

Joseph County, Kosciusko County, Fulton County, Starke County, and Elkhart County. Marshall County REMC's principal office is located at 11299 12th Road, P.O. Box 250, Plymouth, Indiana 46563.

Jurisdiction

3. Each Joint Petitioner is an "electricity supplier," as defined by IC 8-1-2.3-2(b). The provisions of IC 8-1-2.3-1 *et seq.*, and in particular IC 8-1-2.3-6(a)(2), apply to the subject matter of the Joint Petition. The Commission has jurisdiction over the Joint Petitioners and the subject matter of this proceeding.

Agreed Boundary Change to Correct GIS Map Discrepancy on Facet Map N-6 and Match

Current "De-facto" Service Boundary

4. On July 20, 1983, the Commission established the original assigned service area boundaries between Argos and Marshall County REMC in Cause No. 36299-S206.

5. Pursuant to the Commission's May 15, 1985 Supplemental Order in Cause No. 36299-S206(X), the Commission corrected "minor" errors that involved no changes to boundaries between Marshall County REMC and Argos.

6. By its September 28, 2006 Order in Cause No. 42868 ("GIS Order"), the Commission ordered the conversion of maps used to depict electric supplier service area boundaries from Mylar maps to Geographical Information System ("GIS") maps. Specifically, the Commission stated "the Mylar maps currently being used should be replaced by the GIS as described in the WTH Report and consistent with the findings set forth herein." GIS Order at 5

7. Through the course of discussions, Joint Petitioners have discovered that the Commission's GIS map does not match original facet map N-6. Specifically, a portion of Marshall County REMC's original service area is reflected as a part of Argos' service area on the

GIS map (“GIS Discrepancy Area”). A printout showing the GIS Discrepancy Area is attached hereto and incorporated herein as Exhibit A and is marked by the yellow line labeled “Facet Map Boundary” and includes the areas labeled “X” and “Y.”

8. The original facet map N-6 showed the GIS Discrepancy Area as part of Marshall County REMC’s assigned service area.

9. The Town annexed the GIS Discrepancy Area in 1998, but the Town did not file a petition under Ind. Code § 8-1-2.3-6 within 60 days after the annexation became effective.

10. There is no Commission Order approving any change in the service area boundary involving the GIS Discrepancy Area.

11. Marshall County REMC has served the portion of the GIS Discrepancy Area marked X since approximately 1974, and Argos has served the portion of the GIS Discrepancy Area marked Y since approximately 1976.

12. Through a series of discussions, Joint Petitioners have agreed that the GIS map should be changed to reflect the current actual service area boundary between Marshall County REMC and Argos. Specifically, Joint Petitioners request that Marshall County REMC’s service area be changed on the GIS map to include the portion of the GIS Discrepancy Area marked “X” that extends to Heritage Street marked by a red line labeled “De Facto Boundary.” Joint Petitioners request the remaining portion of the GIS Discrepancy Area marked “Y” that lies in between the “De Facto Boundary” and the “Facet Map Boundary” be approved as part of Argos’ service area.

Marshall County REMC and Town of Argos Service Area Exchange on Facet Map N-6

13. Joint Petitioners have reached an additional mutual agreement to exchange a portion of their respective assigned service areas also located on Facet Map N-6 to allow

Marshall County REMC to continue providing electrical service to a longstanding customer and to allow Argos to take over a portion of Marshall County REMC's service area that currently has no customers.

14. Joint Petitioners' agreed-upon changes to the boundary lines on facet map N-6 will allow Marshall County REMC to continue to provide electrical service to a customer that is currently within the service area of Argos. A printout showing the service areas to be exchanged from the GIS system is attached hereto and incorporated as Exhibit B. The modified boundary lines follow the existing property lines between parcels. Joint Petitioners agree that Marshall County REMC's service area should be modified to include the area on Exhibit B labeled "REMC Member (from Argos to REMC)" and Argos' service area should be modified to include the area on Exhibit B labeled "Argos Solar Park (from REMC to Argos)." Although several solar panels from the Argos Solar Park lie in the area labeled "Argos Solar Park (from REMC to Argos), the Argos Solar Park is served by Argos at a metering point outside of that area, and currently there are no customers within the Argos Solar Park area. However, Argos is prepared to extend facilities as necessary to provide service in this area should the need arise.

Statutory Requirements

15. The proposed boundary line changes will not result in a change in the electricity supplier for any current customers. Joint Petitioners are the only electric suppliers whose assigned service area boundaries will be affected by the relief requested in this Joint Petition.

16. Modification of the assigned service area boundaries as proposed herein is consistent with good utility practice and public convenience and necessity. Moreover, the requested changes will not cause: (a) duplication of electric facilities; (b) waste of materials or resources; or (c) uneconomic, inefficient or inadequate electric service to the public.

17. In accordance with IC 8-1-2.3-6(a)(2), Joint Petitioners will publish notice of the filing of this Verified Joint Petition to Modify Service Area Boundaries in The Pilot News, a newspaper of general circulation in Marshall County, Indiana. The notice will describe the areas to be incorporated into Marshall County REMC's service area, as well as the area to be incorporated into Argos' service area. A copy of the proof of publication will be filed with the Commission.

18. The following attorneys for Joint Petitioners are duly authorized to accept service of all pleadings, orders and other documents and communications concerning this Joint Petition:

For the Town of Argos:

Derek R. Jones
Jones Huff Jones & Richeson
550 E. Jefferson Street
Plymouth, IN 46563
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derekj@comcast.net

For Marshall County REMC:

Erin Casper Borissov
PARR RICHEY
OBREMSKEY FRANSEN & PATTERSON LLP
251 North Illinois Street, Suite 1800
Indianapolis, IN 46204
Phone: (317) 269-2500
Fax: (317) 269-2514
eborissov@parrlaw.com

19. For the Commission's convenience, a form of proposed Order is attached hereto as Joint Petitioners' Exhibit C.

WHEREFORE, Joint Petitioners respectfully request that:

(i) This Verified Joint Petition and its Exhibits be accepted as evidence of the truth of the matters and facts state herein;

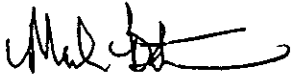
(ii) The Commission approve the changes in assigned service area boundary lines agreed upon by Joint Petitioners after (20) twenty days following publication of the Notice of filing this Verified Joint Petition;

(iii) The Commission direct its Engineering Staff to modify and oversee the modification of the Commission's records and facet map N-6 to depict the new assigned service area boundaries; and

(iv) The Commission grants such other and further relief as may be appropriate under the circumstances.

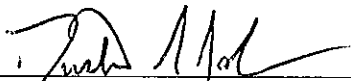
DATED this 16 day of November, 2016

MARSHALL COUNTY REMC



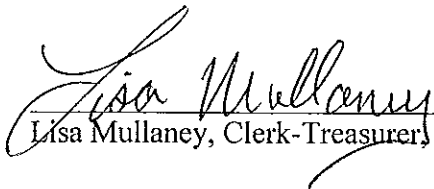
Mark Batman, President/CEO
Marshall County REMC
P.O. Box 250
Plymouth, IN 46563

TOWN OF ARGOS



Dustin Johnson, President, Argos Town Council

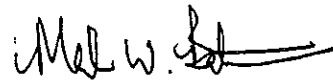
Attest:



Lisa Mullaney, Clerk-Treasurer, Town of Argos

VERIFICATION

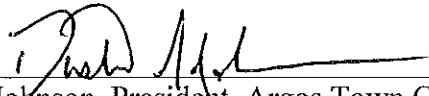
I affirm under the penalties of perjury, that the foregoing representations are true and accurate to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Mark W. Batman", with a horizontal line extending to the right.

Mark W. Batman, President/CEO,
Marshall County REMC

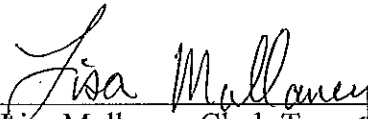
VERIFICATION

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



Dustin Johnson, President, Argos Town Council

Attest:



Lisa Mullaney, Clerk-Treasurer, Town of Argos

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2016, a copy of the foregoing *Verified Joint Petition to Modify Service Area Boundaries* was served on the Indiana Office of Utility Consumer Counselor by electronic mail or by delivering a copy thereof to said office and a courtesy copy was provided to:

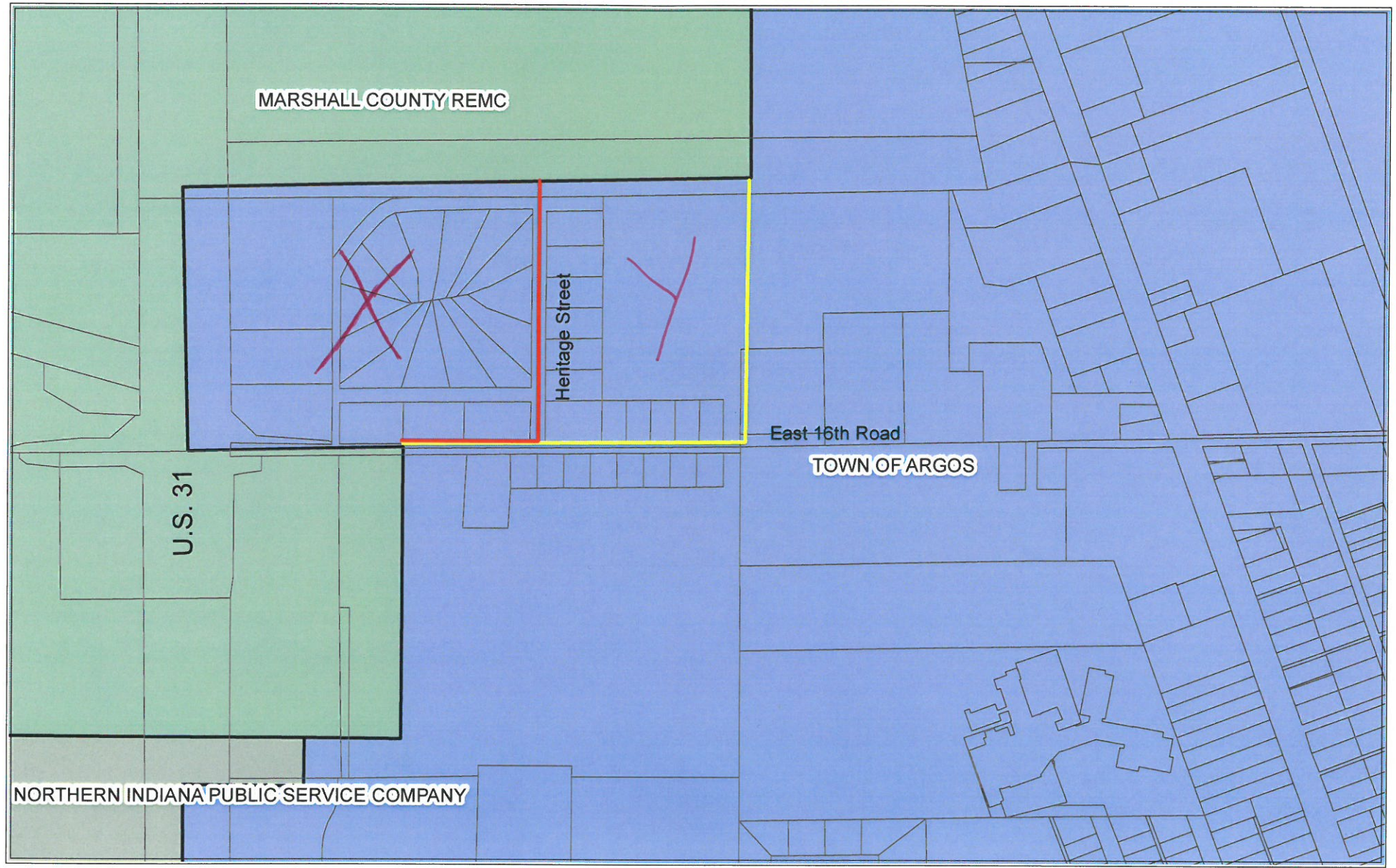
Indiana Office of Utility Consumer Counselor
115 West Washington Street
Suite 1500 South
Indianapolis, Indiana 46204
infomgt@oucc.in.gov

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Jones Huff Jones & Richeson
550 E. Jefferson Street
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/s/ Erin Casper Borissov
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eborissov@parrlaw.com

Exhibit A

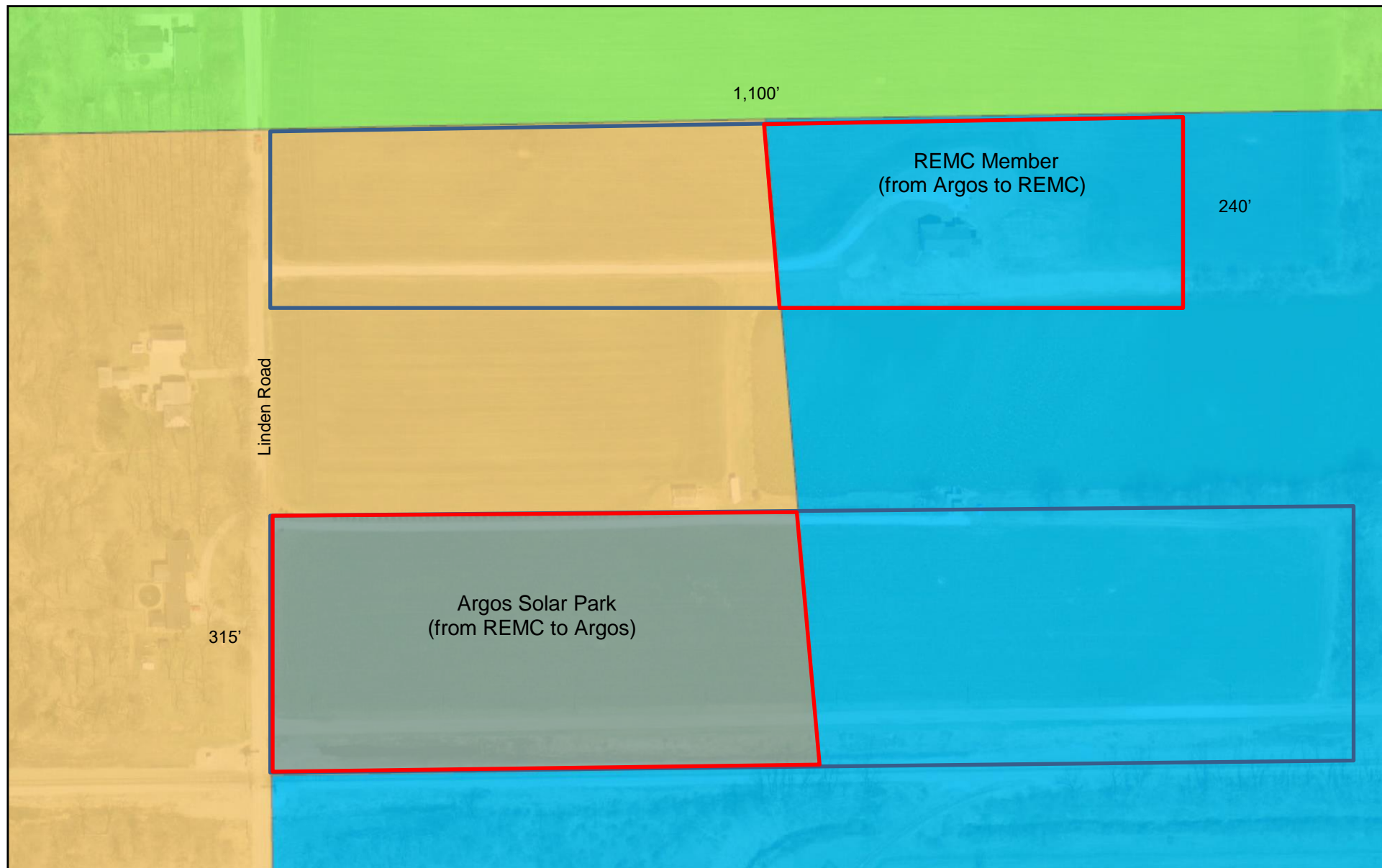


0 500 1,000 2,000 Feet

Facet Map Boundary
De Facto Boundary
GIS Boundary



REMC - Argos exchange



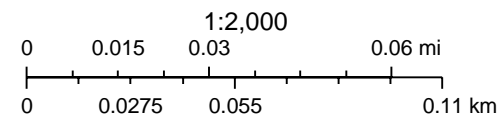
October 3, 2016

Electric Service Territories

Investor Owned (IOU)

Municipal

REMC



Indiana Utility Regulatory Commission (IURC), WTH Engineering, Polis Center, Indiana Energy Association (IEA)

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE JOINT PETITION OF)
THE TOWN OF ARGOS, INDIANA ON BEHALF)
OF ITS MUNICIPAL ELECTRIC UTILITY, AND)
MARSHALL COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION, PURSUANT) CAUSE NO:
TO IC 8-1-2.3-6(a)(2), FOR APPROVAL OF)
CHANGES TO THE ASSIGNED SERVICE AREA)
BOUNDARIES WITHIN U.S.G.S. FACET N-6)
IN MARSHALL COUNTY, INDIANA)

BY THE COMMISSION:

_____, Administrative Law Judge

On November ___, 2016, in accordance with Ind. Code § 8-1-2.3-6, Town of Argos, Indiana (“Argos”), and Marshall County Rural Electric Membership Corporation (“Marshall County REMC”) (collectively, “Joint Petitioners”) filed their *Verified Joint Petition to Modify Service Area Boundaries* (“Joint Petition”) on U.S.G.S. Facet Map N-6 in Marshall 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 two electric service area boundary changes to which Argos and Marshall County REMC have mutually agreed. Joint Petitioners’ mutual agreement is to change an error area and certain Commission assigned service area boundaries located on U.S.G.S. Facet Map N-6 in Marshall 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, Argos, is an Indiana Municipal Corporation, which operates an electric utility. Argos’s principal office is located at 101 South First Street, Argos, Indiana 46501. Argos renders electric service to the public within its assigned service area and is a “municipally owned utility,” as defined in IC 8-1-2-1(h).

Joint Petitioner, Marshall County REMC is a rural electric membership corporation organized and existing under the Indiana Rural Electric Membership Corporation Act, which supplies electricity to its members in Marshall County, Indiana as well as parts of St. Joseph, Kosciusko, Fulton, Starke, and Elkhart counties. Marshall County REMC’s principal office is located at 11299 12th Road, P.O. Box 250, Plymouth, Indiana 46563.

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-S206, a discrepancy between the original facet map N-6 and the Geographical Information System (“GIS”) map occurred. Specifically, a portion of Marshall County REMC’s original service area is reflected as a part of Argos’s service area. Joint Petitioners now request that the GIS map be changed to reflect the current defacto service area boundary, as reflected on Exhibit “A” attached to the Joint Petition, such that the discrepancy area marked on Exhibit “A” as “X”, which is currently shown within the certified electric service territory of Argos, be correctly shown within the certified electric service territory of Marshall County REMC.

Joint Petitioners further assert that since the initial approval of the service area boundaries in Cause No. 36299-S206, a change in circumstances has occurred such that Marshall County REMC currently serves a customer located in Argos’ service area. Joint Petitioners now believe it would be more efficient to modify the service area boundaries, as reflected on Exhibit “B” attached to the Joint Petition, such that Marshall County REMC’s service area should be modified to include the area labeled “REMC Member (from Argos to REMC)” and Argos’ service area should be modified to include the area labeled “Argos Solar Park (from REMC to Argos).” Joint Petitioners assert that there currently are no customers within the Argos Solar Park area. However, Joint Petitioners assert that Argos is prepared to extend facilities as necessary to provide service in the area should the need arise.

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’ Notice of intent to file for a change of boundary lines located on U.S.G.S. Facet Map N-6 was published on _____, 2016, in *The Pilot*. This is a newspaper of general circulation in Marshall 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 N-6, as specifically depicted in the Joint Petition, Exhibit "A," and Exhibit "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; 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, Exhibit "A," and Exhibit "B" attached thereto filed in this Cause on November ____, 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, FREEMAN, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED:

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

Brenda A. Howe
Secretary to the Commission