

Federal Energy Regulatory Commission

[Docket No. EG97-33-000, *et al.*]

Habibullah Coastal Power (Private) Company, *et al.*; Electric Rate and Corporate Regulation Filings

February 25, 1997.

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

1. Habibullah Coastal Power (Private) Company

[Docket No. EG97-33-000]

Take notice that on February 6, 1997, Habibullah Coastal Power (Private) Company (Applicant) 1st and 2nd Floors, Nacon House, 270 Montana Din Muhammed Wafai Road, Narachi 74200, Pakistan, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant, a Pakistan private unlimited liability company, intends to own certain generating facilities in Pakistan. These facilities will consist of a 140 MW (gross) electric generating facility located in Quetta, Balochistan Province, Pakistan, including three gas turbine units and related interconnection facilities.

Comment date: March 17, 1997, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. CMS Electric Marketing Company

[Docket No. ER96-2350-004]

Take notice that on February 11, 1997, CMS Eclectic Marketing Company tendered for filing a Notice of Succession.

The Notice of Succession results from the sale of all of CMS Electric Marketing Company's assets to CMS Marketing, Services and Trading Company.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. New York State Electric & Gas Corporation

[Docket No. ER96-2464-000]

Take notice that New York State Electric & Gas Corporation ("NYSEG") on February 7, 1997, tendered for filing pursuant to Section 35.13 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.13, an agreement with Delmarva Power & Light Company ("Delmarva") as an amendment to and a complete substitute for, a rate schedule filed on

July 18, 1996, the consideration of which has been deferred by the FERC. The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to Delmarva and Delmarva will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on February 8, 1997, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and Delmarva.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. PanEnergy Trading and Market Services, L.L.C.

[Docket No. ER96-2921-001]

Take notice that on February 7, 1997, PanEnergy Trading and Market Services, L.L.C. tendered for filing FERC Rate Schedule No. 1.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Unocal Corporation

[Docket No. ER97-262-000]

Take notice that on February 4, 1997, Unocal Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Toledo Gas Company

[Docket No. ER97-455-001]

Take notice that on January 27, 1997, Toledo Gas Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER97-1138-000]

Take notice that on February 14, 1997, Illinois Power Company ("Illinois Power"), 500 South 27th Street, Decatur, Illinois, 62525, tendered for filing corrections to the firm and/or non-firm transmission service agreements filed in the above dockets.

It has come to IP's attention that Section 3 of the Firm Transmission Service Agreements incorrectly referred

to Section 9 of IP's open access tariff as opposed to Section 17.3, and that Section 2 of the non-firm transmission service agreements incorrectly referred to Section 10 of the tariff, rather than Section 18.2. By this filing, IP corrects these agreements.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER97-1369-000]

Take notice that on February 14, 1997, Niagara Mohawk Power Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Soyland Power Cooperative, Inc.

[Docket No. ER97-1475-000]

Take notice that on February 11, 1997, Soyland Power Cooperative, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Northeast Utilities Service Company

[Docket No. ER97-1530-000]

Take notice that on January 30, 1997, Northeast Utilities Service Company tendered for filing its summary of activity under the Systems Companies Tariff No. 7 for the quarter ending December 31, 1996.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Premier Enterprises, LLC

[Docket No. ER97-1563-000]

Take notice that on February 5, 1997, Premier Enterprises, LLC tendered for filing a Notice of Succession changing its name from Premier Enterprises, Inc. to Premier Enterprises, LLC, effective January 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota Company)

[Docket No. ER97-1616-000]

Take notice that on February 10, 1997, Northern States Power Company, Minnesota (NSP) tendered for filing of Supplement No. 1 to the Municipal Interconnection and Interchange agreement between NSP and the City of Kasson, Minnesota. NSP has requested an effective date of February 11, 1997 from the Commission.

A copy of the filing was served upon each of the parties named in the Service List.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota Company)

[Docket No. ER97-1617-000]

Take notice that on February 10, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing a Supplement No. 1 to the Oakdale Project Ownership and Operating Service Agreement and Oakdale Substation Service Agreement (Supplement) dated June 3, 1996, between NSP and the City of North St. Paul (City). NSP files this agreement on behalf of City and itself.

This Supplement changes the procedures between the Parties for certain maintenance activities. NSP requests the Commission accept this Agreement for filing effective March 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Delmarva Power & Light Company

[Docket No. ER97-1618-000]

Take notice that on February 10, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to Vitol Gas & Electric LLC pursuant to Delmarva's open access transmission tariff. Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Delmarva Power & Light Company

[Docket No. ER97-1619-000]

Take notice that on February 10, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to CNG Power Services Corp. pursuant to Delmarva's open access transmission tariff. Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Delmarva Power & Light Company

[Docket No. ER97-1620-000]

Take notice that on February 10, 1997, Delmarva Power & Light Company

(Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to Southern Energy Trading and Marketing, Inc. pursuant to Delmarva's open access transmission tariff.

Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Columbia Energy Services Corporation

[Docket No. ER97-1621-000]

Take notice that on February 10, 1997, Columbia Energy Services Corporation (CES) tendered for filing with the Federal Energy Regulatory Commission CES's Rate Schedule No. 1, which permits CES to make wholesale power sales at market-based rates.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Allegheny Power Service Corp., on behalf of Monongahela Power Company, The Potomac Edison Company, and West, and Penn Power Company (Allegheny Power)

[Docket No. ER97-1622-000]

Take notice that on February 10, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 11 to add American Electric Power Service Corporation and Wisconsin Electric Power Company to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96-18-000. The proposed effective date under the Service Agreements is February 6, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Company

[Docket No. ER97-1623-000]

Take notice that on February 7, 1997, Commonwealth Edison Company (ComEd) submitted for filing two Service Agreements establishing CNG

Power Services Corporation (CNG), and Union Electric Company (UE), as non-firm transmission customers under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd also submits for filing nine Service Agreements for various firm transactions with Sonat Power Marketing LP (Sonat), and one Service Agreement for a firm transaction with Duke/Louis Dreyfus L.L.C. (D/LD), under the terms of ComEd's OATT.

ComEd requests an effective date of January 8, 1997, for the non-firm service agreements with CNG and UE; an effective date of January 9, 1997, for the firm service agreements dated January 9, 1997 with Sonat; and effective date of January 10, 1997 for the two firm service agreements dated January 10, 1997 with Sonat; an effective date of January 13, 1997, for the four firm service agreements dated January 13, 1997 with Sonat; an effective date of January 14, 1997, for the two firm service agreements dated January 14, 1997 with Sonat; and an effective date of January 15, 1997 for the firm service agreement with D/LD, and accordingly seeks waiver of the Commission's requirements.

Copies of this filing were served upon WEPCO, PSE&G, and the Illinois Commerce Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Cinergy Services, Inc.

[Docket No. ER97-1624-000]

Take notice that on February 10, 1997, Cinergy Services, Inc. (Cinergy) tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Equitable Power Services Company.

Cinergy and Equitable Power Services Company are requesting an effective date of February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Tucson Electric Power Company

[Docket No. ER97-1625-000]

Take notice that on February 7, 1997, Tucson Electric Power Company tendered for filing three (3) service agreements for transmission service under Part II of its Open Access Transmission Tariff filed in Docket No. OA96-140-000. The agreements are as follows:

1. Service Agreement for Firm Point-to-Point Transmission Service with PacifiCorp dated December 26, 1996.
2. Service Agreement for Firm Point-to-Point Transmission Service with

Tucson Electric Power Company, Contracts & Wholesale Marketing dated December 26, 1996.

3. Service Agreement for Non-Firm Point-to-Point Transmission Service with Tucson Electric Power Company, Contracts & Wholesale Marketing dated February 7, 1997.

Copies of the filing were served upon each of the parties to the service agreements.

Comment date: March 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Sierra Pacific Power Company

[Docket No. ER97-1626-000]

Take notice that on February 11, 1997, Sierra Pacific Power Company (Sierra) tendered for filing Service Agreements (Service Agreements) with the following entities for Non Firm Point-to-Point Transmission Service under Sierra's Open Access Transmission Tariff (Tariff):

Arizona Public Service Company

1. Enron Power Marketing, Inc.
2. Idaho Power Company
3. PacifiCorp
4. PanEnergy Trading & Marketing Services, L.L.C.
5. Southern Trading And Marketing, Inc.

Sierra filed the executed Service Agreements with the Commission in compliance with Section 14.4 of the Tariff and applicable Commission Regulations. Sierra also submitted revised Sheet No. 148 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Sierra requests waiver of the Commission's notice requirements to permit and effective date of February 11, 1997 for Attachment E, and to allow the Service Agreements to become effective according to their terms.

Copies of this filing were served upon the Public Service Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Wisconsin Power and Light Co.

[Docket No. ER97-1627-000]

Take notice that on February 10, 1997, Wisconsin Power and Light Company (WP&L) tendered for filing Form of Service Agreements for Customers who have signed WP&L's Final Order pro forma transmission tariff submitted in Docket No. OA96-20-000. The customers are Aquila Power Corporation, Enron Power Marketing, Inc., MidCon Power Services Corp.,

NorAm Energy Services, Inc., and Valero Power Services Company. The customers previously signed earlier versions of WP&L's transmission tariffs.

WP&L requests an effective date of July 9, 1996, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Northeast Utilities Service Co.

[Docket No. ER97-1628-000]

Take notice that on February 10, 1997, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with CMS Marketing, Services & Trading Co (CMS MST) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to CMS MST.

NUSCO requests that the Service Agreement become effective April 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Boston Edison Company

[Docket No. ER97-1629-000]

Take notice that on February 10, 1997, Boston Edison Company (Boston Edison), tendered for filing a Service Agreement and Appendix A under Original Volume No. 6, Power Sales and Exchange Tariff (Tariff) for Baltimore Gas & Electric (Baltimore). Boston Edison requests that the Service Agreement become effective as of February 1, 1997.

Edison states that it has served a copy of this filing on Baltimore and the Massachusetts Department of Public Utilities.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Northeast Utilities Service Company

[Docket No. ER97-1631-000]

Take notice that on February 13, 1997, Northeast Utilities Service Company (NUSCO) tendered for filing a Service Agreement with AIG Trading Corp. (AIG) under the NU System Companies' Sales for Resale, Tariff No. 7.

NUSCO states that a copy of this filing has been mailed to AIG.

NUSCO requests that the Service Agreement become effective February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Carolina Power & Light Company

[Docket No. ER97-1632-000]

Take notice that on February 13, 1997, Carolina Power & Light Company (Carolina) tendered for filing an executed Service Agreement between Carolina and the following Eligible Entity: Morgan Stanley Capital Group Inc. (MSCG). Service to the Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Public Service Company Of Colorado

[Docket No. ER97-1635-000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of Colorado and Public Service Company of New Mexico. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Public Service Company Of Colorado

[Docket No. ER97-1636-000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of Colorado and Platte River Power Authority. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Public Service Company of Colorado

[Docket No. ER97-1637-000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of

Colorado and Aquila Power Corporation. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Central Louisiana Electric Company, Inc.

[Docket No. ER97-1638-000]

Take notice that on February 13, 1997, Central Louisiana Electric Company, Inc., ("CLECO") tendered for filing a service agreement under which Central Louisiana Electric Company, Inc. ("CLECO") as transmission provider, will provide non-firm point-to-point transmission service to Vitol Gas and Electric ("Vitol") under its point-to-point transmission tariff.

CLECO states that a copy of the filing has been served on Vitol.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

32. PECO Energy Company

[Docket No. ER97-1639-000]

Take notice that on February 13, 1997, PECO Energy Company (PECO) tendered for filing a Service Agreement dated February 6, 1997 with Citizens Lehman Power Sales (Citizens Lehman) under PECO's FERC Electric Tariff Original Volume No. 5 (Tariff). The Service Agreement adds Citizens Lehman as a customer under the Tariff. PECO requests an effective date of February 6, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to Citizens Lehman and to the Pennsylvania Public Utility Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

33. Louisville Gas and Electric Company

[Docket No. ER97-1641-000]

Take notice that on February 13, 1997, Louisville Gas and Electric Company (LG&E), by letter dated February 10, 1997, tendered for filing a Non-firm Point-to-Point Transmission Service Agreement between LG&E and Consumers Power Company dba Consumers Energy Company and Detroit Edison Company under LG&E's Open Access Transmission Tariff.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

34. Louisville Gas and Electric Company

[Docket No. ER97-1642-000]

Take notice that on February 13, 1997, Louisville Gas and Electric Company (LG&E), by letter dated February 10, 1997, tendered for filing a Service Agreement between LG&E and Consumers Power Company dba Consumers Energy Company and The Detroit Edison Company under LG&E's Rate Schedule GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

35. Louisville Gas and Electric Company

[Docket No. ER97-1644-000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and PanEnergy Power Services under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

36. Louisville Gas and Electric Company

[Docket No. ER97-1645-000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Federal Energy Corp. under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

37. Louisville Gas and Electric Company

[Docket No. ER97-1646-000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and MidCon Power Services Corp. under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

38. Illinois Power Company

[Docket No. ER97-1647-000]

Take notice that on February 11, 1997, Illinois Power Company (Illinois Power) tendered for filing firm and non-firm transmission agreements under which Vitol Gas & Electric LLC will take transmission service pursuant to its open access transmission tariff. The agreements are based on the form of Service Agreement to Illinois Power's tariff.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

39. Illinois Power Company

[Docket No. ER97-1648-000]

Take notice that on February 11, 1997, Illinois Power Company ("Illinois Power"), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Power Company of America will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

40. Central Illinois Public Service Company

[Docket No. ER97-1649-000]

Take notice that on February 11, 1997, Central Illinois Public Service Company (CIPS) submitted a service agreement, dated February 4, 1997, establishing the Tennessee Valley Authority (TVA) as a customer under the terms of CIPS' Open Access Transmission Tariff.

CIPS requests an effective date of February 4, 1997 for the service agreement. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon TVA and the Illinois Commerce Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

41. The United Illuminating Company

[Docket No. OA97-521-000]

Take notice that on January 31, 1997, The United Illuminating Company ("UI") tendered for filing its Policy Implementing the FERC Standards of Conduct contained in Section 37.4 of the Commission's regulations, 18 CFR 37.4, in compliance with the Commission's Order No. 889, 61 Fed. Reg. 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,037 (1996), *reh'g pending*, and the Commission's order in *The United Illuminating Co., et al.*, Notice of Extension of Time, Docket Nos. OA96-157-000 et al. (December 16, 1996).

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the

Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 97-5140 Filed 2-28-97; 8:45 am]
BILLING CODE 6717-01-P

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 24, 1997, 62 FR 8237.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 26 1997, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number and Company have been added to the Agenda scheduled for the February 26, 1997 meeting.

| Item No. | Docket No. and company |
|-------------|---|
| CAG-7 | RP97-137-000, Southern Natural Gas Company. |

Lois D. Cashell,
Secretary.

[FR Doc. 97-5268 Filed 2-27-97; 11:50 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 20 Through January 24, 1997

During the week of January 20 through January 24, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy.

| | | |
|---|----------------------------|---------|
| Clark Oil Dealer | RF342-274 | |
| E.D. Fee Transfer, Inc., E.D. Fee Transfer, Inc | RG272-387, RR272-261 | 1/23/97 |
| Gulf Stream Lumber Co | RK272-01037 | 1/21/97 |
| Halifax County, et al | RF272-86421 | 1/23/97 |
| J.J. Carter & Son of Nashville, et al | RK272-03252, | 1/21/97 |

The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: February 21, 1997.
George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 17

Week of January 20 through January 24, 1997

Appeals

Cascade Scientific, Inc., 1/23/97, VFA-0257

Cascade Scientific, Inc., filed an Appeal from a determination issued to it by the Richland Operations Office (Richland). In its Appeal, Cascade asserted that Richland improperly withheld unit price figures from a document requested pursuant to the FOIA. The DOE determined that Richland had correctly applied Exemption 4 to the unit price figures and the Appeal was denied.

Refund Applications

Department of the Navy, RF272-00464
U.S. Army Engineer District, RF272-77326

Charleston Naval Shipyard, RF272-77502

Accounting & Finance Office, 1/23/97, RF272-78004

The DOE dismissed Applications for Refund filed by four elements of the Department of Defense (DOD). The DOE noted that the Defense Logistics Agency had already received a refund for the total DOD consumption of domestic petroleum products during the refund period.

Ward Transport, Inc./William R. Ward, 1/23/97, RK272-04007

William R. Ward submitted an Application for a Supplemental Refund in the crude oil refund proceeding. As the former owner of the original Applicant, Ward Transport, Inc., Mr. Ward sought supplemental refund monies due to the corporation despite the fact that he sold the entire capital stock of the firm in 1989. After reviewing the purchase agreement, the DOE determined that Mr. Ward had not retained the right to receive a refund based on the corporation's refined product purchases when he sold the capital stock. Accordingly, Mr. Ward's Application for Supplemental Refund was denied.

Department of Veteran Affairs, 1/23/97, RR272-00111

The DOE denied a Motion for Reconsideration filed by a group of States from a Decision and Order granting a refund to a Department of Veterans Affairs (Veterans) medical center. The DOE rejected the States' argument that Veterans' status as a Federal agency was a bar to a crude oil refund. The DOE also rejected the States' argument that the purchases specified in the Veterans' Applications had already formed the basis for an earlier refund.

Land Paving Company, 1/21/97, RR272-00274

DOE denied a Motion for Reconsideration of a prior crude oil refund decision. The DOE found that the refund should go to the debtor in possession of the applicant company in a pending chapter 11 bankruptcy proceeding, rather than to either the estate of the owner of the firm or to a related firm.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Dismissals

The following submissions were dismissed.