

*Comment date:* April 8, 1996, in accordance with Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an

application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-7200 Filed 3-25-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP96-237-000, et al.]

#### **Williston Basin Interstate Pipeline Company, et al.; Natural Gas Certificate Filings**

March 20, 1996.

Take notice that the following filings have been made with the Commission:

##### **1. Williston Basin Interstate Pipeline Company**

[Docket No. CP96-237-000]

Take notice that on March 8, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed in Docket No. CP96-237-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to utilize two existing taps in South Dakota under Williston Basin's blanket certificate issued in Docket No. CP83-1-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in request on file with the Commission and open to public inspection.

Williston Basin states that Montana-Dakota requested authorization to add an additional residential customer to an existing transmission line tap at Station 391+00 on Williston Basin's 10-inch Ellsworth Air Force Base line in Meade County and to add another residential customer at Station 8368+73 on Williston Basin's 12-inch Black Hills Yellow line in Lawrence County. The estimated volumes to be delivered at each area will be 100 Mcf per year. Williston Basin proposes to utilize these existing residential farm taps to effectuate additional natural gas transportation deliveries to Montana-Dakota for other than right-of-way grantor use.

Williston Basin states that the proposed service will have no significant effect on its peak day or annual requirements and that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to its other customers. Williston Basin also states that the additional delivery points are not prohibited by its tariff and the volumes to be delivered are within the contractual entitlements of the customers.

*Comment date:* May 6, 1996, in accordance with Standard Paragraph G at the end of this notice.

#### **2. National Fuel Gas Supply Corporation**

[Docket No. CP96-243-000]

Take notice that on March 11, 1996, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP96-243-000, a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to perform construction on a sales tap located on National Fuel's T-M170 Line in Clarion County, Pennsylvania. The subject tap renders service to an existing firm transportation customer of National Fuel, National Fuel Gas Distribution Corporation (Distribution). National Fuel makes such request, under its blanket certificate issued in Docket No. CP83-4-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

National Fuel proposes to perform construction on an existing sales tap that provides transportation service to Distribution under National Fuel's EFT Rate Schedule. Specifically, the sales tap on which construction will take place is Station No. T-1218, which presently includes a 4-inch turbine meter and regulators with 11/16-inch single orifices. National Fuel is proposing to replace those facilities with a 6-inch turbine meter and 1-inch double orifices. It is stated that by altering those facilities, the design delivery capacity of the regulators will increase from 45.2 Mcf per hour to about 140 Mcf per hour, and the measurement capacity will increase from 61 Mcf per hour to about 122 Mcf per hour. National Fuel states that the proposed upgrade is necessary to meet the increased demand for gas in the Miola, Pennsylvania area and to provide a more reliable feed to Distribution.

National Fuel states that the volumes to be delivered at the proposed tap will be within the certificated entitlement of Distribution, and that the proposed service will have a minimal impact on National Fuel's peak day and annual deliveries. The project is estimated to cost \$7,500.

*Comment date:* May 6, 1996, in accordance with Standard Paragraph G at the end of this notice.

### 3. Portland Natural Gas Transmission System

[Docket No. CP96-248-000]

Take notice that on March 14, 1996, Portland Natural Gas Transmission System (PNGTS), 300 Friberg Parkway, Westborough, Massachusetts 01581-5039, filed an application pursuant to Section 3 of the Natural Gas Act, Sections 153.10 through 153.12 of the Commission's regulations, and Executive Order No. 10485, as amended by Executive Order No. 12038 and Secretary of Energy Delegation Order No. 0204-112 for Section 3 authorization and a Presidential Permit to site, construct, operate and maintain pipeline facilities at the United States-Canada International Boundary, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, PNGTS seeks authorization to site, construct, operate and maintain approximately 500 feet of 20-inch pipeline near North Troy, Vermont, commencing at the United States-Canada border and ending at a proposed joint or bend in the pipeline. PNGTS states that its facilities will enable it to meet gas needs in New England.

*Comment date:* April 10, 1996, in accordance with Standard Paragraph F at the end of this notice.

### 4. Portland Natural Gas Transmission System

[Docket No. CP96-249-000]

Take notice that on March 14, 1996, Portland Natural Gas Transmission System (PNGTS), 300 Friberg Parkway, Westborough, Massachusetts 01581-5039, filed in Docket No. CP96-249-000, an application, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities for the transportation of natural gas on a firm and interruptible basis. PNGTS also seeks a blanket certificate pursuant to 18 CFR Part 157, Subpart F, for the construction, operation, and/or abandonment of certain facilities. Further, PNGTS seeks a blanket certificate pursuant to 18 CFR Part 284, Subpart G for self-implementing transportation authority. These proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

PNGTS is a general partnership under the laws of the State of Maine. PNGTS's partners are: East Coast Pipeline Company, Gaz Metro Portland Corporation, JMC Portland (Investors)

Inc., Natural Gas Development Corporation, TCPL Portland Inc., and Tenneco Portland Corporation.

Specifically, PNGTS proposes to construct and operate approximately 242 miles of 20-inch mainline pipeline extending from the U.S.-Canada border near North Troy, Vermont to Haverhill, Massachusetts; a 3.3-mile, 12-inch lateral from the mainline at Westbrook, Maine to an interconnection with Granite State Gas Transmission, Inc. (Granite State) at Falmouth, Maine; a 1-mile, 12-inch lateral from the mainline at Newington, New Hampshire to Granite State; and four metering facilities. PNGTS states that the estimated cost of the proposed facilities is \$271 million and will be project financed. The proposed in-service date of the facilities is November 1, 1998. PNGTS states that its proposed pipeline has a design capacity of 178,000 Mcf per day and that over 94 percent of the project's peak day capacity is subject to long-term binding precedent agreements with four shippers.

PNGTS proposes to offer two types of firm service—365-day transportation (Rate Schedule FT) and 151-day winter transportation (November–March) (Rate Schedule WFT)—and interruptible transportation service. PNGTS states that the rates for its service will be based on a winter design day capacity of 178,000 Mcf per day with costs allocated solely to shippers under Rate Schedules FT and WFT. PNGTS states that the rates will utilize a straight fixed-variable rate design. PNGTS has filed a pro forma tariff containing the terms and conditions for its transportation services.

PNGTS maintains that its project will meet a growing demand for gas in New England; allow Bay State Gas Company and Northern Utilities, Inc. continued access to gas currently transported to them by Granite State through a pipeline under a lease due to expire in April 1998; enhance service on the existing New England infrastructure; and offer a variety of transportation services in response to market demand for flexible services.

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### 5. Northwest Pipeline Corporation

[Docket No. CP96-252-000]

Take notice that on March 15, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP96-252-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to

abandon obsolete metering facilities and to construct and operate modified metering facilities at a new location for the Echo Lake Meter Station located in Snohomish County, Washington, under Northwest's blanket certificate issued in Docket No. CP82-433-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to abandon, by removal, the existing obsolete facilities and to construct and operate modified metering facilities at a new meter station site approximately 125 feet from the current location.

Northwest states that the design capacity of the new meter station would increase from 700 Dth per day to approximately 1,336 Dth per day at 150 psig.

The estimated total cost of the abandonment and construction project is stated to be approximately \$209,960.

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Lois D. Cashell,

Secretary.

[FR Doc. 96-7227 Filed 3-25-96; 8:45 am]

BILLING CODE 6717-01-P

## Office of Hearings and Appeals

### Proposed Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of Proposed Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy announces revised proposed procedures for disbursement of \$48,307.13 of crude oil overcharge funds obtained by the DOE from Texas American Oil Corporation (Texas American), Case No. VEF-0019. The OHA has determined that these funds, plus accrued interest, be distributed as direct restitution to individual claimants who were injured by crude oil overcharges.

**DATES AND ADDRESSES:** Comments must be filed in duplicate on or before April 25, 1996, and should be addressed to the Office of Hearings and Appeals, 1000 Independence Ave., SW, Washington, DC 20585-0107. All comments should conspicuously display a reference to Case No. VEF-0019.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000

Independence Ave., SW, Washington, DC 20585-0107, Telephone No. (202) 586-2860.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 C.F.R. § 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute \$48,307.13 (plus accrued interest) remitted to the DOE by Texas American. The DOE is currently holding these funds in an interest-bearing escrow account pending distribution.

This Proposed Decision revises a portion of a previous Proposed Decision that was issued on January 16, 1996. See *Brio Petroleum, Inc.*, Case Nos. VEF-0017 *et al.*, 61 Fed. Reg. 1919 (January 24, 1996). In the January 16 Proposed Decision, the OHA proposed to distribute the funds obtained from Texas American and four other firms in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. In accordance with the MSRP, the January 16 Proposed Decision tentatively reserved 20 percent of the funds received from Texas American and the other four firms for direct restitution to injured claimants. In the present Proposed Decision, which involves only Texas American, the OHA has tentatively decided that all of the crude oil overcharge funds obtained from the bankrupt estate of Texas American should be reserved for individual claimants. This is in accordance with *Texas American Oil Corp. v. DOE*, 44 F.3d 1557 (Fed. Cir. 1995) (en banc), in which the United States Court of Appeals for the Federal Circuit held that the DOE's claim in the Texas American bankruptcy proceeding on behalf of individual claimants should have a higher priority than its claim on behalf of the states and federal government. Pursuant to that decision, the bankruptcy court distributed to the DOE an amount equivalent to only 20 percent of its claim in the Texas American bankruptcy proceeding.

The remainder of the Proposed Decision is unchanged from the January 16 Proposed Decision. We propose that refunds to eligible purchasers be based on the volume of products that they purchased during the price control period and the extent to which they can demonstrate injury. The proposed

volumetric refund amount is \$0.0016 per gallon.

Because the June 30, 1995 deadline for crude oil refund applications has passed, we propose not to accept any new applications for refund in this proceeding. As we state in the Proposed Decision, the Texas American funds will be added to the general crude oil overcharge pool for direct restitution to claimants that have filed timely applications.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the Federal Register, and should be sent to the address set forth in the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 p.m. to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Ave., SW, Washington, DC 20585-0107.

Dated: March 14, 1996.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

*Implementation of Special Refund Procedures*

Name of Case: Texas American Oil Corporation

Date of Filing: September 1, 1995

Case Number: VEF-0019

On January 16, 1996 the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Proposed Decision and Order (PDO) that tentatively established refund procedures for the distribution of crude oil overcharge funds obtained from Texas American Oil Corporation (Texas American) and four other firms. *Brio Petroleum, Inc.*, Case Nos. VEF-0017 *et al.*, 61 Fed. Reg. 1919 (January 24, 1996). In accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP), 51 Fed. Reg. 27899 (August 4, 1989), the PDO proposed that 40 percent of the funds be disbursed to the federal government, another 40 percent be disbursed to the states, and the remaining 20 percent be reserved for applicants who file claims showing that they were injured by crude oil overcharges. It has recently come to our attention that the circumstances under which the DOE obtained the Texas