

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED)
JOINT PETITION OF DUKE ENERGY)
INDIANA, INC. AND UTILITIES DISTRICT)
OF WESTERN INDIANA RURAL)
ELECTRIC MEMBERSHIP CORPORATION)
FOR APPROVAL OF DUKE ENERGY)
INDIANA'S TEMPORARY CONSENT TO)
UTILITIES DISTRICT OF WESTERN)
INDIANA RURAL ELECTRIC)
MEMBERSHIP CORPORATION TO SERVE)
A SINGLE CUSTOMER WITHIN U.S.G.S.)
FACET L-22-1 IN MONROE COUNTY,)
INDIANA, PURSUANT TO IND. CODE § 8-1-)
2.3-4.)

CAUSE NO. 44382

APPROVED: OCT 10 2013

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On August 19, 2013, Duke Energy Indiana, Inc. ("Duke Energy Indiana") and Utilities District of Western Indiana Rural Electric Membership Corporation ("UDWI") (collectively "Joint Petitioners") filed a *Verified Joint Petition for Approval of Temporary Consent to Serve* ("Joint Petition") with the Indiana Utility Regulatory Commission ("Commission"). Pursuant to Ind. Code § 8-1-2.3-4(a), Joint Petitioners seek Commission approval of Duke Energy Indiana's written consent to UDWI's provision of retail electric service, on a temporary basis, to a certain customer located in Duke Energy Indiana's assigned service area boundary as set forth on U.S.G.S. Facet Map L-22-1 in Monroe County, Indiana.

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

1. **Commission Jurisdiction.** 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 various counties including Monroe County and has charter authority to do so.

Joint Petitioner, UDWI, is a rural electric membership cooperative organized and existing under the laws of the State of Indiana, with its principal place of business in Bloomfield, Greene County, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in several counties in the State of Indiana, including Monroe County, and has charter authority to do so.

Both Duke Energy Indiana and UDWI are “electricity suppliers” within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners seek the Commission’s approval of Duke Energy Indiana’s written consent to UDWI’s provision of retail electric service, on a temporary basis, to a certain customer located in Duke Energy Indiana’s assigned service area boundary, pursuant to Ind. Code § 8-1-2.3-4(a). Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of the Joint Petition.

2. **Relief Sought.** Ind. Code § 8-1-2.3-4(a) provides that an electricity supplier may render retail electric service within the boundaries of the assigned service area of another electricity supplier upon consent of the affected electricity supplier and approval of the Commission. Joint Petitioners seek Commission approval of Duke Energy Indiana’s consent for UDWI to provide retail electric service on a limited and conditional basis to the new Hoosier Energy Headquarters being constructed in the 2600 block of Tech Park Boulevard, soon to be re-designated as One Cooperative Way, Bloomington, Indiana. The property is located in Duke Energy Indiana’s assigned service area as established by Order of the Commission in Cause No. 36299-231-(X) on August 30, 1983.

By Letter Agreement dated July 23, 2013, Duke Energy Indiana has consented, and UDWI has agreed to provide three-phase service to the new Hoosier Energy Headquarters building being constructed in Bloomington, Indiana in the 2600 block of Tech Park Boulevard, as shown on the Facet and survey maps attached as Exhibit “A” to the Petition. UDWI will render electric service through a new agreed upon metering point on Duke Energy Indiana’s system. Duke Energy Indiana’s temporary consent is made at the request of Hoosier Energy and UDWI, and is strictly limited to electric service solely to the new Hoosier Energy Headquarters building. The parties have agreed that at any time Hoosier Energy is not the sole occupant of the building, or ends its use of the building, the temporary consent will end and Duke Energy Indiana will provide electric service to that building.

3. **Notice and Approval of Written Consent.** In *Joint Petition of Electricity Suppliers*, Cause No. 42868, 2006 Ind. PUC LEXIS 275, at *11 (Sept. 28, 2006), the Commission noted that requests for approval of consents of temporary extraterritorial retail service, under Indiana Code § 8-1-2.3-4, have been considered and acted upon by the Commission following a hearing. However, the Commission acknowledged that if certain conditions were met, it may be appropriate to act upon requests for approval of consent to serve without a hearing, “as long as such petitions evidence publication of the request in each impacted county ten (10) days prior to Commission action.” *Id.* In this case, notice of the filing of the Petition was published in the *Bloomington Herald times*, a newspaper of general circulation in Monroe County, Indiana, on September 5, 2013. More than ten days have passed since publication of the notice, and no hearing was requested. Accordingly, the Commission did not conduct a hearing on Joint Petitioner’s request for approval of Duke Energy Indiana’s consent to allow UDWI to provide service to the Hoosier Energy Headquarters building in Duke Energy Indiana’s service area.

Based upon the applicable law and evidence presented, the Commission finds that Duke Energy Indiana's consent to allow UDWI to temporarily provide electric service to the Hoosier Energy Headquarters building located in Duke Energy Indiana's assigned service area boundary should be approved.

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

1. Duke Energy Indiana's consent in writing to UDWI's provision of retail electric service to the Hoosier Energy Headquarters building located in Duke Energy Indiana's assigned service area boundaries is approved.

2. Within thirty (30) days of the date that service in the area is transferred from Duke Energy Indiana to UDWI, Joint Petitioner's shall file notice with the Commission that UDWI is providing electric service to the area.

3. Joint Petitioners shall file notice with the Commission under this Cause if Duke Energy Indiana's consent for UDWI to provide electric service to the 2600 block of Tech Park Boulevard, to be re-designated One Cooperative Way, is terminated.

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

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: OCT 10 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**