

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF THE)
CITY OF LEBANON UTILITIES AND BOONE)
COUNTY RURAL ELECTRIC MEMBERSHIP)
CORPORATION PURSUANT TO IC 8-1-2.3-4(A), FOR)
APPROVAL OF BOONE COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION'S CONSENT TO)
ALLOW LEBANON UTILITIES TO SERVE A LIFT)
STATION OWNED BY THE CITY OF LEBANON)
WITHIN BOONE COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION'S ASSIGNED)
SERVICE AREA BOUNDARIES ON A TEMPORARY)
BASIS.)

CAUSE NO. 44548

APPROVED: NOV 05 2014

ORDER OF THE COMMISSION

Presiding Officer:
Loraine L. Seyfried, Chief Administrative Law Judge

On October 16, 2014, the City of Lebanon, Indiana by its municipally owned electric utility ("Lebanon Utilities") and Boone County Rural Electric Membership Corporation ("Boone REMC") (collectively "Joint Petitioners") filed a Verified Joint Petition for Approval of Temporary Consent to Serve with the Indiana Utility Regulatory Commission ("Commission"). Pursuant to Ind. Code § 8-1-2.3-4(a), Joint Petitioners seek Commission approval of Boone REMC's written consent to Lebanon Utilities' provision of retail electric service to a lift station being constructed by the City of Lebanon within Boone REMC's assigned service area boundaries on U.S.G.S. Facet M-15-1.

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

1. Commission Jurisdiction. Lebanon Utilities owns and operates an electric utility system qualifying as a "municipally owned utility," as defined in Ind. Code § 8-1-2-1(h). Boone REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana and engaged in the business of distributing, furnishing and selling retail electric service. Joint Petitioners each provide electric service to customers located within their respective assigned service areas and are "electricity suppliers" within the meaning of Ind. Code § 8-1-2.3-2(b).

Joint Petitioners request Commission approval, pursuant to Ind. Code § 8-1-2.3-4(a), of Boone REMC's written consent to Lebanon Utilities' provision of retail electric service to a lift station owned by the City of Lebanon located in Boone REMC's assigned service area. Accordingly, the Commission has jurisdiction over Joint Petitioners and the subject matter of this Cause.

2. Relief Sought. Joint Petitioners seek relief pursuant to Ind. Code § 8-1-2.3-4(a), which provides in part:

[a]s long as an electricity supplier continues to provide adequate retail service, it shall have the sole right to furnish retail electric service to each present and future consumer within the boundaries of its assigned service area and no other electricity supplier shall render or extend retail electric service within its assigned service area unless the electricity supplier with the sole right consents thereto in writing and the commission approves.

Pursuant to a written Consent to Serve, Boone REMC has temporarily consented to Lebanon Utilities providing three-phase service to the City's lift station, as reflected on a facet map marked as Exhibit A attached to the Consent to Serve. The Consent to Serve provides that Boone REMC's consent to Lebanon Utilities' provision of service will continue until such time as: (i) Boone REMC extends three-phase service to the area, at no line extension cost to Lebanon Utilities or the City of Lebanon; and (ii) Boone REMC provides notice to Lebanon Utilities that it is ready, willing, and able to provide electric service to the lift station. Boone REMC will notify the Commission when it begins providing retail electric service to the area depicted on Exhibit A to the Consent to Serve. Joint Petitioners agree Lebanon Utilities' provision of temporary service to the proposed lift station will not cause the duplication of electric facilities; waste of materials or resources; or uneconomic, inefficient, or inadequate electric service to the public. There is no evidence to the contrary before the Commission in this proceeding.

3. Notice and Approval of Written Consent. In *Joint Petition of Electricity Suppliers*, Cause No. 42868, 2006 Ind. PUC LEXIS 275 at *11 (IURC Sept. 28, 2006), the Commission noted that requests for approval of consents for temporary extraterritorial service under Ind. Code § 8-1-2.3-4 have been considered and acted upon by the Commission following a hearing. However, the Commission acknowledged that if certain conditions were met, it may be appropriate to act upon such requests without a hearing "as long as such petitions evidence publication of the request in each impacted county ten (10) days prior to Commission action." *Id.* In this case, notice of the filing of the Verified Joint Petition indicating the requested relief was published on October 18, 2014, in *The Lebanon Reporter*, a newspaper of general circulation in Boone County, Indiana. More than ten days have passed since publication of the notice and no hearing has been requested. Accordingly, the Commission did not conduct a hearing on Joint Petitioners' request for approval of Boone REMC's consent to allow Lebanon Utilities to provide service to the lift station being constructed by the City of Lebanon in Boone REMC's service area.

Based upon the applicable law and evidence presented, the Commission finds that Boone REMC's consent to allow Lebanon Utilities to temporarily provide electric service to the lift station being constructed in Boone REMC's assigned service area as described in the written Consent to Serve is reasonable and should be approved.

