

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT)
PETITION OF NORTHEASTERN REMC)
AND INDIANA MICHIGAN POWER)
COMPANY PURSUANT TO IND. CODE §8-) CAUSE NO. 44407
1-2.3-6 FOR APPROVAL OF AN AGREED)
CHANGE IN THE BOUNDARIES OF THEIR) APPROVED:
RESPECTIVE ASSIGNED SERVICE AREAS) JAN 22 2014
ON U.S.G.S. FACET MAP W-6-1 IN ALLEN)
COUNTY, INDIANA.)

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On October 10, 2013, Northeastern REMC ("Northeastern") 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 W-6-1 in Allen County, Indiana. Copies of portions of Facet Map W-6-1 were attached to the Joint Petition.

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

1. Commission Jurisdiction. Joint Petitioner Northeastern is a rural electric membership corporation organized and existing under the laws of the State of Indiana with its principal place of business in Whitley County, Indiana. It is engaged in the business of furnishing retail electric service to areas of Allen County, Indiana with existing distribution lines. Northeastern is an "electricity supplier" within the meaning of Ind. Code § 8-1-2.3-2.

Joint Petitioner I&M is a public utility corporation organized and existing under the laws of the State of Indiana, with its principal place of business in Fort Wayne, Indiana. It is engaged in the business of generating, transmitting, distributing and selling electric energy within the States of Indiana and Michigan and has corporate authority to do so. It is engaged in the business of furnishing retail electric service to areas of Allen County, Indiana with existing distribution lines. I&M is an "electricity supplier" 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 the assigned service area boundaries in Cause No. 36299-S209(X) on November 27, 1985, development has occurred and more development is being planned in the residential single-family subdivisions known as Ravenswood, Section III and Quail Creek, Section III. Joint Petitioners seek a change in service area boundaries for Ravenswood, Section III, a subdivision located in the East Half of the Northeast Quarter of Section 29, Township 32 North, Range 12 East, Perry Township in Allen County. The subdivision developer is planning to construct the subdivision which is partially within Northeastern's assigned service territory and partially within I&M's assigned service territory. The current service territory boundary between the two utilities intersects approximately fourteen (14) individual lots. Pursuant to Ind. Code § 8-1-2.3-6 and consistent with good engineering practices, the Joint Petitioners have mutually agreed to transfer certain parts of each utility's respective assigned service area in order to promote economical, efficient, and adequate electric service to the public. A copy of a portion of U.S.G.S. Facet Map W-6-1, attached to the Joint Petition as Exhibit "A" depicts the proposed service area modification.

Joint Petitioners also seek a change in service area boundaries for Quail Creek, Section III, a subdivision located in the West Half of the Northeast Quarter of Section 29, Township 32 North, Range 12 East, Perry Township in Allen County. The subdivision developer is planning to construct the subdivision which is partially within Northeastern's assigned service territory and partially within I&M's assigned service territory. The current service territory boundary between the two utilities intersects approximately eighteen (18) individual lots. Pursuant to Ind. Code § 8-1-2.3-6 and consistent with good engineering practices, the Joint Petitioners have mutually agreed to transfer certain parts of each utility's respective assigned service area in order to promote economical, efficient, and adequate electric service to the public. A more detailed drawing designated as Exhibit "B" delineates the proposed service area boundary changes between Northeastern and I&M relating to Ravenswood, Section III and Quail Creek, Section III.

Joint Petitioners state that the proposed modifications will not cause duplication of facilities; cause a waste of materials or resources; or cause uneconomic, inefficient, or inadequate electric service to the public. There is no 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 the Verified Joint Petition to modify service area boundaries located on U.S.G.S. Facet Map W-6-1 was published on November 30, 2013 in *The Journal Gazette* and in *The News-Sentinel*. These are newspapers of general circulation in Allen County, which is the county where the affected boundary lines are located. Proof of publication of these notices was filed with this Commission on December 20, 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-6-1, 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 line changes as set forth above and in the Joint Petition and exhibits attached thereto are 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:

APPROVED: JAN 22 2014

I hereby certify that the above is a true and correct copy of the Order as approved.


Brenda A. Howe
Secretary to the Commission