

1978. Eastman Dillon's petition requesting that the Commission grant a waiver of refunds of Kansas ad valorem tax reimbursement. Eastman Dillon's petition is on file with the Commission and is open to public inspection.

The Commission, by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the D.C. Circuit Court of Appeals,² directed First Sellers to make Kansas ad valorem tax refunds, with interest, to the appropriate pipelines, for the period from 1983 to 1988. Alternatively, if it is not relieved from making the subject refunds, Eastman Dillon requests that the Commission permit it to amortize its refund obligation over a 5-year period. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., First Sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed. Additionally, the Commission indicated that it would grant extension of the refund due date for royalty refunds if a producer requests such an extension. Also the Commission's January 28 order states that it would consider adjustment requests as to the refund amounts and the refund procedures.

Eastman Dillon specifically requests a waiver of the refund liability under the Commission's orders based on: (1) its inability to recover amounts previously disbursed to its partners under Delaware partnership law; and (2) its inability to recover payments previously made to royalty owners under the Kansas royalty law. If, however, payments previously made to royalty owners under the Kansas royalty law. If, however, the Commission is not willing to grant such a total waiver of refund liability, Eastman Dillon requests a waiver of refunds at least as to amounts attributable to prior limited partners who no longer are partners in Eastman Dillon (including some who are deceased), and as to royalty amounts. Furthermore, Eastman Dillon requests that the Commission permit it to spread refund as to the remaining amounts due, after the limited waiver, over a five year period commencing as of the date of action on this Petition.

Any person desiring to be heard or to make any protest with reference to any of these petitions 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 in accordance with the Commission's Rules.

David P. Boergers,
Secretary.

[FR Doc. 98-21973 Filed 8-14-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96-152-012]

Kansas Pipeline Company; Notice of Compliance Filing

August 11, 1998.

Take notice that on August 7, 1998, Kansas Pipeline Company (KPC), tendered for filing as part of its FERC Gas Tariff, Volume No. 1, the following tariff sheets to become effective May 11, 1998:

Original Volume No. 1

Substitute Original Sheet No. 2
Substitute Original Sheet No. 600

KPC states that the tariff sheets reflect compliance with the Commission's April 30, 1998 Order on Rehearing, which directed KPC to sign new service agreements with its customers. The Order further directed KPC to file contracts only in circumstances where the contracts are materially different from the Company's tariff.

KPC states that the tariff sheets reflect the Commission's Regulations which state that any service contract that deviates in any material respect from the form of service agreement in the pipeline's tariff must be filed with the Commission and such non-conforming service agreement must be referenced in the pipeline's tariff. This filing includes a series of contracts between KPC and its predecessors and Kansas Gas Service Company (KGS) and its predecessors, and a settlement agreement with the Kansas Corporation Commission and

KGS that, in the aggregate, constitute KPC's non-conforming service agreement with KGS.

Any person desiring to be heard or to make any protest with reference to said filing should on or before August 25, 1998, 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 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.

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 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 authorization requested 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 KPC to appear or be represented at the hearing.

David P. Boergers,
Secretary.

[FR Doc. 98-21970 Filed 8-14-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-709-000]

Kern River Gas Transmission Co.; Request Under Blanket Authorization

August 12, 1998.

Take notice that on August 5, 1998, Kern River Gas Transmission Company (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket

¹ See: 80 FERC ¶ 61,264 (1997); rehearing denied January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *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).

No. CP98-709-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a new meter station to provide deliveries under authorized transportation agreements to the Town of Eagle Mountain (Eagle Mountain) for residential and commercial uses, as well as electric generation in Eagle Mountain's residential development in Utah County, Utah, under Kern River's blanket certificate issued in Docket No. CP89-2048, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Kern River proposes to construct and operate the new Eagle Mountain Meter Station at Milepost 168.8 on Kern River's mainline in Section 19, Township 6 South, Range 1 West, Utah County, Utah. Kern River states the new meter station will consist of a 6-inch mainline tap, a 1-inch turbine meter and appurtenances with a daily design capacity of 1,600 Mcf per day at 650 psig. Kern River also states that Eagle Mountain will install, own and operate the distribution and electric generation facilities to be located downstream of the proposed Eagle Mountain Meter Station.

Kern River states that the estimated cost to construct the Eagle Mountain Meter Station is approximately \$277,680, exclusive of tax liabilities. Kern River further states that pursuant to a Facilities Construction Agreement and the facilities reimbursement provisions of Kern River's tariff, Eagle Mountain Properties, L.L.C., the developer for the Town of Eagle Mountain, will reimburse Kern River for the actual costs associated with the construction of the meter station including all tax liabilities.

Any person or the Commission's staff may, within 45 days after 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 § 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 therefor, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-22009 Filed 8-14-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-94-000]

McGiness Oil Company; Notice of Petition for Dispute Resolution and Adjustment

August 11, 1998.

Take notice that on July 8, 1998, McGiness Oil Company (McGiness) filed the above-referenced petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978. McGiness' petition rejects the Kansas ad valorem tax refund claims made by Panhandle Eastern Pipeline Company (PEPL), because PEPL has failed to demonstrate that the amount received by McGiness, inclusive of Kansas ad valorem tax reimbursement, exceeded an applicable maximum lawful price under the NGPA. If adjustment relief becomes necessary (i.e., if the Commission determines that McGiness owes Kansas ad valorem tax refunds to PEPL), McGiness requests to be relieved from making the refunds attributable to royalties, on the ground that such refunds are now uncollectible. McGiness asserts uncollectability based on the enactment of section 7 of House Bill No. 2419, by the State of Kansas. McGiness' petition is on file with the Commission and is open to public inspection.

The Commission by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the D.C. Circuit Court of Appeals,² directed First Sellers to make Kansas ad valorem tax refunds, with interest, to the appropriate pipelines, for the period from 1983 to 1988. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., First Sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed.

Any person desiring to be heard or to make any protest with reference to any

of these petitions 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, 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, 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 in accordance with the Commission's Rules.

David P. Boergers,

Secretary.

[FR Doc. 98-21974 Filed 8-14-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-352-001]

MIGC, Inc.; Notice of Compliance Filing

August 11, 1998.

Take notice that on August 7, 1998, MIGC, Inc. (MIGC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 (Tariff), Substitute Third Revised Sheet No. 51 to be effective August 1, 1998.

MIGC states that this tariff sheet was filed in compliance with the Federal Energy Regulatory Commission's letter order issued July 30, 1998 in Docket No. RP98-352-000 (Letter Order). MIGC believes that the tariff revisions made in the instant filing will bring MIGC's Tariff into full compliance with the Commission's Order No. 587-G.

MIGC requested waiver of the Commission's Regulations to the extent necessary to permit the tendered tariff sheet to become effective August 1, 1998, pursuant to Order No. 587-G and the Letter Order.

MIGC states that copies of the filing have been mailed to MIGC's customers, interested state regulatory agencies and all parties set out on the official service list in Docket No. RP98-352.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such

¹ See: 80 FERC ¶ 61,264 (1997); rehearing denied January 28, 1998, 82 FERC ¶ 61,058 (1998).

² 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).