

**ORIGINAL**

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION )  
 OF THE CITY OF MISHAWAKA, INDIANA, ON )  
 BEHALF OF ITS MUNICIPAL ELECTRIC )  
 UTILITY AND INDIANA MICHIGAN POWER ) CAUSE NO. 44534  
 COMPANY PURSUANT TO IC 8-1-2.3-6(2), FOR )  
 APPROVAL OF CHANGES TO THE ASSIGNED ) APPROVED:  
 SERVICE AREA BOUNDARIES WITHIN ) NOV 25 2014  
 U.S.G.S. FACET O-2-1 IN ST. JOSEPH COUNTY, )  
 INDIANA )

ORDER OF THE COMMISSION

**Presiding Officer:**  
**David E. Veleta, Administrative Law Judge**

On September 19, 2014, the City of Mishawaka, Indiana by its municipal electric utility, Mishawaka Utilities (“Mishawaka”) 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 Indiana Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which Mishawaka and I&M have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Number O-2-1 in St. Joseph County, Indiana as set forth in a letter of agreement regarding modification of service area boundary (the “Agreement”) between Joint Petitioners. The Agreement was attached to the Verified Joint Petition, as was a map depicting the area to be incorporated into Mishawaka’s assigned service area.

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

**1. Commission Jurisdiction.** Joint Petitioner, Mishawaka owns and operates an electric utility system qualifying as a “municipally owned utility,” as defined in Indiana Code § 8-1-2-1(h). I&M is a public utility engaged in the business of furnishing retail electric service to the public in the State of Indiana. Joint Petitioners provide electric service to customers located within their respective assigned service areas and are “electricity suppliers” within the meaning of Indiana Code § 8-1-2.3-2(b).

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 this Commission.

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

**2. Relief Sought.** Joint Petitioners state that the initial service area boundaries were approved in Cause No. 36299-S205. Joint Petitioners have mutually agreed to modify a portion of their respective assigned service area boundaries as reflected in their Agreement. The electric service area boundaries proposed for modification were depicted on a map attached as Exhibit B to the Joint Petition and are located on U.S.G.S. Facet O-2-1. Joint Petitioners' Agreement will allow Mishawaka to provide service to a property that is surrounded on all sides by Mishawaka's assigned service area, but is currently assigned to I&M. Joint Petitioners' mutual agreement, upon Commission approval, would change Joint Petitioners' service area boundaries in a manner that I&M would lose this service area and Mishawaka would gain this service area.

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. Joint Petitioners also state that no existing customers will be affected. There is no evidence to the contrary before the Commission in this proceeding.

**3. Notice.** Indiana 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 lines located on U.S.G.S. Facet Number O-2-1 was published on September 25, 2014, in the *Mishawaka Enterprise* and the *South Bend Tribune*. Both are newspapers of general circulation in St. Joseph County, Indiana which is the county in which the affected boundary lines are located. Proofs of publication of the notices were filed with the Commission on October 30, 2014, and are hereby incorporated into the record of this Cause. Twenty 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 Modifications.** Based upon the foregoing findings, the Commission concludes that the agreed-upon change to Joint Petitioners' respective assigned service area boundary located on U.S.G.S. Facet Number O-2-1, 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 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 line 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 boundary approved by this Order.
3. This Order shall be effective on and after the date of its approval.

**STEPHAN, MAYS-MEDLEY, HUSTON, AND ZIEGNER CONCUR; WEBER NOT PARTICIPATING:**

**APPROVED:**

NOV 25 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**