

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT )  
PETITION OF INDIANA MICHIGAN )  
POWER COMPANY AND UNITED REMC )  
PURSUANT TO IND. CODE § 8-1-2.3-6 FOR )  
APPROVAL OF AN AGREED CHANGE IN )  
THE BOUNDARIES OF THEIR )  
RESPECTIVE ASSIGNED SERVICE AREAS )  
ON U.S.G.S. FACET MAP W-8-1 IN ALLEN )  
COUNTY, INDIANA )

CAUSE NO. 44560

APPROVED:

DEC 30 2014

ORDER OF THE COMMISSION

**Presiding Officer:**

**Marya E. Jones, Administrative Law Judge**

On November 5, 2014, Indiana Michigan Power Company (“I&M”) and United REMC (“United”) (collectively “Joint Petitioners”) filed a *Verified Joint Petition to Modify Service Area Boundaries* with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Verified Joint Petition seeks Commission approval of certain electric service area boundary changes on U.S.G.S. Facet Map W-8-1 to which I&M and United have mutually agreed. Verifications of Paul Chodak III, President and Chief Operating Officer for I&M and Rob Pearson, CEO for United, were attached to the Verified Joint Petition.

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

**1. Commission Jurisdiction.** Joint Petitioner I&M is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Fort Wayne, Allen County, Indiana. It is engaged in the business of generating, transmitting, distributing, and selling electric energy within the States of Indiana and Michigan.

Joint Petitioner United is a rural electric membership cooperative duly organized and existing under the laws of the State of Indiana, with its principal place of business located in Markle, Indiana. Effective November 1, 2014, United consolidated with Wabash County REMC, in compliance with the provisions of Ind. Code § 8-1-13-6, under the name of Heartland REMC. It is engaged in the business of furnishing retail electric service to areas in Allen County, Indiana.

Joint Petitioners are electricity suppliers within the meaning of Ind. Code § 8-1-2.3-2(b). Joint Petitioners seek 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 assert that since the initial approval of the assigned service area boundaries in Cause No. 36299-S 201(X), a change in circumstances has occurred involving a portion of I&M's service territory in Allen County, Indiana. I&M has exclusive right to serve the electric service area boundary proposed for modification. The electric service area, located in southwest Allen County, is approximately 46 acres and includes an agriculture hog operation that is currently under construction. I&M has agreed to relinquish its assigned service area to United because it will be more efficient for United to provide electric service as set forth in the Letter of Agreement Regarding Modification of Service Area Boundary attached to the Joint Petition as Exhibit A. Upon Commission approval, Joint Petitioners' mutual agreement would change Joint Petitioners' area boundaries in Allen County in a manner that United would gain service area and I&M would lose service area. Copies of a portion of U.S.G.S. Facet Map W-8-1 and a more detailed drawing, attached to the Joint Petition as Exhibits B and C respectively, depict in detail the proposed service area modification.

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). The proposed change to the assigned service area boundaries will not result in the transfer of any facilities or monies between the Joint Petitioners. 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 W-8-1 was published on November 18, 2014, in *The Journal Gazette*. This is a newspaper of general circulation in Allen 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 December 5, 2014, and is hereby incorporated into the record of this Cause. More than 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 W-8-1, as specifically depicted in the Verified Joint Petition and Exhibits B and C 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.

**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 Verified Joint Petition and Exhibits B and C attached thereto is hereby approved.

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

**STEPHAN, HUSTON, WEBER, AND ZIEGNER CONCUR; MAYS-MEDLEY ABSENT:**

**APPROVED:**

**DEC 30 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**