

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED)
JOINT PETITION OF DUBOIS RURAL)
ELECTRIC COOPERATIVE, INC. AND)
TOWN OF FERDINAND, INDIANA FOR)
APPROVAL OF AN AGREED CHANGE IN)
THE BOUNDARY OF THEIR RESPECTIVE)
ASSIGNED SERVICE TERRITORIES ON)
U.S.G.S. FACET MAP J-30 IN FERDINANCE)
TOWNSHIP OF DUBOIS COUNTY,)
INDIANA PURSUANT TO IND. CODE § 8-1-)
2.3, AND ASSOCIATED CONSENT.)

CAUSE NO. 44457

APPROVED: MAR 26 2014

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On February 19, 2014, Dubois Rural Electric Cooperative Inc. (“Dubois REC”) and the Town of Ferdinand, Indiana, by and through Ferdinand Municipal Electric Utilities (“Ferdinand”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition* (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Indiana 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 J-30 in Dubois County, Indiana.

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

1. Commission Jurisdiction. Joint Petitioner, Dubois REC, is a member-owned nonprofit electric distribution cooperative duly organized and existing under the laws of the State of Indiana. Dubois REC has its principal place of business at 1400 Energy Drive, PO Box 610, in Jasper, Dubois County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in various counties, including Dubois County, and has legal authority to do so. Dubois REC is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2.

Joint Petitioner, Ferdinand, is a municipality with its principal place of business at 2065 Main Street, PO Box 7, Jasper, Dubois County, Indiana. Ferdinand is engaged in the business of distributing, furnishing, and selling retail electric service to the public within its assigned service area in portions of Dubois County, and has legal authority to do so. Ferdinand is an “electricity supplier” within the meaning of Indiana Code § 8-1-2.3-2.

Joint Petitioners have sought the Commission's approval to change their service area boundaries pursuant to Indiana 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 initial Commission approval of their respective assigned service area boundaries, a change in circumstances has occurred involving a portion of Ferdinand Township in Dubois County, Indiana. Specifically, Joint Petitioners seek a change in Section 21 of Ferdinand Township, where approximately 1.163 acres, currently within Ferdinand's assigned service area, will become a part of Dubois REC's service area. The service area to be transferred ("Transfer Area") is shown as 2014 R.E.C. Area on the Current Territory Boundary drawing and on the Proposed Territory Boundary Drawing as depicted in Exhibits 1 and 2 to the Petition. The legal description of the Transfer Area is attached to the Petition as Exhibit 3.

Dubois REC has been asked to provide retail electric service to a new building of RND Development being built in the Transfer Area. The proposed modification to the service area will result in Dubois REC gaining service territory and Ferdinand losing territory on U.S.G.S. Facet Map J-30. Ferdinand consents to Dubois REC providing retail electric service in the Transfer Area, and RND Development consents to retail electric service being provided by Dubois REC. A copy of RND Development's signed consent is attached to the Petition as Exhibit 4. Joint Petitioner's proposed modifications to U.S.G.S. Facet Map J-30 will not require a change in the electricity supplier of any existing customer as there are no customers currently being served in the Transfer Area.

Joint Petitioners state that the proposed modification 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.** Indiana 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 change of a boundary line located on U.S.G.S. Facet Map J-30 was published on February 22, 2014 in *The Herald* and on February 26, 2014 in *The Ferdinand News*. Each of these newspapers is one of general circulation in Dubois County, the county where the affected boundary lines are located.

The Proofs of publication of the notices were filed with this Commission on March 11, 2014, and are hereby incorporated into the record of this Cause. Twenty (20) days have passed since the date of publication of the notices and no affected electricity customer has requested a hearing. Therefore, pursuant to Indiana 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 J-30, 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 Indiana Code § 8-1-2.3-1 and, therefore, should be approved.

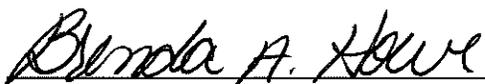
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION, that:

1. Joint Petitioners' agreed-upon service area boundary lines 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, MAYS, STEPHAN, WEBER, AND ZIEGNER CONCUR:

APPROVED: MAR 26 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