

requests in the CPUC proceeding, PSCo determined that, in providing transportation under the blanket certificate, two points on its system that were not part of the former WestGas facilities may have been used from time to time. On March 9, 1998, KN Wattenberg filed a complaint against PSCo and others which alleges, *inter alia*, that the 1992 Certificate is limited to the former WestGas Hinshaw facilities. However, PSCo believes the Commission authorized it to engage in Section 311-type transactions without limitation to any specific portions of its system.

Nevertheless, out of an abundance of caution, PSCo has restructured the current Section 311-type transactions involving the two points such that only former WestGas facilities are now used in providing the service. Since the demand by shippers for such service is expected to exceed PSCo's capacity to transport gas through only these facilities, PSCo urges the Commission to act promptly to remove the current uncertainty.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1998, 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 385.214 and 385.211) 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the application should be approved. If a motion for leave to intervene is timely filed, or if the Commission on its 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 PSCo to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-336-000]

#### Texas Eastern Transmission Corporation; Notice of Application

April 10, 1998.

Take notice that on April 7, 1998, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in the above docket, an abbreviated application pursuant to Section 7(c) of the Natural Gas Act to increase the capacity of its Lebanon Lateral facility.<sup>1</sup> As before, Texas Eastern seeks authorization to construct, install, own, operate and maintain certain compression facilities at its existing Gas City Compressor Station located in Grant County, Indiana (Gas City) and at its existing Glen Karn meter station in Darke County, Ohio (Glen Karn), and certain other ancillary and appurtenant above-ground facilities. Such additional compression will increase Texas Eastern's capacity in the Lebanon Lateral by 302,290 Dth/d, up to a new total of 661,510 Dth/d (650 MMcf/d equivalent).

Specifically, Texas Eastern proposes to install 8,900 HP of compression at Gas City. Texas Eastern will install one reciprocating gas engine rated at 3,400 HP and one reciprocating gas engine rated at 5,500 HP. This additional compression will increase the total compression at Gas City from 3,400 HP to 12,300 HP. In addition, to accommodate the additional compressor units, Texas Eastern will expand the existing Gas City compressor buildings and install associated ancillary facilities and piping. All of the proposed facilities at Gas City will be located wholly within and on Texas Eastern's existing Gas City Compressor Station property.

Texas Eastern also proposes to install a new 8,170 HP gas turbine-driven centrifugal compressor at its existing

Glen Karn meter station site. Currently there are no compression facilities located at the Glen Karn station. To house this proposed compressor unit, Texas Eastern will construct compressor station buildings and associated ancillary facilities and piping. In addition, Texas Eastern proposes to upgrade its existing metering stations at Glen Karn and at Lebanon in Warren County, Ohio.

The estimated total capital cost of the proposed facilities is approximately \$31,291,000. Texas Eastern proposes to commence service utilizing the new facilities on or before November 1, 1998.

Texas Eastern also requests authorization to file a limited NGA Section 4 proceeding, after receipt of the authorizations requested and prior to the in-service date of the proposed facilities, to revise and restate the rates applicable to Texas Eastern's Part 284, open-access Rate Schedules LLFT and LLIT. Such revised and restated Rate Schedule LLFT rates result in a base Reservation Charge of \$3.466 per Dth and Usage-1 rate of \$0.0023, \$0.1163 on a 100% load factor basis. In addition, the revised and restated Rate Schedule LLIT base rate will be \$0.1163. These revised and restated rates represent a 23% reduction, on a 100% load factor basis, in the currently effective maximum Rate Schedules LLFT and LLIT rates.

Texas Eastern proposes to revise the existing fuel shrinkage percentages applicable to Rate Schedules LLFT and LLIT to recognize the fuel associated with the facilities. Texas Eastern has calculated the estimated fuel usage of the existing compression at Gas City and the proposed facilities based on historical utilization to arrive at an estimated annual fuel shrinkage percentage of 0.43%.

Texas Eastern has filed several Service Agreements with the application, each for a primary term of 10 years for a total of 110,805 Dth/d of winter service, and 66,500 Dth/d of 365-day service. Texas Eastern submits that these firm contractual commitments are in excess of 25% of the capacity that it proposes to construct, and to the extent Texas Eastern does not have firm contractual arrangements for the remaining firm capacity to be made available by the proposed facilities before construction of such facilities, Texas Eastern states that it will be "at-risk" for recovery of such costs.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before May 1, 1998, file with the Federal Energy Regulatory Commission, Washington,

<sup>1</sup> The instant docket is essentially the same project as filed in Docket No. CP97-626-000 and subsequently dismissed by the Commission, without prejudice to refile, for lack of an adequate showing of a substantial market (see Texas Eastern Transmission Corp., 82 FERC ¶61,238 (1998).

DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 proceedings. 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.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application 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, 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 Texas Eastern to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-78-000]

#### Total Minatome Corporation; Notice of Petition for Adjustment

April 10, 1998.

Take notice that on March 25, 1998, Total Minatome Corporation (Total Minatome), filed a pleading that consists of:

(1) Total Minatome's response to an ANR Pipeline Company (ANR) Kansas ad valorem tax refund claim, with respect to certain sales made by Lear Petroleum Corporation (Lear Petroleum), and for which Total Minatome seeks a finding from the Commission that Total Minatome has no such refund liability; and

(2) Total Minatome's petition, in the event that the Commission finds that Total Minatome has such refund liability, for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) [15 U.S.C. § 3142(c) (1982)],<sup>1</sup> relieving Total Minatome of that refund liability.

Total Minatome's pleading is on file with the Commission and open to public inspection.

On September 10, 1997, in Docket No. RP97-369-000 *et al.*, the Commission issued an order,<sup>2</sup> on remand from the D.C. Circuit Court of Appeals,<sup>3</sup> that directed first sellers to make Kansas ad valorem tax refunds, with interest, for

<sup>1</sup> The Commission's regulations governing adjustment petitions are set forth in Subpart K of the Commission's Rules of Practice and Procedure [18 CFR §§ 385.1101-385.1117].

<sup>2</sup> See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

<sup>3</sup> *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

the period from 1983 to 1988. The Commission's September 10 order also directed the pipelines to serve first sellers with a Statement of Refunds Due within 60 days of the date of the refund order.

Total Minatome states that ANR mailed Total Minatome a Statement of Refunds Due that does not mention Total Minatome, but instead pertains to \$81,000 in Kansas ad valorem tax reimbursements that ANR made to Lear Petroleum in 1984 and 1986.

Total Minatome states that it advised ANR that ANR's refund report had been misdirected. Total Minatome states that it also advised ANR: (1) That it acquired the subject properties after the sales had been made; (2) that, under the sales and purchase agreement for those properties, Total Minatome refused to accept responsibility for refunds due to sales made by Lear Petroleum before the closing date of the property transfers; and (3) that Total Minatome believes that Lear Petroleum was acquired by an affiliate of BP America, Inc. Total Minatome states that ANR responded, stating that Total Minatome was liable for Lear Petroleum's refund obligation, because Total Minatome acquired the properties from which the relevant sales had been made.

Total Minatome advises the Commission that it disagrees with ANR's position that Total Minatome has such refund liability, on the basis that Total Minatome made no sales to ANR to which any Kansas ad valorem tax refund obligation attaches. In view of this, if the Commission believes that such refund liability exists, Total Minatome requests that the Commission waive the refund obligation, to avoid gross inequity. Total Minatome's petition also sets forth the details of its position with respect to its disagreement with ANR.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). 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