

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF JAY COUNTY RURAL)
ELECTRIC MEMBERSHIP CORPORATION)
AND INDIANA MICHIGAN POWER)
COMPANY PURSUANT TO IND. CODE § 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 X-9 IN ADAMS)
COUNTY, INDIANA.)

CAUSE NO. 44391

APPROVED:

OCT 16 2013

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On September 9, 2013, Jay County Rural Electric Membership Corporation (“Jay County REMC”) and Indiana Michigan Power Company (“I&M”) (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 X-9 in Adams County, Indiana.

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

1. Commission Jurisdiction. Joint Petitioner Jay County 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 Jay County, Indiana. Jay County REMC is engaged in the business of furnishing retail electric service to areas in Adams County, Indiana.

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 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 and is lawfully engaged in the provision of electric services under duly acquired indeterminate permits and franchises within Indiana.

Both Jay County REMC and I&M are “electricity suppliers” within the meaning of Ind. Code § 8-1-2.3-2. 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-S209X a change in circumstances has occurred involving portions of U.S.G.S. Facet Map X-9 in Adams County, Indiana. Upon Commission approval Joint Petitioners have agreed to transfer certain portions of I&M's assigned service area to Jay County REMC's assigned service area in Adams County, Indiana. A portion of U.S.G.S. Facet Map X-9, 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 the Wayne T. Steffen and Jeanne S. Steffen property ("Steffen Property") and a part of the R&R Plumbing and Electric Inc. ("R&R") property ("R&R Property"). The requested changes in the service area boundaries involving the Steffen property and part of the R&R Property are located in Section 24, Township 27 North, Range 13 East, Kirkland Township in Adams County Indiana. Joint Petitioners state that in preparing for Cause No. 44355 they discovered the Steffen Property received electric service from Jay County REMC prior to 1943 and continues to receive electric service to date. Joint Petitioners state they discovered the Steffen Property is located entirely within the service area assigned to I&M on U.S.G.S. Facet Map X-9 which was approved by the Commission in Cause No. 36299-S209X by Order dated November 27, 1985. Joint Petitioners explained that in order to transfer the Steffen Property into Jay County REMC's service area as a continuous parcel it is necessary to transfer a parcel owned by R&R measuring approximately 56.5' by 284' lying due south of the Steffen Property. Joint Petitioners noted the R&R Property is part of a larger split site property currently in the service areas of Joint Petitioners and transfer of said parcel will not create a new split site. Joint Petitioners explained that no facilities or services are currently located on the R&R Property described above.

Joint Petitioners allege the proposed boundary change will not require a change in the electricity supplier for existing customers of either utility or cause duplication of electric utility facilities, waste of materials or resources or cause uneconomic, inefficient, or inadequate electric service to the public. Joint Petitioners further allege the proposed change in the service area boundaries will correct an undiscovered oversight dating back to the 1985 Order. The parties also explained the proposed change 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 X-9 was published on September 13, 2013 in the *Berne Tri Weekly News*. This is a newspaper of general circulation in Adams County, which is the county where the affected boundary lines are located. Proof of publication of this notice was filed with the Commission on September 27, 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 I&M's assigned service area boundaries located on U.S.G.S. Facet Map X-9, 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.

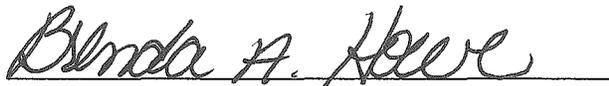
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION, that:

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: OCT 16 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**