

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION)
OF NORTHERN INDIANA PUBLIC)
SERVICE COMPANY AND KANKAKEE)
VALLEY RURAL ELECTRIC MEMBERSHIP)
CORPORATION PURSUANT TO IND.) CAUSE NO. **44905**
CODE § 8-1-2.3-6(2) FOR APPROVAL OF AN)
AGREED CHANGE IN THE BOUNDARIES)
OF THEIR RESPECTIVE ASSIGNED)
SERVICES AREAS ON U.S.G.S. FACET MAP)
L-5 IN STARKE COUNTY, INDIANA.)

VERIFIED JOINT PETITION

Joint Petitioners, Northern Indiana Public Service Company (“NIPSCO”) and Kankakee Valley Rural Electric Membership Corporation (“Kankakee Valley REMC”) (collectively, “Joint Petitioners”) petition the Indiana Utility Regulatory Commission (“Commission”) pursuant to Ind. Code § 8-1-2.3-6(a)(2) for approval of an agreed change in the boundaries of their respective assigned service areas on U.S.G.S. Facet Map L-5 in Starke County, Indiana. In accordance with 170 IAC 1-1.1-8 and 1-1.1-9 of the Commission’s Rules of Practice and Procedure, Joint Petitioners submit the following information in support of this petition.

1. NIPSCO is a public utility corporation organized and existing under

the laws of the State of Indiana with its principal office and place of business at 801 East 86th Avenue, Merrillville, Indiana. NIPSCO is engaged in rendering electric public utility service in the State of Indiana, including Starke County, and owns, operates, manages and controls, among other things, plant and equipment within the State of Indiana used for the generation, transmission, distribution and furnishing of such service to the public. NIPSCO is a “public utility” within the meaning of Ind. Code § 8-1-2-1 and an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b) and is subject to the jurisdiction of the Commission in the manner and to the extent provided by the Public Service Commission Act, as amended, and other pertinent laws of the State of Indiana.

2. Kankakee Valley REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana under the Rural Membership Corporation Act pursuant to Ind. Code § 8-1-13-1 with its principal office and place of business located at 8642 W. U.S. Hwy 30, P.O. 157, Wanatah, Indiana 46390, in LaPorte County. It is engaged in the business of distributing, furnishing, and selling retail electric service to the public in the State of Indiana, including Starke County, and has legal authority to do so. Kankakee Valley REMC has opted out of the jurisdiction of the Commission pursuant to Ind. Code § 8-1-13-18.5 but remains subject to Commission jurisdiction for purposes of boundaries of service areas. Ind. Code § 8-1-13-18.5(i). Kankakee Valley REMC is a “retail

electric service” “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b) and (c) and is subject to the jurisdiction of the Commission with respect to assigned service area in the manner and to the extent provided by the Public Service Commission Act, as amended, and other pertinent laws of the State of Indiana and is subject to the jurisdiction of the Commission in the manner and to the extent provided for by the laws of the State of Indiana.

3. NIPSCO and Kankakee Valley REMC are assigned exclusive rights to provide retail electric service in certain territory located in Starke County by Order of the Commission dated January 18, 1984, in Cause No. 36299-S201X, as depicted on Facet Map L-5.

4. Kankakee Valley REMC has been assigned the exclusive right to serve a portion of North Bend Township in Starke County, Indiana at plat Section 6, Township 32 North, Range 1 West, which includes a tract of land with an approximate United States Postal Service mailing address of 6913 East Toto Road, Knox, Indiana 46534 (“Property”).

5. NIPSCO and Kankakee Valley REMC agree that it would be more efficient for NIPSCO to provide electric service to the Property because of NIPSCO’s close proximity to the Property. Consistent with good engineering practices and pursuant to Ind. Code § 8-1-2.3-6(a)(2), NIPSCO and Kankakee

Valley REMC have mutually agreed and jointly petition to transfer certain parts of Kankakee Valley REMC's assigned service area in order to promote economical, efficient and adequate electric service to the public.

6. Attachment A consists of a portion of U.S.G.S. Facet Map L-5 showing the existing boundary line. Attachment B consists of a portion of U.S.G.S. Facet Map L-5 showing the proposed boundary line.

7. The proposed boundary line changes will not require a change in the electricity supplier for existing customers of either utility.

8. The requested changes will not cause (a) the duplication of electric facilities; (b) waste of materials or resources; or (c) uneconomic, inefficient or inadequate electric service to the public.

9. The proposed changes to the assigned service area boundaries of NIPSCO and Kankakee Valley REMC will not result in the transfer of any facilities or monies between the Joint Petitioners.

10. In accordance with Ind. Code § 8-1-2.3-6(a)(2), Joint Petitioners will immediately publish notice of the filing of this verified agreed request for a change of boundary lines in a newspaper of general circulation in Starke County in which the boundary lines are located. A proposed form of notice is attached as

Attachment C.

11. Joint Petitioners will file with the Commission the proof of publication of notice promptly following publication of the notice.

12. Joint Petitioners consider the provisions of the Public Service Commission Act, as amended, including Ind. Code § 8-1-2.3-1 *et seq.*, to be applicable to the subject matter of this Joint Petition and believe that such traditional statutes provide the Commission authority to approve the requested relief. Specifically, the request made herein is subject to Ind. Code § 8-1-2.3-6(2).

13. The name and address of counsel for NIPSCO authorized to accept service of papers in this proceeding is:

M. Bryan Little (Atty. No. 34228-29)
NISOURCE CORPORATE SERVICES - LEGAL
150 West Market Street, Suite 600
Indianapolis, Indiana 46204
Phone: (317) 684-4903
Fax: (317) 684-4918
Email: blittle@nisource.com

14. The name and address of counsel for Kankakee Valley REMC authorized to accept service of papers in this proceeding is:

Brian J. Hurley (No. 8519-49)
DOUGLAS KOEPPEN & HURLEY
14 Indiana Avenue
Valparaiso, Indiana 46384
Phone: (219) 462-2126
Fax: (219) 477-4408
Email: bhurley@dkhlaw.org

15. As requested in Appendix A to the Commission's Order in Cause No. 42868 dated September 28, 2006, the technical representative for each Joint Petitioner is:

NIPSCO

Brian Woodberry
Manager, Engineering Services
Phone: (219) 647-5213
Email: bkwoodberry@nisource.com

Kankakee Valley REMC

Scott Sears
Director of Engineering and Operations
Phone: (800) 552-2622
Email: sasears@kvremc.com

16. A proposed order granting the relief requested herein is attached hereto as Attachment D.

WHEREFORE, NIPSCO and Kankakee Valley REMC respectfully request that:

(a) The Verified Joint Petition and its attachments be accepted as evidence of the truth of the matters and facts stated herein;

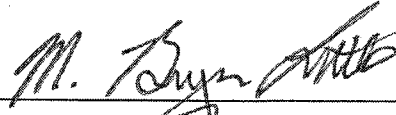
(b) The Commission, without the necessity of a hearing, issue an order approving the proposed changes in assigned service area boundary lines as soon as practicable following the expiration of the twenty (20) day

notice period provided in Ind. Code § 8-1-2.3-6(2); and

(c) Granting to Joint Petitioners such additional and further relief
as may be deemed necessary or appropriate.

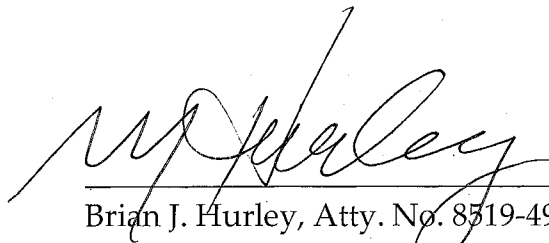
Dated this 7th day of February, 2017.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Bryan Little", is written over a horizontal line.

M. Bryan Little (Atty. No. 34228-29)
NiSOURCE CORPORATE SERVICES - LEGAL
150 West Market Street, Ste. 600
Indianapolis, Indiana 46204
Phone: (317) 684-4903
Fax: (317) 684-4918
Email: blittle@nisource.com

Attorney for Northern Indiana Public Service
Company



Brian J. Hurley, Atty. No. 8519-49

DOUGLAS KOEPPEN & HURLEY

14 Indiana Avenue

Valparaiso, Indiana 46384

Phone: (219) 462-2126

Fax: (219) 477-4408

Email: bhurley@dkhlaw.org

Attorney for Kankakee Valley Rural Electric
Membership Corporation

VERIFICATION

I affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Dated: February 7, 2017.

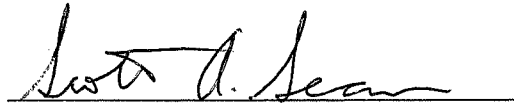
A handwritten signature in black ink, appearing to read "Russell L. Atkins", is written over a horizontal line.

Russell L. Atkins
Vice President, Engineering Electric
Northern Indiana Public Service Company

VERIFICATION

I affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Dated: February 1, 2017.

A handwritten signature in black ink, appearing to read "Scott A. Sears", is written over a horizontal line.

Scott A. Sears
Director of Engineering and Operations
Kankakee Valley Rural Electric Membership
Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 7, 2017, the foregoing was served via email transmission upon William Fine, Office of Utility Consumer Counselor, 115 W. Washington Street, Suite 1500 South, Indianapolis, Indiana 46204 (wfine@oucc.in.gov, infomgt@oucc.in.gov).

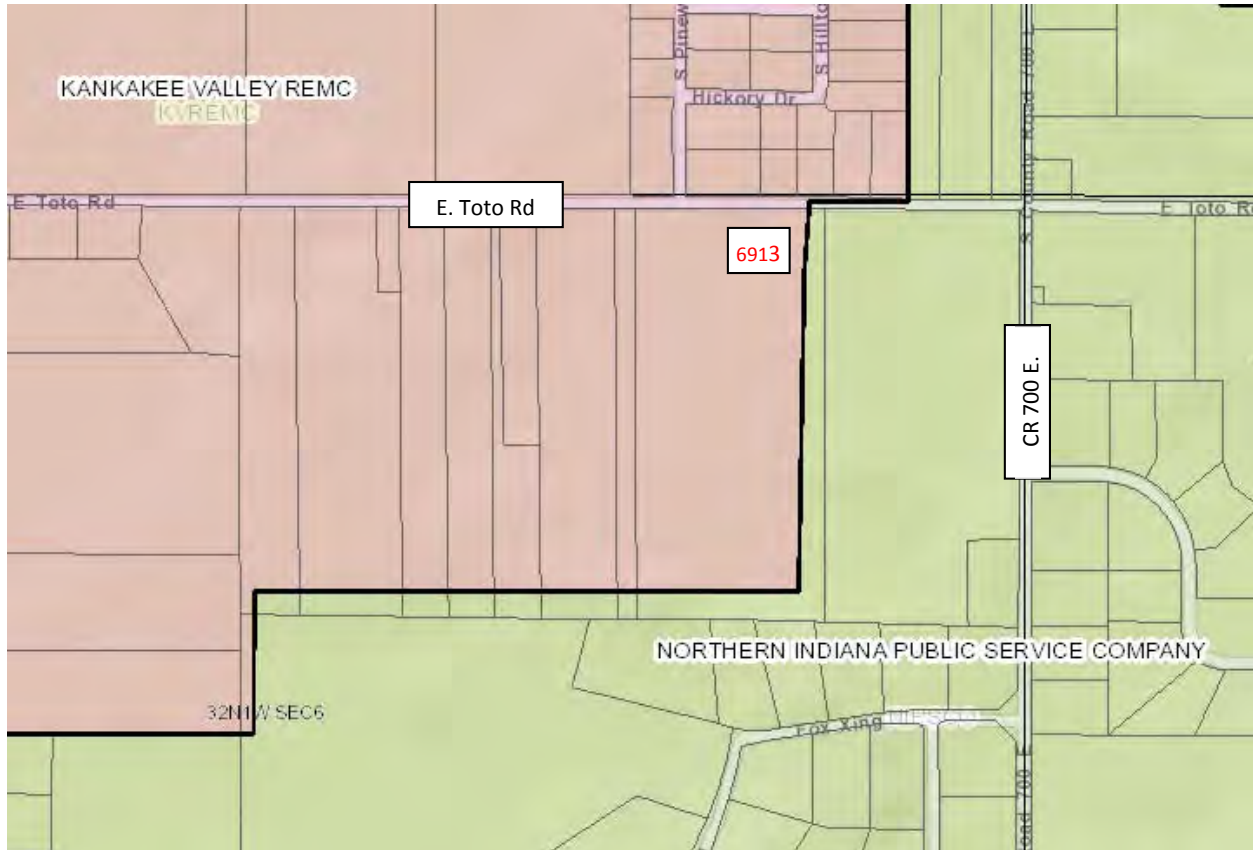


M. Bryan Little

Attachment A

Sec. 6, T 32N, R 1W	North Bend Twp.	Starke County, IN
FACET MAP NO. : L-5	FACET MAP NAME: Knox	

Existing Boundary Line



FACET L-5

Illustration from IURC Electric Service Territory Geographical Information System (GIS)

LEGEND

Existing Kankakee Valley REMC Electric Service Territory

Existing Northern Indiana Public Service Company Electric Service Territory

Existing Electric Service Territory Boundary Line

New Home - 6913 E Toto Rd

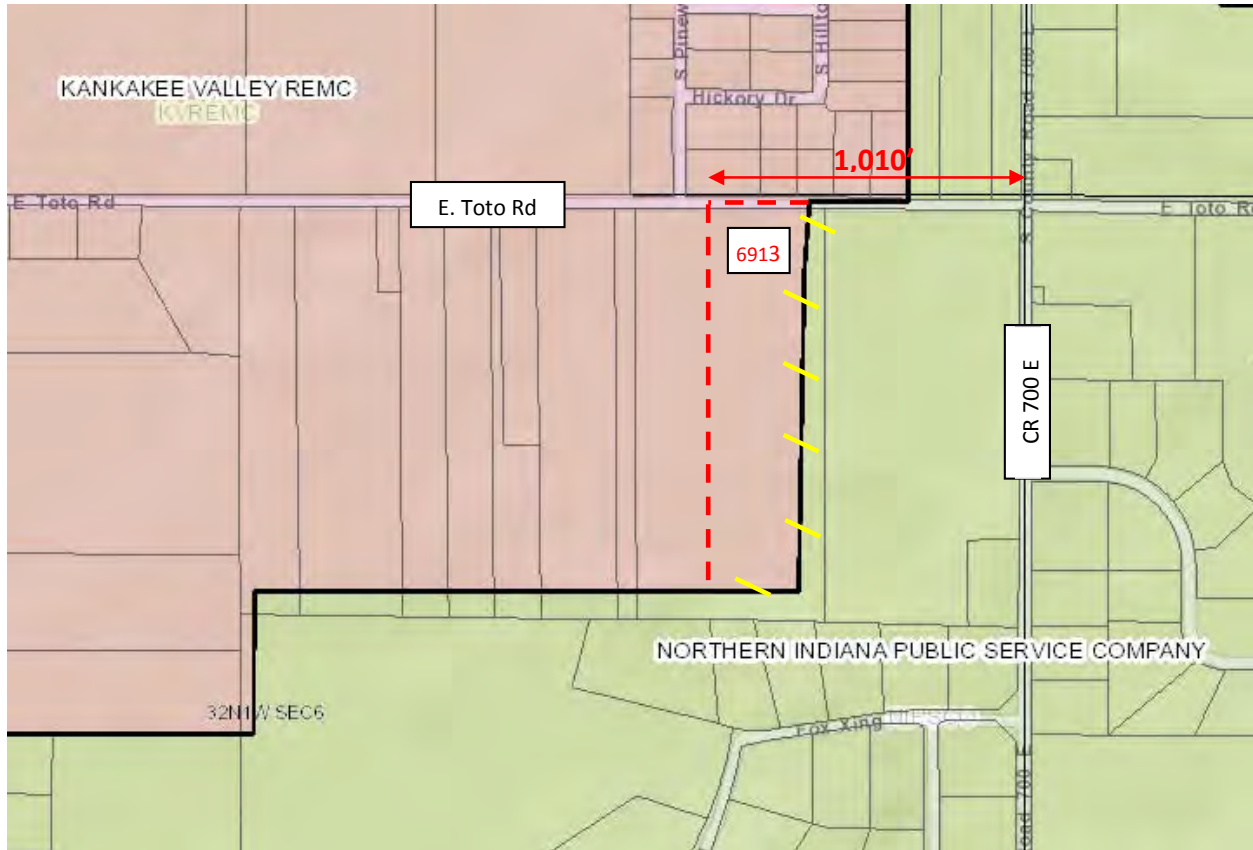


6913

Attachment B

Sec. 6, T 32N, R 1W	North Bend Twp.	Starke County, IN
FACET MAP NO. : L-5	FACET MAP NAME: Knox	

Proposed Boundary Line



FACET L-5

Illustration from IURC Electric Service Territory Geographical Information System (GIS)

LEGEND

Existing Kankakee Valley REMC Electric Service Territory

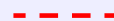
Existing Northern Indiana Public Service Company Electric Service Territory

Existing Electric Service Territory Boundary Line

Proposed Electric Service Territory Boundary Line

Existing Electric Service Territory Line to Be Eliminated

New Home - 6913 E Toto Rd



LEGAL NOTICE

Northern Indiana Public Service Company ("NIPSCO") and Kankakee Valley Rural Electric Membership Corporation ("KVREMC") hereby give notice that on February 2, 2017, a Verified Joint Petition was filed with the Indiana Utility Regulatory Commission pursuant to Ind. Code § 8-1-2.3-6 for approval of an agreed changes in the boundaries of their respective assigned service areas on U.S.G.S. Facet Map L-5 in Starke County, Indiana. Consistent with good engineering practices, Joint Petitioners have agreed to modify certain parts of their respective assigned service area in order to promote economical, efficient and adequate electric service to the public. This notice is provided to the public under Ind. Code § 8-1-2.3-6(a)(2). A copy of the Verified Petition and other pleadings in this proceeding are on file with the Indiana Utility Regulatory Commission, 101 West Washington Street, Suite 1500 East, Indianapolis, Indiana 46204. The telephone number of the Commission is (317) 232-2700. Anyone wishing to protest, challenge, or intervene in this action may do so by contacting the Indiana Utility Regulatory Commission.

If no interested party requests a hearing on the Joint Petition within twenty (20) days of the date this Notice is first published, the Indiana Utility Regulatory Commission may approve the requested boundary change without a hearing.

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
 NORTHERN INDIANA PUBLIC SERVICE)
 COMPANY AND KANKAKEE VALLEY RURAL)
 ELECTRIC MEMBERSHIP CORPORATION) CAUSE NO.
 PURSUANT TO IND. CODE § 8-1-2.3-6(2) FOR)
 APPROVAL OF AN AGREED CHANGE IN THE) APPROVED:
 BOUNDARIES OF THEIR RESPECTIVE)
 ASSIGNED SERVICES AREAS ON U.S.G.S. FACET)
 MAP L-5 IN STARKE COUNTY, INDIANA.)

ORDER OF THE COMMISSION

Presiding Officer:

_____, Administrative Law Judge

On February __, 2017, Northern Indiana Public Service Company (“NIPSCO”) and Kankakee Valley Rural Electric Membership Corporation (“Kankakee Valley REMC”) (collectively, “Joint Petitioners”) filed a Verified Joint Petition with the Indiana Utility Regulatory Commission (“Commission”). Pursuant to Ind. Code § 8-1-2.3-6(2), the Joint Petition seeks Commission approval of the electric service area boundary changes to which NIPSCO and Kankakee Valley REMC have mutually agreed. Joint Petitioners’ mutual agreement is to change certain service area boundaries located on U.S.G.S. Facet Map L-5 in Starke County, Indiana. A copy of a portion of Facet Map L-5 and verifications of Russell L. Atkins, Vice President, Engineering – Electric of NIPSCO, and Scott A. Sears, Director of Operations and Engineering of Kankakee Valley REMC, were attached to the Joint Petition.

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

1. Commission Jurisdiction. Joint Petitioner NIPSCO is a corporation organized and existing under the laws of the State of Indiana. NIPSCO qualifies as a “public utility” under Ind. Code § 8-1-2-1 and is engaged in the business of distributing, furnishing and selling retail electric service to the public within the State of Indiana, including Starke County, and has charter authority to do so.

Joint Petitioner Kankakee Valley REMC is a rural electric membership corporation organized and existing under the laws of the State of Indiana and pursuant to Ind. Code § 8-1-13-1. It is engaged in the business of distributing, furnishing, and selling retail electric service within the State of Indiana, including Starke County, and has charter authority to do so. Each Joint Petitioner is an “electricity supplier” within the meaning of Ind. Code § 8-1-2.3-2(b).

Joint Petitioners have sought the Commission’s approval to change their assigned service area boundaries 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 approval of this Commission.

Accordingly, the Commission has jurisdiction over NIPSCO pursuant to Ind. Code § 8-1-2 *et seq.*, and Kankakee Valley REMC by virtue of Ind. Code § 8-1-13-18.5(i)(1), which jurisdiction extends to the subject matter of their Joint Petition.

2. Relief Sought. Joint Petitioners assert that since the initial approval of the assigned service area boundaries in Cause No. 36299-S201X a change in circumstances has occurred involving a portion of North Bend Township in Starke County, Indiana.

The electric service area boundaries proposed for modification is currently in Kankakee Valley REMC's service territory at plat Section 6, Township 32 North, Range 1 West, which includes a tract of land with an approximate United States Postal Service mailing address of 6913 East Toto Road, Knox, Indiana, 46534 ("Property"). Joint Petitioners' mutual agreement would modify the existing boundaries for the Property as depicted on Attachment B attached to the Joint Petition.

Joint Petitioners state that the proposed modification will not cause duplication of facilities, cause a waste of materials or resources or cause uneconomic, inefficient or inadequate 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(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 L-5 was published on February __, 2017, in The Leader of Starke County. This is a newspaper of general circulation in Starke County, the county in which the affected boundary line is located. A proof of publication of the notice was filed with the Commission on _____, 2017, and is hereby incorporated into the record of this Cause. Twenty (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(a)(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' assigned service area boundaries located on U.S.G.S. Facet Number L-5, as specifically depicted in the Joint Petition and attachments 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 the service area boundary line change as set forth above and in the Joint Petition and attachments thereto is hereby approved.
2. Within thirty (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.

FREEMAN, HUSTON, WEBER AND ZIEGNER CONCUR:
APPROVED:

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

Mary M. Becerra
Secretary to the Commission