

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
 PETITION OF THE CITY OF ANDERSON,)
 INDIANA, ON BEHALF OF ITS MUNICIPAL)
 ELECTRIC UTILITY, ANDERSON)
 MUNICIPAL LIGHT & POWER, AND DUKE) CAUSE NO. 44375
 ENERGY INDIANA, INC. PURSUANT TO)
 IND. CODE 8-1-2.3-6(2) FOR APPROVAL OF)
 AN AGREED CHANGE IN THE) APPROVED: SEP 19 2013
 BOUNDARIES OF THEIR RESPECTIVE)
 ASSIGNED SERVICE AREAS ON U.S.G.S.)
 FACET S-15 IN MADISON COUNTY,)
 INDIANA.)

ORDER OF THE COMMISSION

Presiding Officer:
Jeffery A. Earl, Administrative Law Judge

On July 25, 2013, the City of Anderson, on behalf of its municipal electric utility Anderson Municipal Light & Power (“Anderson”) and Duke Energy Indiana (“Duke”) (collectively, “Joint Petitioners”) filed a Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). A map depicting the agreed-upon boundary changes was attached to the Verified Joint Petition.

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

1. Commission Jurisdiction. Anderson is a municipality organized and existing under the laws of the State of Indiana. It owns and operates an electric utility system, which renders electric service to residential, commercial, and industrial customers in and around Anderson. The utility’s principal place of business is located at 550 Baxter Road, Anderson, Indiana.

Duke is a corporation organized and existing under the laws of the State of Indiana, with its principal office in the Town of Plainfield, 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 Madison County.

Each Joint Petitioner is an “electricity supplier” 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 the approval of this Commission. Therefore, the Commission has jurisdiction over the Joint Petitioners and the subject matter of the Joint Petition.

2. **Relief Sought.** Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which Anderson and Duke have mutually agreed. Joint Petitioners have agreed to change service area boundaries located on U.S.G.S. Facet Map S-15 (the “S-15 Area”) in Madison County, Indiana. Drawings of the agreed upon boundary changes were attached to the Joint Petition.

The initial service area boundary lines between Joint Petitioners were established on April 25, 1984, in Cause No. 36299 S215(CB)(X). The Joint Petition indicates that portions of the service area boundary lines between Anderson and Duke need to be modified in order to allow for electric service to be provided by Anderson to Irving Materials, Inc. in a manner consistent with good electrical utility engineering practice. The letter agreement between Joint Petitioners, which is attached to the Joint Petition as Joint Exhibit A includes a detailed map of the proposed territory to be transferred from Duke to Anderson. Joint Petitioners state that the proposed modifications detailed in the Verified Petition and on Joint Exhibit A will not cause a duplication of electric utility facilities, waste of material or resources, or uneconomic, inefficient, or inadequate electric service to the public.

3. **Notice.** Ind. Code § 8-1-2.3-6(2) 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’ petition for a change of boundary lines located on U.S.G.S. Facet Map S-15 was published on August 8, 2013, in the *Anderson Herald Bulletin*. This is a newspaper of general circulation in Madison County, Indiana, which is the 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 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 Line Modification.** Based on the findings above, the Commission concludes that the agreed upon change to Joint Petitioners’ respective assigned service area boundaries located on U.S.G.S. Facet Map S-15 in Madison County, as specifically depicted in the Joint Petition and the Exhibits attached thereto, will promote economical, efficient, and adequate electric service to the public consistent with the legislative policies set forth in Ind. Code § 8-1-2.3-1.

IT IS, THEREFORE, ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Joint Petitioners' agreed change in service area boundary lines as set forth above and in the Joint Petition and attached Exhibits are approved.

2. Within thirty (30) days of the date of this Order, Joint Petitioners shall coordinate with Commission's 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: SEP 19 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