

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
HANCOCK RURAL TELEPHONE CORPORATION)
D/B/A NINESTAR CONNECT AND RUSHSHELBY)
ENERGY FOR APPROVAL OF AN AGREED)
CHANGE IN THE BOUNDARIES OF THEIR)
RESPECTIVE ASSIGNED SERVICE TERRITORIES)
ON U.S.G.S FACET S-18-1A IN HANCOCK)
COUNTY, INDIANA, PURSUANT TO IND. CODE)
CH. 8-1-2.3)

CAUSE NO. 44849

APPROVED: OCT 19 2016

ORDER OF THE COMMISSION

Presiding Officers:

Sarah E. Freeman, Commissioner

David E. Veleta, Senior Administrative Law Judge

On September 12, 2016, Hancock Rural Telephone Corporation d/b/a NineStar Connect (“NineStar Connect”) and RushShelby Energy (“RushShelby Energy”) (collectively, “Joint Petitioners”) filed a *Verified Joint Petition for Approval of Modifications to Service Area Boundaries* (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(a)(2), the Verified Joint Petition seeks Commission approval of mutually agreed changes by Joint Petitioners of the boundaries between their respective assigned electric service territories. Maps and drawings of the mutually agreed changes were attached to the Joint Petition along with the Verifications of Michael R. Burrow, President and CEO of NineStar Connect and Terry W. Jobe, President and CEO for RushShelby Energy.

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

1. Commission Jurisdiction. Joint Petitioner, Hancock Rural Telephone Corporation is the surviving entity following the company’s merger with Hancock Rural Electric Membership Corporation. Hancock Rural Telephone Corporation does business under the assumed business name “NineStar Connect” and is a member-owned cooperative that provides, in part, electric distribution services. It is duly organized and existing under the laws of the State of Indiana, with its principal office and place of business located in Greenfield, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in various counties in the State of Indiana, including Hancock, and has legal authority to do so.

Joint Petitioner, RushShelby Energy, is a corporation organized and existing under the laws of the State of Indiana, with its principal office in Manilla, Indiana. RushShelby Energy is engaged in the business of generating, transmitting, distributing, furnishing and selling retail electric service to the public in numerous counties in the State of Indiana, including Hancock County, and has legal authority to do so.

Each Joint Petitioner, NineStar Connect and RushShelby Energy, qualifies as an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2. Joint Petitioners seek the Commission’s approval of mutually agreed changes of the boundaries between their respective assigned service territories. Accordingly, the Commission has jurisdiction over Petitioners and the subject matter of the Joint Petition.

2. **Relief Sought.** The relief sought in this Cause is specifically governed by Ind. Code § 8-1-2.3-6(a)(2), which provides that the boundaries of assigned service areas of electricity suppliers may be changed upon mutual agreement and approval of this Commission.

Joint Petitioners seek Commission approval of the following agreed-upon electric service territory modifications:

- (a) The cross-hatched portion of RushShelby Energy’s service territory depicted on Exhibit A to the Joint Petition is to be transferred to NineStar Connect;
- (b) The cross-hatched portion of RushShelby Energy’s service territory depicted on Exhibit B to the Joint Petition is to be transferred to NineStar Connect;
- (c) The cross-hatched portion of NineStar Connect’s service territory depicted on Exhibit C to the Joint Petition is to be transferred to RushShelby Energy; and
- (d) The cross-hatched portion of NineStar Connect’s service territory depicted on Exhibit D to the Joint Petition is to be transferred to RushShelby Energy.

Joint Petitioners further state that approval of the agreed-upon modifications under Ind. Code § 8-1-2.3-6(a)(2) would be beneficial and would not cause the duplication of electric utility 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.** Indiana Code § 8-1-2.3-6(a)(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 S-18-1A was published on September 14, 2016, in *The Daily Reporter*, a newspaper of general circulation in Hancock County, Indiana which is the county in which the affected boundary lines are located. Proof of publication of the

notice was filed with the Commission on September 16, 2016, and is incorporated into the record of this Cause. Twenty days have passed since the date of publication of the notice and no affected electricity customer has requested a hearing. Therefore, pursuant to Indiana Code § 8-1-2.3-6(a)(2), the Commission may approve the requested boundary line changes 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 electric service area boundaries located on U.S.G.S. Facet Number S-18-1A, 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 Ind. 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 electric service area boundary line changes as set forth above and in the Joint Petition and exhibits attached thereto are 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 boundaries approved by this Order.

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

FREEMAN, HUSTON, WEBER, AND ZIEGNER CONCUR; STEPHAN ABSENT:

APPROVED: OCT 19 2016

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



Mary M. Becerra
Secretary of the Commission