

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**IN THE MATTER OF THE JOINT PETITION OF )**  
**HEARTLAND RURAL ELECTRIC MEMBERSHIP )**  
**CORPORATION AND DUKE ENERGY INDIANA, LLC )**  
**PURSUANT TO IND. CODE § 8-1-2.3-6 FOR ) CAUSE NO. 45634**  
**APPROVAL OF A CHANGE TO THE SERVICE )**  
**AREA BOUNDARIES WITHIN U.S.G.S. FACET MAP )**  
**T-8-1 IN HUNTINGTON COUNTY, INDIANA )**

**VERIFIED JOINT PETITION**  
**TO MODIFY SERVICE AREA BOUNDARIES**

Heartland Rural Electric Membership Corporation (“Heartland REMC”) and Duke Energy Indiana, LLC (“Duke Energy Indiana”) jointly petition the Indiana Utility Regulatory Commission (“Commission”) to approve their Agreement to modify service area boundaries located on U.S.G.S. Facet Map T-8-1 in Huntington County, Indiana, and state in support thereof:

1. 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 in the Town of Markle, Huntington County, 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 Huntington County, and has charter authority to do so.

2. Joint Petitioner, Duke Energy Indiana, is a public utility organized and existing under the laws of the State of Indiana, with its principal office at 1000 East Main Street, Plainfield, Indiana. It is a wholly-owned subsidiary of Duke Energy Indiana Holdco, LLC and an affiliate of Duke Energy Business Services LLC and Duke Energy Corporation. 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 Huntington 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 § 8-1-2.3-1 *et seq.* are deemed applicable to the subject matter of this Joint Petition.

4. Pursuant to the Commission’s January 29, 1986, Final Order (“Final Order”) in Cause No. 36299-S210(X), the Commission established boundary lines between the Joint Petitioners on U.S.G.S. Facet Map T-8-1 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 T-8-1, which real estate was essentially undeveloped at the time of the Final Order. Since that time, the Joint Petitioners have agreed that certain service territory modifications between Heartland REMC and Duke Energy Indiana have become necessary. The Joint Petitioners’ proposed modifications are shown on U.S.G.S. Map T-8-1 and **Exhibit “A”** attached hereto.

6. U.S.G.S. Facet Map T-8-1 identifies the proposed boundary changes as the cross-hatched area. **Exhibit “A”** is a more detailed map of the property at issue with the proposed boundary changes identified as “Limited Area Relinquishment to Heartland REMC”. This change in service boundaries consists of Duke Energy Indiana losing service territory and Heartland REMC gaining service territory.

7. The proposed modification requested herein will not cause duplication of facilities, waste of materials or resources, or uneconomic, inefficient or inadequate electric service to the public, all as required by Ind. Code § 8-1-2.3-6(a)(2).

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

9. 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 L. Fetty  
PARR RICHEY FRANSEN PATTERSON KRUSE LLP  
251 N. Illinois Street, Suite 1800  
Indianapolis, Indiana 46204  
Telephone: (317) 269-2500  
Facsimile: (317) 269-2514  
Email: jfetty@parrlaw.com

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:

Andrew J. Wells  
Duke Energy Business Services LLC  
1000 E. Main Street  
Plainfield, Indiana 46168  
Telephone: (317) 838-1318  
Facsimile: (317) 838-6001  
Email: Andrew.Wells@duke-energy.com

11. In accordance with amended Ind. Code § 8-1-2.3-6, Joint Petitioners will publish notice of these changes, in a newspaper of general circulation in Huntington County, Indiana. See **Exhibit B** for a copy of the Notice. Further in accordance with 170 IAC 1-1.1-9, Joint Petitioners will post the Legal Notice on each Company's website located at <https://www.heartlandremc.com/> and <https://www.duke-energy.com/home/billing/rates> where it will remain for at least thirty (30) days following a Final Order in this cause of action.

12. Also pursuant to 170 IAC 1-1.1-9, Joint Petitioners hereby provide notice to this Commission that the Parties reasonably anticipated to participate in this proceeding, Heartland REMC, Duke Energy Indiana, and the Office of Utility Consumer Counselor

(“OUCC”), are in agreement with the following Proposed Procedural Schedule:

**October 27, 2021**

Joint Petitioners will file their Petition with the Commission.

**November 3, 2021**

The latest date by which Joint Petitioners will publish legal notice of the service territory boundary changes in a newspaper of general circulation in Huntington County, Indiana. See **Exhibit B** for a copy of the Legal Notice.

**The earlier of November 23, 2021 or Twenty (20) days after publication of the legal notice:**

Joint Petitioners will file their Submittal of Proposed Form of Order and Proof of Publication. If after publication of the Legal Notice and twenty (20) days have passed and no affected electricity customer has requested a hearing, Joint Petitioners advise they waive an evidentiary hearing concerning this Petition.

**November 26, 2021  
(3 business days following  
the above deadline date**

The latest date by which the OUCC may prefile Testimony and Exhibits, if any, or request an evidentiary hearing in this cause of action.

**December 15, 2021**

The end target date by which the parties request the issuance of the Commission's Final Order concerning this Petition.

13. The technical representative for Heartland REMC is Todd Linderwell, Electrical Technician, who can be reached at [tlinderwell@heartlandremc.com](mailto:tlinderwell@heartlandremc.com) and (260) 758-3622 and the technical representative for Duke Energy Indiana is Kurt Lorey, GIS Technologist, who can be reached at [kurt.lore@duke-energy.com](mailto:kurt.lore@duke-energy.com) and (317) 838-4211.

14. The Joint Petitioners agree to work with Commission staff to update the Commission GIS maps in accordance with any approval of service territory boundary changes.

15. The requested boundary changes will not cause the service supplier to change for any existing customer.

WHEREFORE, Joint Petitioners, Heartland REMC and Duke Energy Indiana, respectfully request that the Commission, pursuant to Ind. Code § 8-1-2.3-6(2), after twenty (20) days of the last date of publication, and if no affected electricity customer requests a hearing, enter an order in this proceeding, without a hearing, permanently approving the changes to the service area boundaries on U.S.G.S. Facet Map T-8-1, as identified on **Exhibit “A,”** as proposed in this Joint Petition.

Respectfully submitted,

By: /s/ Jeremy L. Fetty  
Jeremy L. Fetty (26811-06)  
PARR RICHEY FRANSDEN PATTERSON  
KRUSE LLP  
251 N. Illinois Street, Suite 1800  
Indianapolis, Indiana 46204  
Telephone: (317) 269-2500  
Facsimile: (317) 269-2514  
Email: jfetty@parrlaw.com

*Counsel for Heartland REMC Rural Electric  
Membership Corporation*

**VERIFICATION**

I, Robert Pearson, affirm under penalties of perjury, that the foregoing representations contained in this Verified Joint Petition to Modify Service Area Boundaries that pertain to Heartland Rural Electric Membership Corporation are true and correct to the best of my knowledge, information and belief.

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

Robert Pearson  
Chief Executive Officer  
Heartland Rural Electric Membership Corporation

**VERIFICATION**

I, Richard McClain, affirm under penalties of perjury, that the foregoing representations contained in this Verified Joint Petition to Modify Service Area Boundaries that pertain to Duke Energy Indiana, LLC are true and correct to the best of my knowledge, information and belief.



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Richard McClain  
Director, CD Area Operations  
Duke Energy Indiana, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *Verified Joint Petition to Modify Service Area Boundaries* has been served upon the following electronically on October 27, 2021, to:

Indiana Office of Utility Consumer Counselor  
PNC Center  
115 W. Washington St., Suite 1500 South  
Indianapolis, Indiana 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)

Andrew J. Wells  
Duke Energy Business Services LLC  
1000 East Main Street  
Plainfield, IN 46168  
Telephone: (317) 838-1318  
Fax: (317) 838-6001  
Email: [Andrew.Wells@duke-energy.com](mailto:Andrew.Wells@duke-energy.com)

/s/ Jeremy L. Fetty  
Jeremy L. Fetty

Jeremy L. Fetty  
PARR RICHEY  
251 N. Illinois Street, Suite 1800  
Indianapolis, Indiana 46204  
Telephone: (317) 269-2500  
Fax: (317) 269-2514  
Email: [jfetty@parrlaw.com](mailto:jfetty@parrlaw.com)

1620700



Exhibit "A"

St. Rd. 105

Duke Energy

+/- 1100'

Proposed Acquisition  
Boundary

Exhibit "A"

+/- 600'

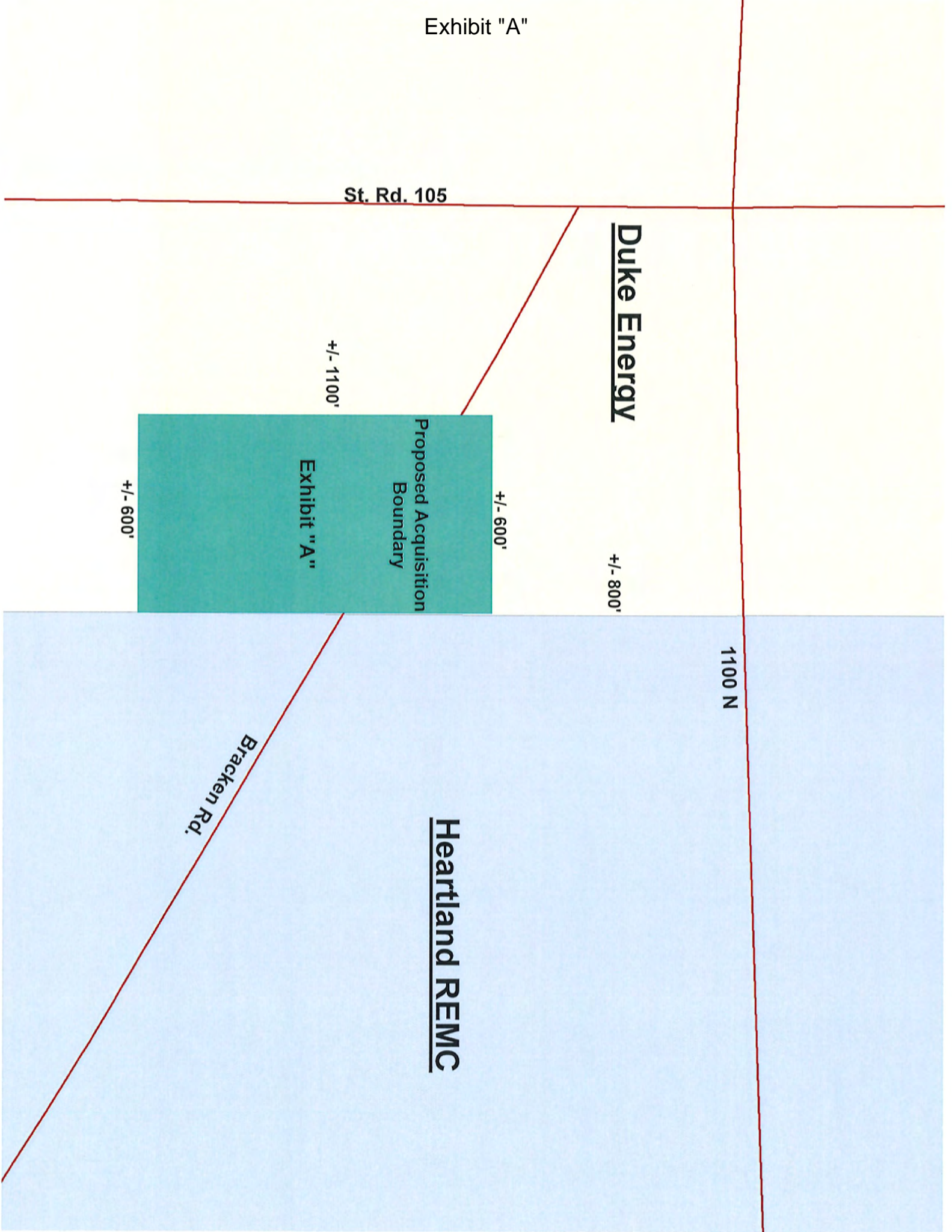
+/- 600'

+/- 800'

1100 N

Heartland REMC

Bracken Rd.

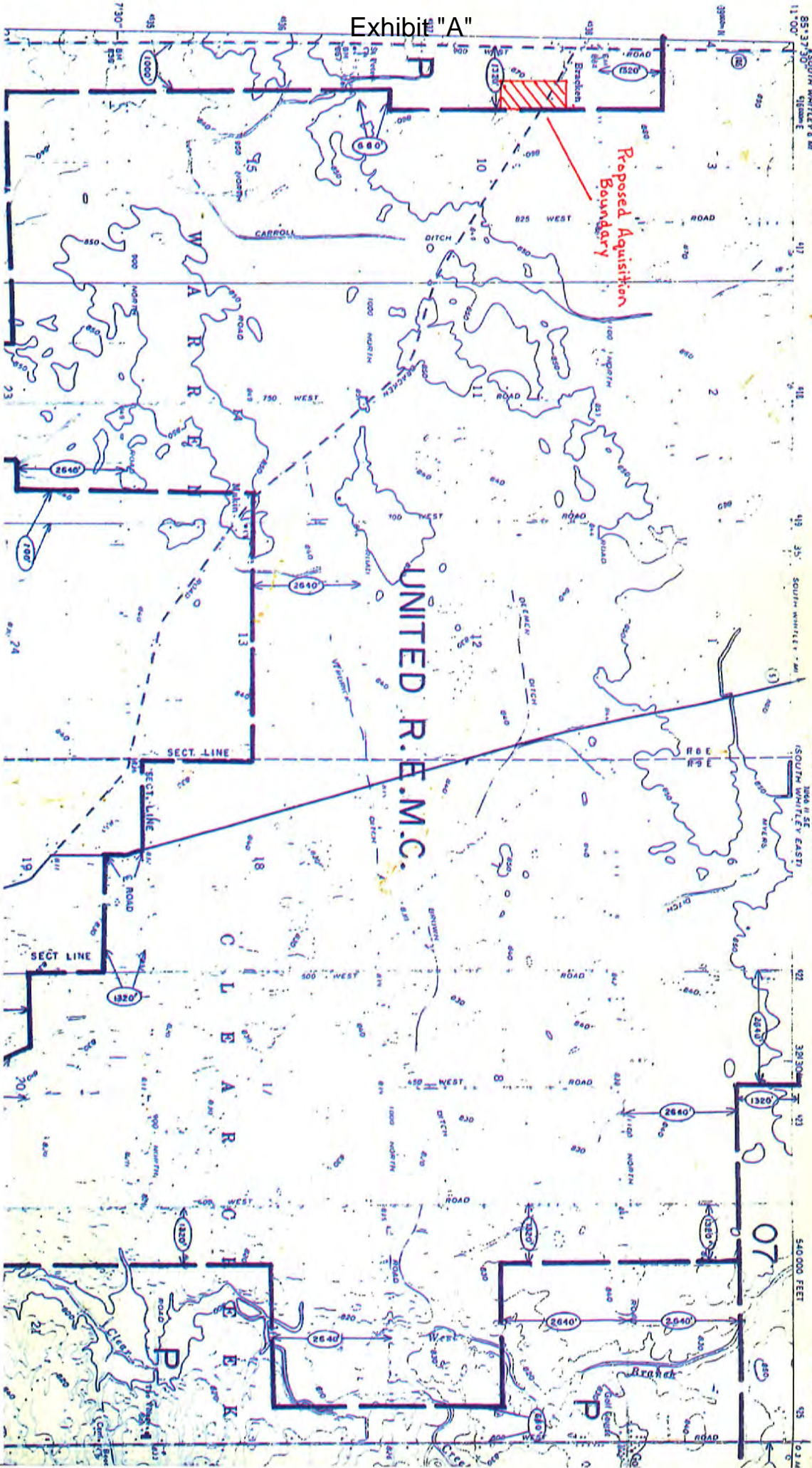


UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

T-8-1

STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES  
INDIANAPOLIS, INDIANA

BIPPUS QUAT  
INDIANA-HUNTI  
7.5 MINUTE SERIES



## **Exhibit B**

### **LEGAL NOTICE**

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

Notice is hereby given that on October 27, 2021, Heartland Rural Electric Membership Corporation (“Heartland REMC”) and Duke Energy Indiana, LLC (“Duke Energy Indiana”) (together, “Joint Petitioners”), pursuant to Ind. Code § 8-1-2.3-6, jointly petitioned the Indiana Utility Regulatory Commission in Cause No. 45551 for approval to modify service area boundaries agreed upon between Joint Petitioners within U.S.G.S. Facet T-8 in Huntington County, Indiana. This notice is provided to the public under Ind. Code § 8-1-2.3-6(2).