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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT )  
PETITION OF INDIANAPOLIS POWER & )  
LIGHT COMPANY AND DUKE ENERGY )  
INDIANA, INC. PURSUANT TO IND. CODE )  
§ 8-1-2.3-6 FOR APPROVAL OF CHANGES )  
TO THE ASSIGNED SERVICE )  
BOUNDARIES WITHIN U.S.G.S. FACET )  
MAP O-16-1 IN HAMILTON COUNTY, )  
INDIANA )

CAUSE NO. 44482

APPROVED:

JUL 23 2014

ORDER OF THE COMMISSION

**Presiding Officer:**  
**Marya E. Jones, Administrative Law Judge**

On April 14, 2014, Indianapolis Power & Light Company (“IPL”) and Duke Energy Indiana, Inc. (“Duke”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition to Modify Service Area Boundaries* with the Indiana Utility Regulatory Commission (“Commission”). On June 16, 2014, Joint Petitioners filed an *Amended Verified Joint Petition to Modify Service Area Boundaries* (“Amended Verified Joint Petition”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Amended Verified Joint Petition seeks Commission approval of certain electric service area boundary changes on U.S.G.S. Facet Map O-16-1 to which IPL and Duke have mutually agreed. Verifications of Earl Martin Zearbaugh, Manager Distribution Design for Duke, and Kevin Walker, Customer Projects Engineering for IPL were attached to the Amended Verified Joint Petition.

Based upon the applicable law and the evidence presented, the Commission finds:

**1. Commission Jurisdiction.** Joint Petitioner IPL is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Indianapolis, Marion 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 Hamilton County, and has charter authority to do so.

Joint Petitioner Duke is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Plainfield, Hendricks 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 Hamilton County, and has charter authority to do so.

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 approval of this Commission. Accordingly, the Commission has jurisdiction over the Joint Petitioners and the subject matter of their Amended Verified Joint Petition.

2. **Relief Sought.** Joint Petitioners seek approval of the exchange of certain parts of their assigned service area, consisting of approximately 39.2 acres being assigned to IPL and 44.8 acres being assigned to Duke. The electric service area boundaries proposed for modification are located in Hamilton County, Indiana. Joint Petitioners' mutual agreement would modify the existing boundaries as depicted in Exhibit A, attached to the Amended Verified Joint Petition. Specifically, the service area being assigned to IPL contains one uninhabited residence that will be demolished when a planned development, Jackson's Grant on Williams Creek subdivision, reaches that location. IPL has consented to Duke's continued temporary service to that residence until the residence is demolished.

Joint Petitioners state that the proposed modification will not cause duplication of electric facilities, waste of materials or resources, and will promote economic, efficient and adequate electric service to the public, consistent with Ind. Code § 8-1-2.3-6(2). There is no evidence to the contrary before the Commission in this proceeding.

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' intent to file for a change of boundary line located on U.S.G.S. Facet Map O-16-1 was published on June 20, 2014, in *The Times*. This is a newspaper of general circulation in Hamilton County, which is the county in which the affected boundary line is located. Proof of publication of the notice was filed with the Commission on July 8, 2014, 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 Modifications.** Based upon the foregoing findings, the Commission concludes that the agreed-upon changes to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map O-16-1, as specifically depicted in the Amended Verified Joint Petition and Exhibit A 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, is therefore, approved. The Commission also finds that IPL's consent to serve is approved pursuant to Ind. Code § 8-1-2.3-4.

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

1. Joint Petitioners' agreed-upon service area boundary line change as set forth above and in the Amended Verified Joint Petition and Exhibit A attached thereto is hereby approved.

2. Within thirty (30) days of the date this Order is approved, Joint Petitioners shall coordinate with the Commission Technical Staff to update the service territory mapping system to reflect the modified service area boundaries approved by this Order.

3. IPL's temporary consent to Duke's provision of retail electric service to a single residence located within IPL's service area boundaries is hereby approved.

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

**STEPHAN, MAYS, WEBER, AND ZIEGNER CONCUR:**

**APPROVED: JUL 23 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**