

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE JOINT PETITION OF
BOONE COUNTY RURAL ELECTRIC MEMBERSHIP
CORPORATION AND THE CITY OF LEBANON
UTILITIES PURSUANT TO IND. CODE § 8-1-2.3-6 FOR
APPROVAL OF CHANGES TO THE SERVICE AREA
WITHIN U.S.G.S. FACET MAP M-15-1 IN BOONE
COUNTY, INDIANA**

)
)
) **CAUSE NO. 46054**
)
)

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

Boone County Rural Electric Membership Corporation (“Boone REMC”) and The City of Lebanon, Indiana by its municipally owned electric utility (“Lebanon Utilities”) (“Joint Petitioners”), jointly petition and request the Indiana Utility Regulatory Commission (“Commission”) to approve Joint Petitioners’ agreement to modify portions of their assigned service area boundaries located on U.S.G.S. Facet Map M-15-1 in Boone County, Indiana, and state in support of this request that:

1. Joint Petitioner Boone 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 multiple counties in Indiana, including Boone County. Boone REMC’s principal office is located at 1207 Indianapolis Avenue, Lebanon, IN 46052.

2. Joint Petitioner City of Lebanon Utilities is a municipally owned utility duly organized and existing under the laws of the State of Indiana, with its principal office in the

City of Lebanon, Boone County, Indiana. The City of Lebanon owns and operates Lebanon Utilities, which includes an electric utility furnishing retail electric service residential, commercial, industrial and other customers within its assigned service area, and has the legal authority to do so.

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

4. On December 17, 1983 the Commission established the original assigned service boundaries on U.S.G.S. Facet Map M-15-1 between Boone REMC and Lebanon Utilities in Cause No. 36299-S216(X).

5. The proposed boundary changes located on U.S.G.S. Facet Map M-15-1 are identified on the attached map marked for purposes of identification as Exhibit A. The requested boundary change will result in the red crosshatched area of Lebanon Utilities’ service territory, approximately 18.68 acres marked “To Boone REMC”, to become part of Boone REMC’s service area, and the two (2) red crosshatched areas of Boone REMC’s service area, approximately 77.97 acres marked as “To Lebanon Utilities A” and 0.189 acres marked “To Lebanon Utilities B”, to become part of Lebanon Utilities’ service territory. The proposed boundary line changes will not require a change in the electricity supplier for existing customers of either utility.

6. Lebanon Utilities and Boone REMC have not exchanged any assets in relation to this territory change.

7. Modification of the assigned service area boundaries as proposed herein will not cause the duplication of facilities, waste of materials or resources, or uneconomic, inefficient, or inadequate electric service to the public, consistent with Ind. Code § 8-1-2.3-6(a)(2). The proposed modification of the 18.68 acre area marked “To Boone REMC” will impact the future service of one existing Boone REMC customer who intends to expand its facility into the 18.68 acre area to become part of Boone REMC’s territory, and it will be more cost effective and efficient for Boone REMC to provide service to that customer’s current and expanded facility. There are no existing customers in the 77.97 acre area marked “To Lebanon Utilities A”, and this proposed modification will not impact service to any existing customers. There is one existing user of electricity in the 0.189 acre area marked “To Lebanon Utilities B”—the Prairie Heights Lift Station which is owned and operated by Lebanon Utilities and has been receiving and will continue to receive electric service from Lebanon Utilities.

8. The name and address of the attorney for Boone REMC in this matter is Erin Borissov, Parr Richey Frandsen Patterson Kruse LLP, 251 North Illinois Street, Suite 1800, Indianapolis, Indiana 46204, eborissov@parrlaw.com, 317-269-2500, who is duly authorized to accept service of papers in this Cause on behalf of Boone REMC.

9. The name and address of the attorney for Lebanon Utilities in this matter is Jeffrey S. Jacob 1620 WEST OAK ST., Suite 200, Zionsville, IN 46077, jacob@hhlaw-in.com (317) 344-2111 who is duly authorized to accept service of papers in this Cause on behalf of Lebanon Utilities.

10. In accordance with Ind. Code § 8-1-2.3-6(a)(2), Joint Petitioners will publish notice of this change in a newspaper of general circulation in Boone County, Indiana and to their individual company websites located at <https://www.bremc.com/legal->

[notices/](#) and <https://lebanon-utilities.com/electricity/>. See Exhibit B for a copy of said notice.

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

12. 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, Boone REMC and Lebanon Utilities and the Office of Utility Consumer Counselor (“OUCC”), are in agreement with the following Proposed Procedural Schedule:

April 25, 2024: Joint Petitioners will file their Petition with the Commission.

May 2, 2024: **(A week following the filing of the Petition)**
The latest date by which Joint Petitioners will publish legal notice of the service territory boundary changes in a newspaper of general circulation in Boone County, Indiana. See Exhibit B for a copy of the Legal Notice.

The earlier of May 22 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.

May 27, 2024, 2024: **(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.

June 19, 2024, 2024: 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 Boone REMC is Allen Jones, ajones@bremc.com (765) 891-9004. The technical representative for Lebanon Utilities is Jeffrey Greeno, Lebanon Utilities Electric Operations Manager who can be reached at [greeno@lebanon-utilities.com](mailto:green@lebanon-utilities.com) (765) 485-3012.

WHEREFORE, Boone REMC and Lebanon Utilities respectfully request that the Commission, pursuant to Ind. Code § 8-1-2.3-6(a)(2), after twenty (20) days 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 M-15-1 identified as Exhibit A, as proposed in this Joint Petition and grant such other and further relief to the Joint Petitioners as may be appropriate.

Respectfully submitted,

PARR RICHEY FRANDBSEN PATTERSON KRUSE LLP

By: /s/ Erin C. Borissov
Erin C. Borissov
Counsel for Joint Petitioner Boone REMC

Erin C. Borissov (27745-49)
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Indianapolis, Indiana 46204
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Fax: (317) 269-2514
Email: eborissov@parrlaw.com

Respectfully submitted,

HACKMAN HULETT LLP

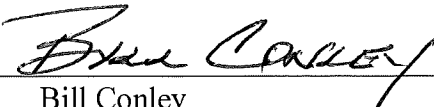
By: /s/ Jeffrey S. Jacob
Jeffrey S. Jacob
Counsel for Joint Petitioner
City of Lebanon Utilities

Jeffrey S. Jacob (#20483-06)
HACKMAN HULETT LLP
1620 West Oak Street
Suite 200
Zionsville, Indiana 46077
Telephone: (317) 344-2111
Fax: (317) 344-2126
Email: jacob@hhlaw-in.com

VERIFICATION

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

Dated this 19th day of April, 2024.

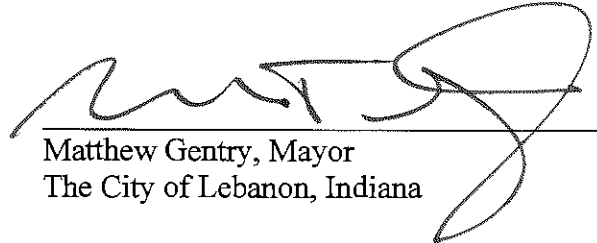


Bill Conley
President and Chief Executive Officer
Boone REMC

VERIFICATION

I, Matthew Gentry, Mayor City of Lebanon Indiana, affirm under penalties of perjury, that the foregoing representations contained in this Verified Joint Petition to Modify Service Area Boundaries that pertain to The City of Lebanon, Indiana by its municipally owned electric utility are true and correct to the best of my knowledge, information, and belief.


Dated this 23 day of April, 2024.



Matthew Gentry, Mayor
The City of Lebanon, Indiana

I, Edward Basquill, GM of the City of Lebanon Utilities, affirm under penalties of perjury, that the foregoing representations contained in this Verified Joint Petition to Modify Service Area Boundaries that pertain to The City of Lebanon, Indiana by its municipally owned electric utility are true and correct to the best of my knowledge, information, and belief.

Dated this 23 day of April, 2024.



Edward Basquill, GM
City of Lebanon Utilities
on behalf of its municipally owned electric utility

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 25, 2024, a copy of the foregoing Verified Joint Petition to Modify Service Area Boundaries was served by hand delivery and/or electronic mail upon the following:

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

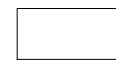
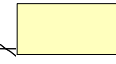
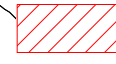
Jeffrey S. Jacob (#20483-06)
HACKMAN HULETT LLP
1620 West Oak Street
Suite 200
Zionsville, Indiana 46077
Email: jacob@hhlaw-in.com

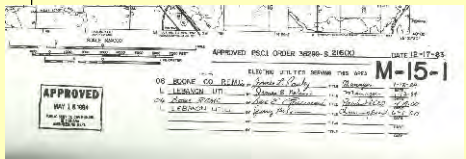
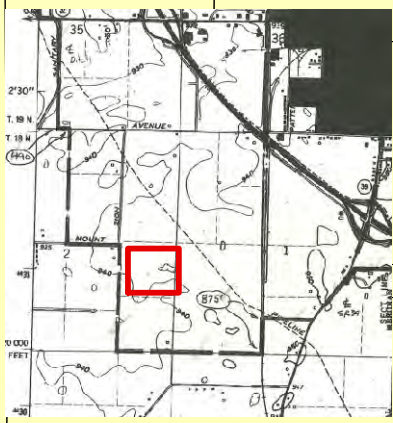
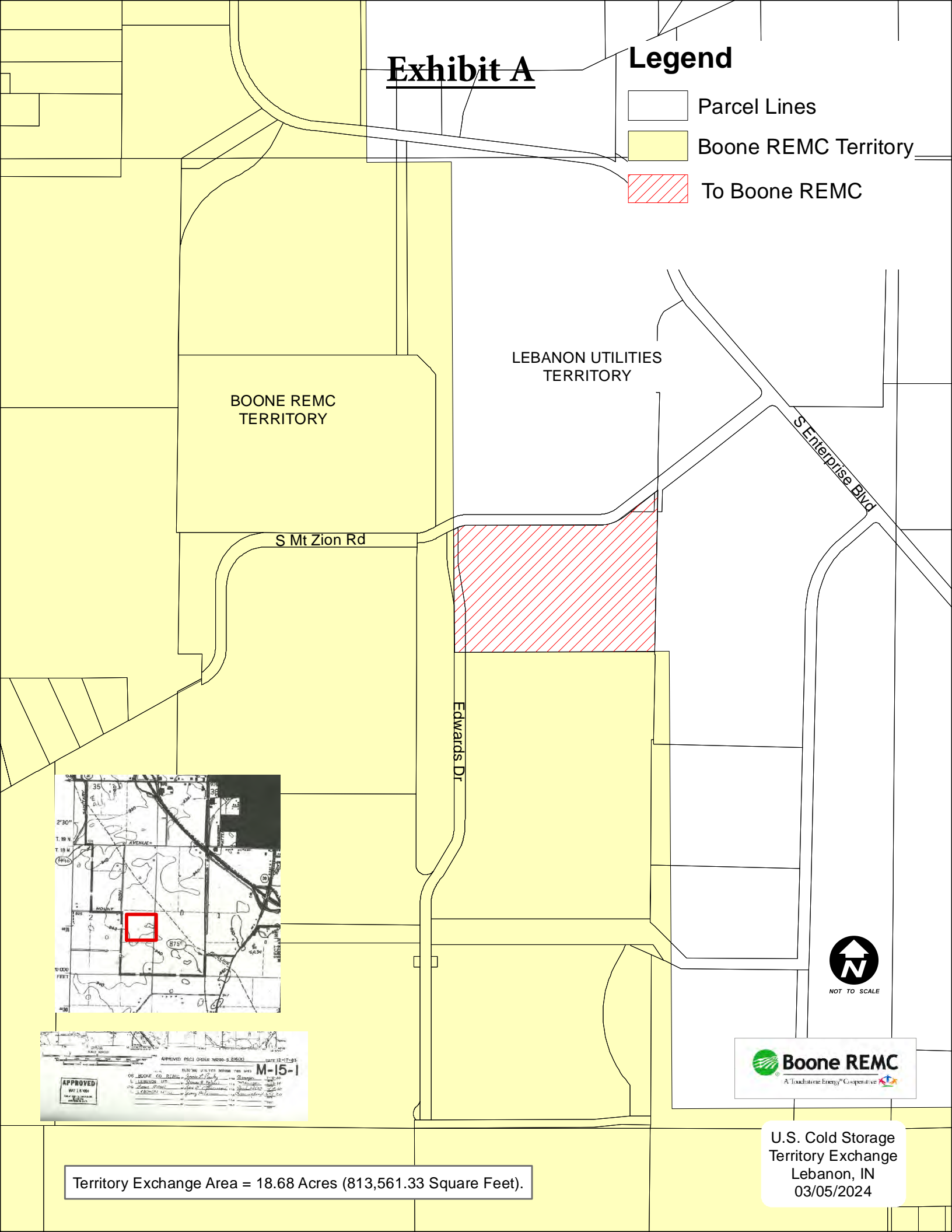
/s/ Erin C. Borissov
Erin C. Borissov
Counsel for Joint Petitioner Boone REMC

Erin C. Borissov (27745-49)
Parr Richey Frandsen Patterson Kruse LLP 251 N. Illinois Street
Suite 1800
Indianapolis, Indiana 46204
Telephone: (317) 269-2500
Fax: (317) 269-2514
Email: eborissov@parrlaw.com

Exhibit A

Legend

-  Parcel Lines
-  Boone REMC Territory
-  To Boone REMC

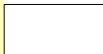
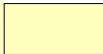



Territory Exchange Area = 18.68 Acres (813,561.33 Square Feet).

U.S. Cold Storage
Territory Exchange
Lebanon, IN
03/05/2024

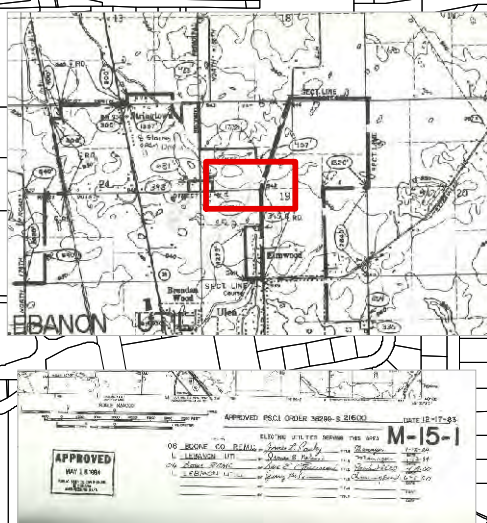
Exhibit A

Legend

-  Parcel Lines
-  Boone REMC Territory
-  To Lebanon Utilities A

BOONE REMC
TERRITORY

LEBANON UTILITIES
TERRITORY



NOT TO SCALE




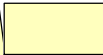

U.S. Cold Storage
Territory Exchange
Lebanon, IN
03/05/2024

Territory Exchange Area = 77.97 Acres (3396182.97 Square Feet).

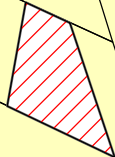
Exhibit A

BOONE REMC
TERRITORY

Legend

-  Parcel Lines
-  Boone REMC Territory
-  To Lebanon Utilities B

FARM HERITAGE TRAIL



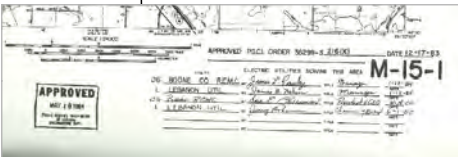
LEBANON UTILITIES
TERRITORY



NOT TO SCALE



Prairie Heights Lift Station
Territory Exchange
Boone County
Center Township
Lebanon, IN
04/09/2024



Territory Exchange Area = 0.189 Acres (14429 Square Feet).

**LEGAL NOTICE
BOONE REMC AND
THE CITY OF LEBANON, INDIANA
BY ITS MUNICIPALLY OWNED ELECTRIC UTILITY
NOTICE OF INTENT TO FILE CHANGE IN BOUNDARY LINES**

Boone County Rural Electric Membership Cooperative, Inc. (“Boone REMC”) and The City of Lebanon, Indiana by its municipally owned electric utility (“Lebanon Utilities”) hereby give notice that on April 25, 2024, a Joint Petition was filed with the Indiana Utility Regulatory Commission for approval to modify service area boundaries between Boone REMC and Lebanon Utilities associated with an area in Center Township of Boone County, Indiana located on U.S.G.S. Facet Map M-15-1 in Boone County, Indiana pursuant to Ind. Code § 8-1-2.3-6.

Boone REMC
By: Bill Conley