

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 § 8-1-2.3-4 FOR APPROVAL) CAUSE NO. 44869
OF A TEMPORARY CONSENT TO SERVE WITHIN)
U.S.G.S. FACET MAP R-9 IN WABASH COUNTY,)
INDIANA)

VERIFIED JOINT PETITION
FOR APPROVAL OF TEMPORARY CONSENT TO SERVE

Duke Energy Indiana, LLC (“Duke Energy Indiana”) and Heartland Rural Electric Membership Corporation (“Heartland REMC”) (“Joint Petitioners”), jointly petition the Indiana Utility Regulatory Commission (“Commission”) to approve Heartland REMC’s temporary consent to allow Duke Energy Indiana to serve a customer located on U.S.G.S. Facet Map R-9 in Wabash County, Indiana, and state in support thereof:

1. Joint Petitioner, Duke Energy Indiana, is a limited liability company organized and existing under the laws of the State of Indiana, with its principal place of business located 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 numerous counties in the State of Indiana, including Wabash County, and has charter authority to do so.

2. 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 several counties in the State of Indiana, including Wabash County, and has charter authority to do so.

3. Each Joint Petitioner is an “electricity supplier” as such term is defined by Ind. Code § 8-1-2.3-2(b) and the provisions of Ind. Code § 8-1-2.3 *et seq.* are deemed applicable to the subject matter of this Joint Petition. In particular, Ind. Code § 8-1-2.3-4(a) provides that an electricity supplier shall have the sole right to furnish retail electric service to each present and future consumer within its assigned service area... “unless the electricity supplier with the sole right consents thereto in writing and the Commission approves.”

4. Pursuant to the Commission’s August 10, 1983 Final Order (“Final Order”) in Cause No. 36299-S211(X), the Commission established boundary lines between the Joint Petitioners on U.S.G.S. Facet Map R-9 utilizing the modified mid-point between then existing electric distribution lines of the Joint Petitioners.

5. Portions of the boundary lines approved in said Final Order traversed through real estate in U.S.G.S. Facet Map R-9, which real estate was essentially undeveloped at the time of the Final Order. Since that time, the Joint Petitioners have agreed that certain temporary service territory modifications between Duke Energy Indiana and Heartland REMC have become necessary. The Joint Petitioners’ proposed temporary service territory modifications are shown on U.S.G.S. Facet Map R-9 and Facet Exhibit “A” attached hereto.

6. U.S.G.S. Facet Map R-9 identifies the proposed temporary boundary changes as the cross-hatched area. Facet Exhibit “A” is a more detailed map of the property at issue with the proposed temporary boundary changes identified as “Proposed Temporary Consent to Serve Location”.

7. Heartland REMC has temporarily consented to allow Duke Energy Indiana to provide electrical service to property located at or near 4839 S. 50 E., Wabash, Indiana. Duke Energy Indiana has facilities in closer to the “Proposed Temporary Consent to Serve Location” and until such time as Heartland REMC extends its service to said location, it is more cost effective for the property to receive service from Duke Energy Indiana. This temporary consent allows Duke Energy Indiana to serve said property within Heartland REMC’s service territory.

8. The proposed modifications as requested herein, will not cause duplication of facilities, cause a waste of materials or resources, or cause uneconomic, inefficient or inadequate electric service to the public.

9. The Commission has jurisdiction of this action pursuant to Ind. Code § 8-1-2.3-6 (2) and Ind. Code § 8-1-2.3-4.

10. The name and address of Duke Energy Indiana's attorney in this matter duly authorized to accept service of all pleadings, Orders and other documents is:

Elizabeth A. Herriman
Duke Energy Business Services LLC
1000 East Main Street
Plainfield, Indiana 46168
Telephone: (317) 838-1254
Facsimile: (317) 838-6001
Email: beth.herriman@duke-energy.com

11. The name and address of Heartland REMC's attorney in this matter duly authorized to accept service of all pleadings, Orders and other documents is:

Jeremy Nix
MATHENY, HAHN, DENMAN & NIX, LLP
45 West Market Street
Huntington, Indiana 46750
Telephone: (260) 356-7030
Facsimile: (260) 356-7033
Email: Jnix@Mhdnlaw.com

12. The technical representative for Heartland REMC is Neil Draper, ndraper@heartlandremc.com, (260) 274-0165, and the technical representative for Duke Energy Indiana is Mark Butterfield, mark.butterfield@duke-energy.com, (317) 838-2890.

13. In accordance with *Joint Petition of Electricity Suppliers*, Cause No. 42868, 2006 Ind. PUC LEXIS 275, at * 11 (Sept. 28, 2006), Joint Petitioners will publish notice of these changes, in a newspaper of general circulation in Wabash County, Indiana. See Exhibit B for a copy of the Notice.

14. Joint Petitioners will submit the proof of publication of notice and a Proposed Order promptly following publication of the Notice.

WHEREFORE, Joint Petitioners, Duke Energy Indiana and Heartland REMC, respectfully request that the Commission, pursuant to Ind. Code § 8-1-2.3-4(a) and *Joint Petition of Electricity Suppliers*, Cause No. 42868, 2006 Ind. PUC LEXIS 275, at * 11 (Sept. 28, 2006), after ten (10) days and if no affected electricity customer requests a hearing, enter an Order in this proceeding, without a hearing, approving Heartland REMC's temporary consent to allow Duke Energy Indiana to provide service to the area identified on U.S.G.S. Facet Map R-9 and Facet Exhibit "A" as proposed in this Joint Petition, and grant such other and further relief as may be appropriate.

Respectfully Submitted,

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

Elizabeth A. Herriman, Attorney No. 24942-49
DUKE ENERGY BUSINESS SERVICES LLC
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Plainfield, Indiana 46168
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Facsimile: (317) 838-6001
Email: beth.herriman@duke-energy.com

VERIFICATION

I, Rob Pearson, hereby verify under the penalties of perjury, that the foregoing representations are true to the best of my knowledge, information and belief.

Dated this 4 day of October, 2016.

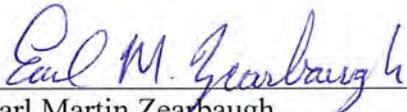
A handwritten signature in black ink, appearing to read 'Rob Pearson', written over a horizontal line.

Rob Pearson
CEO
Heartland REMC

VERIFICATION

I, Earl Martin Zearbaugh, hereby verify under the penalties of perjury, that the foregoing representations are true to the best of my knowledge, information and belief.

Dated this 17th day of October, 2016.



Earl Martin Zearbaugh
Director Distribution Design Engineering
Duke Energy Indiana, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Verified Joint Petition for Approval of Temporary Consent to Serve was delivered via U.S. Mail, postage prepaid, or electronic mail, this 17th day of October, 2016, to:

Indiana Office of Utility Consumer Counselor
PNC Center
115 W. Washington St., Suite 1500 South
Indianapolis, Indiana 46204

Jeremy Nix
MATHENY, HAHN, DENMAN & NIX, LLP
45 West Market Street
Huntington, Indiana 46750
Telephone: (260) 356-7030
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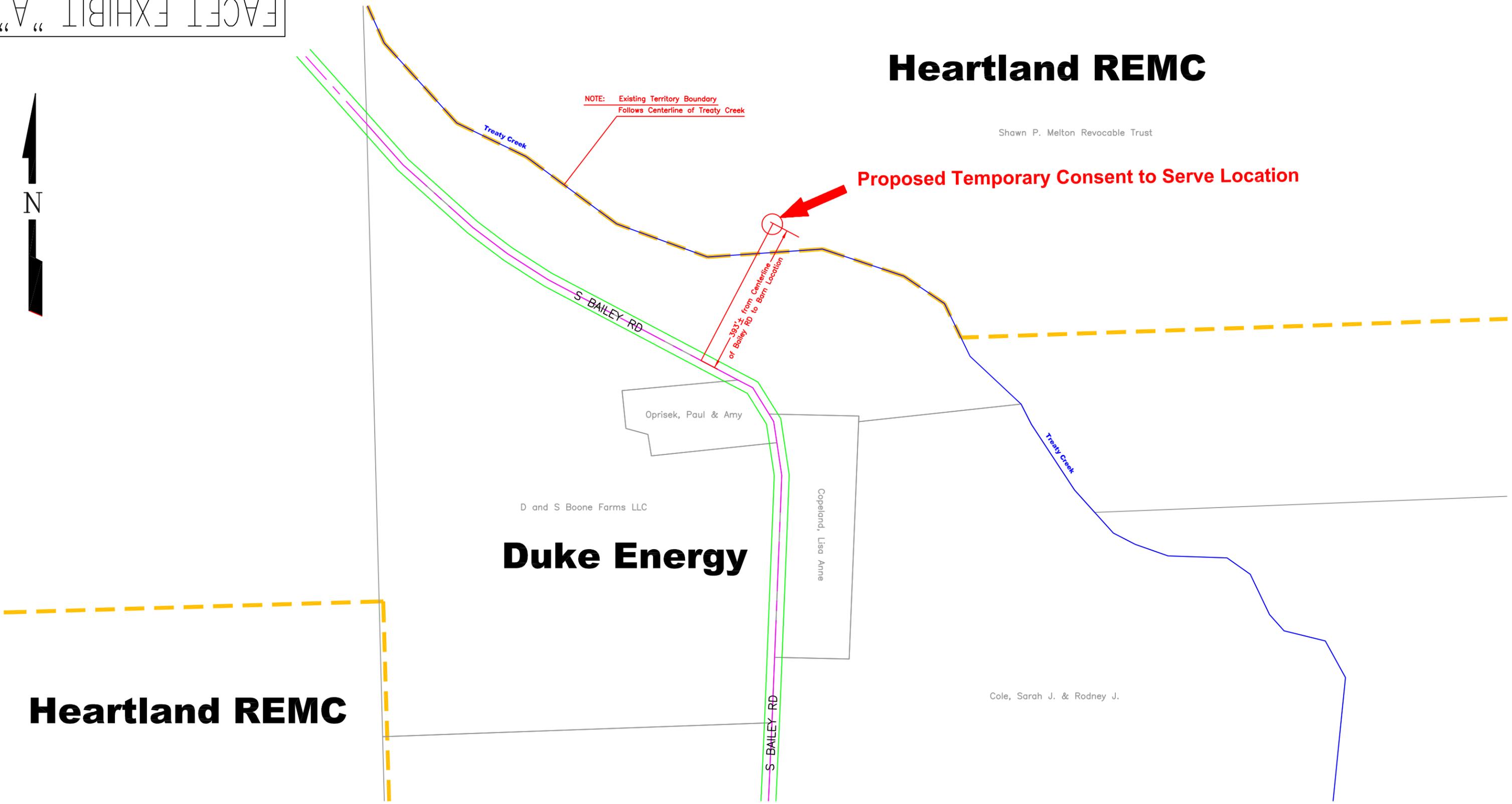


Attorney for Joint Petitioner
Duke Energy Indiana, LLC

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Heartland REMC

Shawn P. Melton Revocable Trust



Heartland REMC

LEGEND

Barnard, Kyle A. & Natalley Y.

- Existing Service Territory Boundary
- Proposed Service Territory Boundary Change
- Proposed Trade Area



VECTOR FILENAME:

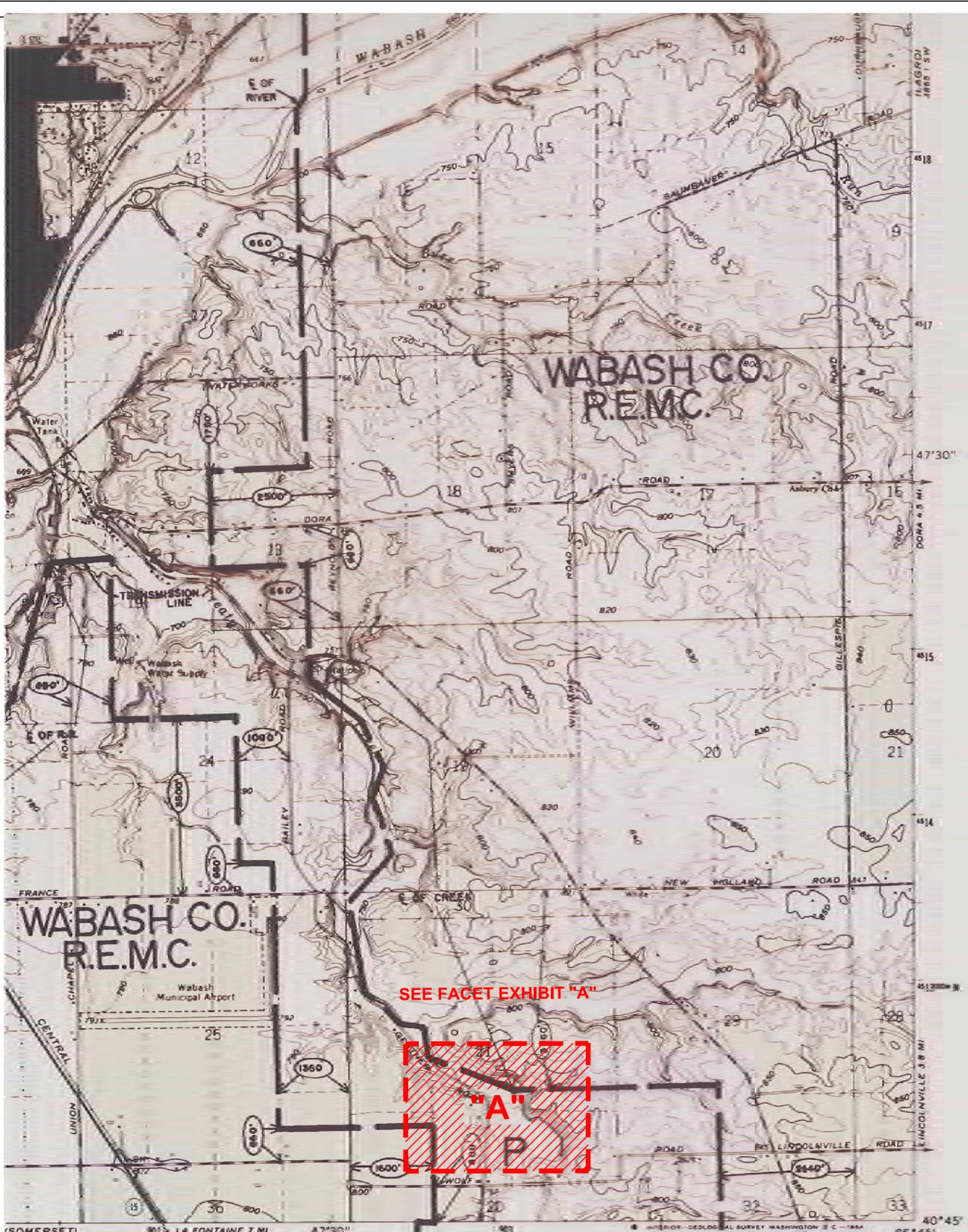
RASTER FILENAME:

SCALE FACTOR: N.A.

9/9/2016 1400



INDEX	EGIS DATA EXTRACTION		
DETAIL	PROPOSED TEMPORARY CONSENT TO SERVE LOCATION BETWEEN DUKE ENERGY & HEARTLAND REMC		
LOCATION	WABASH DISTRICT		
APP.	DRAFTSPERSON m.k.butterfield	DATE	FACET EXHIBIT "A"
CK.	MKB	SCALE N.T.S.	



SEE FACET EXHIBIT "A"



SCALE 1:24000
 0 3000 4000 5000 6000 7000 FEET
 0 1 KILOMETER

APPROVED P.S.C.I. ORDER 36299-S 211 (X)

DATE AUGUST 10, 1983

UTILITY		ELECTRIC UTILITIES SERVING THIS AREA		
P	PUBLIC SERVICE INDIANA	BY <u>Shana Lujan</u>	TITLE <u>So. V.P.</u>	DATE <u>1/25/82</u>
08	WABASH CO. R.E.M.C.	BY <u>Alvin Long</u>	TITLE <u>Manager</u>	DATE
		BY _____	TITLE _____	DATE _____
		BY _____	TITLE _____	DATE _____
		BY _____	TITLE _____	DATE _____
		BY _____	TITLE _____	DATE _____

R-9