnishing retail electric service to areas in Wells County, Indiana.

Both I&M and United 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-S 210(X) a change in circumstances has occurred involving portions of U.S.G.S. Facet Map W-9-1 in Wells County, Indiana. Upon Commission approval Joint Petitioners have agreed to transfer certain portions of each utility's assigned service area in Wells County, Indiana. A portion of U.S.G.S. Facet Map W-9-1, attached to the Joint Petition as Exhibit "A," and a more detailed map, attached to the Joint Petition as Exhibit "B," depict in detail the proposed service area modification.

Joint Petitioners state the proposed modification involves an industrial park established on the south west side of Ossian, Indiana. Sections of the industrial park are already occupied. The remaining portions of the industrial park are split by the I&M and United service territory boundary ("Transferred Area"). Joint Petitioners state the Ossian Development Corporation ("ODC") and Wells County Revitalization, Inc. ("WCRI") possess property rights to the remaining land in this development area. ODC and WCRI have represented that it is difficult to market these undeveloped areas due to the split in the service territory boundaries. Joint Petitioners agree, consistent with good engineering practices, to transfer certain portions of each utility's assigned service area in the Transferred Area in order to promote economical, efficient and adequate electric service to the public. Joint Petitioners explained I&M will transfer the assigned service area marked as the North Section on Exhibit "B" to United's assigned service area and United will transfer the assigned service area marked as the South Section on Exhibit "B" to I&M's assigned service area.

Joint Petitioners noted there is one residential customer located in the South Section currently receiving service from United that will be transferred to I&M's service area. Joint Petitioners request that United be permitted to continue to provide service to the residential customer until such time as industrial development takes place that will require demolition of the residential structure. Joint Petitioners state the proposed line boundary changes and consent to continued service for the residential customer will not require a change in the electricity supplier for existing customers of either utility. The Joint Petitioners allege the proposed boundary change will not cause duplication of electric utility facilities, waste of materials or resources or cause uneconomic, inefficient, or inadequate electric service to the public, and will promote economic development. Joint Petitioners further allege the proposed changes in the service area boundaries will not result in the transfer of any facilities and monies between them. 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 W-9-1 was published on July 3, 2013 in the *Bluffton News-Banner*. This is a newspaper of general circulation in Wells County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with the Commission on July 18, 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 W-9-1, 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.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: JUL 31 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