

FILED
NOVEMBER 2, 2016
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

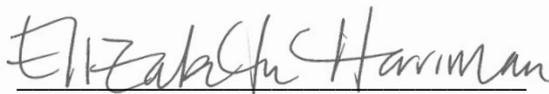
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
DUKE ENERGY INDIANA, LLC AND HEARTLAND)
RURAL ELECTRIC MEMBERSHIP CORPORATION)
PURSUANT TO IND. CODE § 8-1-2.3-6 FOR)
APPROVAL OF A CHANGE TO THE SERVICE) CAUSE NO. 44866
AREA BOUNDARIES WITHIN U.S.G.S. FACET)
MAP R-10 IN WABASH COUNTY, INDIANA)

**JOINT PETITIONERS SUBMITTAL OF PROPOSED FORM OF ORDER
AND PROOF OF PUBLICATION**

Joint Petitioners, Duke Energy Indiana, LLC (“Duke Energy Indiana”) and Heartland Rural Electric Membership Corporation (“Heartland REMC”) (together, “Joint Petitioners”), hereby submit their Proposed Form of Order and Proof of Publication in Cause No. 44866. Joint Petitioners published notice in a newspaper of general circulation in Wabash County, Indiana on October 13, 2016.

Respectfully submitted,

By: 
Elizabeth A. Herriman
Counsel for Duke Energy Indiana, LLC

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BY THE COMMISSION:

Jefferson Garn, Administrative Law Judge

On October 11, 2016, in accordance with Ind. Code § 8-1-2.3-6, Duke Energy Indiana, LLC (“Duke Energy Indiana”) and Heartland Rural Electric Membership Corporation (“Heartland REMC”) (collectively, “Joint Petitioners”) filed their *Verified Joint Petition to Modify Service Area Boundaries* (“Joint Petition”) on U.S.G.S. Facet Map R-10 in Wabash County, Indiana, with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(a)(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which Duke Energy Indiana and Heartland REMC have mutually agreed. Joint Petitioners’ mutual agreement is to change certain Commission assigned service area boundaries located on U.S.G.S. Facet Map R-10 in Wabash County, Indiana. Drawings of the agreed-upon boundary changes were attached to the Joint Petition.

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

1. **Commission Jurisdiction.** Joint Petitioner, Duke Energy Indiana, is a limited liability company organized and existing under the laws of the State of Indiana, with its principal office in the Town of Plainfield, Hendricks 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 Wabash County, and has charter authority to do so.

Joint Petitioner, Heartland REMC, is a Rural Electric Membership Corporation organized and existing under the laws of the State of Indiana, with its principal place of business located in Markle, Indiana. It is engaged in the business of distributing, furnishing and selling retail electric service to the public in the State of Indiana, including Wabash County, and has charter 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). Therefore, the Commission has jurisdiction over the parties 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-S211(X), a change in circumstances has occurred involving development of land located in Wabash County, Indiana. Joint Petitioners now believe that it would be more efficient to modify the service area boundary, as reflected on the Exhibit attached to the Joint Petition, such that the crosshatched area identified on Exhibit A as “Proposed Trade Area to Duke Energy”, which is currently within the certified electric service territory of Heartland REMC, would be assigned to Duke Energy Indiana.

Joint Petitioners state that the proposed modifications will not cause duplication of facilities, cause a waste of materials or resources, or cause uneconomic, inefficient or inadequate electric service to the public. There is no evidence to the contrary before the Commission in this proceeding.

3. **Notice.** Ind. 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 Joint Petitioners’ intent to file for a change of boundary lines located on U.S.G.S. Facet Map R-10 was published on October 13, 2016, in the *Wabash Plain Dealer*. This is a newspaper of general circulation in Wabash County, which is the county in which the affected boundary lines are located. Twenty (20) days have passed since the last 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(a)(2), the Commission may approve the requested boundary line changes without a hearing.

4. **Approval of Requested Relief.** 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 R-10, as specifically depicted in the Joint Petition and Exhibit A 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 service area boundary line modifications as set forth above and in the Joint Petition and Exhibit A attached thereto filed in this Cause on October 11, 2016 shall be and are hereby 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.

STEPHAN, HUSTON, WEBER, ZIEGNER AND FREEMAN CONCUR:

APPROVED:

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

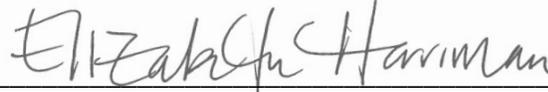
Mary M. Becerra
Secretary of the Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing Proposed Order and Notice of Publication were electronically delivered or mailed, postage prepaid, in the United States Mail, this 2nd day of November, 2016 to:

Indiana Office of Utility Consumer Counselor
115 West Washington Street
Suite 1500 South
Indianapolis, Indiana 46204

Jeremy Nix
MATHENY, HAHN, DENMAN & NIX, LLP
45 West Market Street
Huntington, Indiana 46750



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Duke Energy Indiana, LLC

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AFFP

Code 8-1-2.3-6

Affidavit of Publication

STATE OF IN }
COUNTY OF WABASH } SS

EXHIBIT B
LEGAL NOTICE
DUKE ENERGY INDIANA, LLC AND
HEARTLAND RURAL ELECTRIC
MEMBERSHIP CORPORATION
NOTICE OF INTENT TO FILE CHANGE IN BOUNDARY LINES

Serena Burger-Fudold, being duly sworn, says:

That she is A CUSTOMER SERVICE REP of the WABASH PLAIN DEALER, a Daily newspaper of general circulation, printed and published in WABASH, WABASH County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 13, 2016

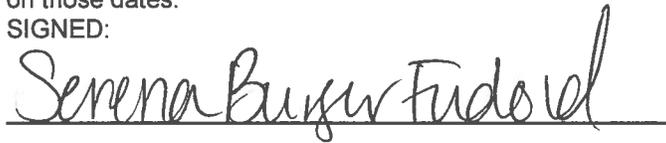
October 13, 2016

DUKE ENERGY INDIANA, LLC ("Duke Energy Indiana") and Heartland Rural Electric Membership Corporation ("Heartland REMC") hereby give notice that on October 11, 2016, a Joint Petition was filed with the Indiana Utility Regulatory Commission for approval to modify service area boundaries between Duke Energy Indiana and Heartland REMC associated with an area east of County Road 100 and north of County Road 800 South in La Fontaine, Indiana, located on U.S.G.S. Facet Map R-10 in Wabash County, Indiana pursuant to Ind. Code 8-1-2.3-6.
Duke Energy Indiana, LLC
By: Melody Birmingham-Byrd, President
October 13, 2016 hspaxlp

Publisher's Fee: \$ 58.80

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 13th day of October 2016.



Deborah Ann Shelton, Notary Public 8/1/2020

60162866 60786014 317-838-1842

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