

ORIGINAL

Commissioner	Yes	No	Not Participating
Huston			√
Bennett	√		
Freeman	√		
Veleta	√		
Ziegner	√		

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE JOINT PETITION OF)
DUKE ENERGY INDIANA, LLC AND)
HANCOCK RURAL TELEPHONE)
CORPORATION D/B/A NINESTAR CONNECT) CAUSE NO. 46027
PURSUANT TO IND. CODE § 8-1-2.3-6 FOR)
APPROVAL OF A CHANGE TO THE SERVICE) APPROVED: APR 30 2024
AREA BOUNDARIES WITHIN U.S.G.S. FACET)
MAP Q-17-1 IN HANCOCK COUNTY, INDIANA)**

ORDER OF THE COMMISSION

**Presiding Officer:
Kehinde Akinro, Administrative Law Judge**

On March 18, 2024, Duke Energy Indiana, LLC (“Duke Energy”) and Hancock Rural Telephone Corporation d/b/a NineStar Connect (“NineStar Connect”) (collectively, “Joint Petitioners”) filed their Verified Joint Petition to Modify Service Area Boundaries (“Joint Petition”) with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(a)(2), Joint Petitioners seek Commission approval of the electric service area boundary changes to which Duke Energy and NineStar Connect have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map Q-17-1 in Hancock County, Indiana. Drawings of the agreed-upon boundary changes were attached to the Joint Petition.

On April 1, 2024, the Indiana Office of Utility Consumer Counselor (“OUCC”) filed its Notice of Intent Not to Prefile Testimony.

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

1. Commission Jurisdiction. Joint Petitioner Duke Energy is a public utility company organized and existing under the laws of the State of Indiana, with its principal office located in Plainfield, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in the State of Indiana, including Hancock County, and has charter authority to do so.

Joint Petitioner NineStar Connect is the surviving entity following the merger of Hancock Rural Telephone Corporation and Hancock Rural Electric Membership Corporation pursuant to Ind. Code ch. 8-1-17.5. NineStar Connect 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 place of business in Greenfield, Indiana. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in several counties in the State of Indiana, including Hancock County, and has legal authority to do so.

Each Joint Petitioner is an “electricity supplier” as such term is defined by Ind. Code § 8-1-2.3-2(b) and the purpose of the Joint Petition is to change the Joint Petitioner’s respective assigned service areas, pursuant to Ind. Code § 8-1-2.3-6(a)(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 the approval of this Commission.

Accordingly, the Commission has jurisdiction over Joint Petitioners and the subject matter of this Cause.

2. Relief Sought. Joint Petitioners assert that since the initial approval of the service area boundaries in Cause No. 36299-S215(CB)(X), a change in circumstances has occurred involving development of land located in Hancock County, Indiana. Joint Petitioners now believe that it would be more efficient to modify the service area boundaries, as reflected in the Exhibits attached to the Joint Petition. The changes in service boundaries consists of Joint Petitioners each gaining and losing territory.

There is no evidence before the Commission in this proceeding that the requested changes will cause (a) the duplication of electric facilities; (b) waste of materials or resources; or (c) uneconomic, inefficient, or inadequate electric service to the public.

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 Map Q-17-1 was published on March 23, 2024, in *The Daily Reporter*. This is 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 April 11, 2024, and is incorporated into the record of this Cause. Also, in accordance 170 IAC 1-1.1-9, on March 26, 2024, and March 20, 2024, respectively, Joint Petitioners posted the Legal Notice on each Company’s website located at <https://www.duke-energy.com/home/billing/rates> and www.ninestarconnect.com where they will remain for at least 30 days following the issuance of a final Order in this Cause.

Twenty days have passed since the last date of publication of the Notice and no affected electricity customer has requested a hearing.

4. Approval of Requested Relief. Based on the foregoing findings, the Commission finds and concludes that the agreed-upon changes to Joint Petitioners' respective assigned service area boundaries located on U.S.G.S. Facet Map Q-17-1, as specifically depicted in the Joint Petition and Facet Exhibit "A" and "A-2" attached thereto, will promote economical, efficient, and adequate electric service to the public that is 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 service area boundary line modifications as set forth above and in the Joint Petition and Facet Exhibit "A" and "A-2" attached thereto is approved.
2. Within 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.

BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR; HUSTON ABSENT:

APPROVED: APR 30 2024

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

**Dana Kosco
Secretary of the Commission**