

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT ) PETITION OF TIPMONT 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 H-13 IN WAYNE ) TOWNSHIP OF TIPPECANOE COUNTY, ) INDIANA, PURSUANT TO IND. CODE 8-1- ) 2.3, AND ASSOCIATED CONSENT. )	CAUSE NO. 44368  APPROVED:           AUG 21 2013
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ORDER OF THE COMMISSION

**Presiding Officer:**  
**Marya E. Jones, Administrative Law Judge**

On July 18, 2013, Tipmont Rural Electric Membership Corporation (“Tipmont 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 H-13 in Tippecanoe County, Indiana.

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

**1. Commission Jurisdiction.** Joint Petitioner, Tipmont REMC, is a rural electric membership cooperative organized and existing under the laws of the State of Indiana with its principal place of business in Linden, 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 Tippecanoe County, and has legal authority to do so.

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 Plainfield, Hendricks County, Indiana. Duke Energy Indiana is engaged in the business of generating, transmitting, distributing furnishing and selling retail electric energy to the public in Indiana, including Tippecanoe County and has legal authority to do so.

Both Tipmont 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 boundary 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 request a change in their respective assigned service area boundaries that were established in Cause No. 36299-S 217(X) on certain portions of U.S.G.S. Facet Map H-13 in Tippecanoe County, Indiana. Upon Commission approval Joint Petitioners' area boundaries in Tippecanoe County would change in a manner that Tipmont REMC would gain service area and Duke Energy Indiana would lose service area on U.S.G.S. Facet Map H-13. A portion of U.S.G.S. Facet Map H-13, attached to the Joint Petition as Exhibit "1," depicts in detail the proposed service area modification.

Joint Petitioners state the proposed modification involves Section 30 of Wayne Township in Tippecanoe County. Joint Petitioners allege approximately 468,000 square feet, presently shown by GIS map of U.S.G.S. Facet Map H-13 to be within Duke Energy Indiana's assigned service area, will become part of Tipmont REMC's service area ("Transferred Area"). Joint Petitioners explained Duke Energy Indiana would be required to obtain additional easements or replace transmission poles in order to add service for a new customer located in the Transferred Area and noted that currently no customers are receiving service in the Transferred Area. Joint Petitioners stated a potential new customer, Mr. Evan Zimmerman, is building a home in the Transferred Area that will require electric service. Joint Petitioners assert that Duke Energy Indiana consents to Tipmont REMC providing retail electric service in the Transferred Area and Mr. Zimmerman has also requested Tipmont REMC provide retail electric service to his new home. Joint Petitioners agree the Transferred Area will not require a change in the electricity supplier for existing customers of either utility since there are no customers currently receiving service. 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. 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 H-13 was published on July 19, 2013 in the *Lafayette Journal and Courier*. This is a newspaper of general circulation in Tippecanoe 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 30, 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 H-13, 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 as well as Duke Energy Indiana's consent to Tipmont REMC's service in the Transferred Area 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, MAYS AND ZIEGNER CONCUR; BENNETT AND LANDIS ABSENT:**

**APPROVED:      AUG 21 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**