

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
JAY COUNTY RURAL ELECTRIC MEMBERSHIP)
CORPORATION AND INDIANA MICHIGAN)
POWER COMPANY 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 Z-12 IN JAY COUNTY, INDIANA)

CAUSE NO. 44561

APPROVED:

DEC 30 2014

ORDER OF THE COMMISSION

Presiding Officer:

Marya E. Jones, Administrative Law Judge

On November 6, 2014, Jay County Rural Electric Membership Corporation (“Jay”) and Indiana Michigan Power Company (“I&M”) (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 Z-12 to which Jay and I&M have mutually agreed. Verifications of Mark Arnold, President and Chief Executive Officer for Jay, and Paul Chodak III, President and Chief Operating Officer for I&M, were attached to the Verified Joint Petition.

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

1. Commission Jurisdiction. Joint Petitioner Jay 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 Jay County, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in the State of Indiana, including Jay County, and has charter authority to do so.

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. I&M is a “public utility” within the meaning of Ind. Code § 8-1-2-1 and is lawfully engaged in the provision of electric services under duly acquired indeterminate permits and franchises within 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 Verified Joint Petition.

2. **Relief Sought.** Joint Petitioners assert that since the initial approval of the assigned service area boundaries in Cause No. 36299-S209(x), a change in circumstances has occurred involving the development of land located in Jay County, Indiana.

The electric service area boundary proposed for modification, located in Section 5, Township 22 North, Range 15 East, Madison Township in Jay County, Indiana involves the Keith G. Kahlig and Christina Marie Kahlig Farm (“Kahlig Farm”). The current service territory boundary between the two utilities intersect the Kahlig Farm which is located partially in Jay’s electric service area and partially in I&M’s electric service area. The owners have requested that Jay provide electric service to Kahlig Farm. The parties have mutually agreed that I&M assign its service area to Jay in order to promote economical, efficient, and adequate electric service to the public. Upon Commission approval, Joint Petitioners’ mutual agreement would change Joint Petitioners’ area boundaries in Jay County in a manner that Jay would gain service area and I&M would lose service area. Copies of a portion of U.S.G.S. Facet Map Z-12 and a more detailed drawing, attached to the Joint Petition as Exhibits A and B respectively depict in detail the proposed service area modification.

Joint Petitioners state that the proposed modification will not require a change in the electricity supplier for existing customers of either utility. The Joint Petitioners further state that the proposed modification will not cause duplication of electric facilities, waste of materials or resources, but 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 Z-12 was published on November 10, 2014, in *The Commercial Review*. This is a newspaper of general circulation in Jay 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 November 12, 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 Z-12, as specifically depicted in

the Verified Joint Petition and Exhibits A and B 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 A and B 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