

mile post 0.0 where the two lines will cross in Polk County, Florida. Install a regulator at the interconnection of the existing Agricola and Sarasota Laterals. Re-stage its two existing 12,600 horsepower gas turbine-driven compressors and add a gas cooler and scrubber at Compressor Station No. 11A in Mobile County, Alabama. Re-stage its existing 12,600 horsepower gas turbine driven compressor at Compressor Station No. 15A in Taylor County, Florida. Construct other appurtenant facilities, including but not limited to regulation and separation facilities.

The proposed Phase IV Expansion will add incremental mainline capacity to FGT's existing pipeline system of approximately 272,000 MMBtu per day at an estimated construction cost of \$350.8 million. The projected in-service date is May 1, 2001.

FGT states that it conducted an open season to solicit interest and receive requests for transportation capacity in its proposed mainline expansion. As a result, eight (8) shippers have committed to firm transportation service for an annual average of approximately 327,000 MMBtu per day (including turnback capacity). Such service will be rendered pursuant to FGT's blanket certificate under Subpart G of Part 284 of the Commission's Regulations and Rate Schedule FTS-2 of FGT's Third Revised FERC Gas Tariff, Volume No. 1, subject to the receipt of all necessary regulatory approvals, including rolled-in rate treatment with Rate Schedule FTS-2 and the construction of the proposed Phase IV Expansion facilities. FGT states that it will conduct a supply area capacity allocation process in order to allocate mainline capacity and receipt point turnback capacity prior to the in-service date of the Phase IV Expansion.

FGT requests that the Commission grant FGT rolled-in rate treatment of the costs associated with the Phase IV Expansion since the rate impact on existing FTS-2 customers of rolling in the costs is below the five percent (5%) threshold specified in the Commission's Statement of Policy, 71 FERC 61,241 (1995), for establishing a presumption in favor of rolled-in rates.

FGT submitted *pro forma* tariff sheets for its FTS-2 service proposing to change defined levels of seasonal Maximum Daily Transportation Quantities from the current two seasonal periods of November through April and May through October to (1) October, (2) November through March, (3) April, and (4) May through September.

FGT requests that the Commission issue a preliminary determination on the non-environmental aspects of its

proposal by June 1, 1999, and a final order granting the authorizations requested herein by January 1, 2000.

FGT further requests it be allowed to phase-in gas deliveries to FPL at its Fort Myers Plant. FPL states that it needs this service to prepare each new generating turbine including purging of lines, test firing, full power testing and environmental and acceptance testing. FGT states that certain of the Phase IV facilities will have to be placed in service prior to the entire expansion, and at the time these certain facilities are place in service, FGT requests authorization to cease calculating AFUDC on those specific facilities and capture and defer, as a regulatory asset, depreciation and a calculated amount for pretax return, from the time these certain facilities are placed in service until the entire Phase IV Expansion is placed in service.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before December 31, 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 or 358.211) 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, or if the Commission on its own motion believe 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 FGT 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. SA99-6-000]

### Harken Energy Corporation; Notice of Petition for Dispute Resolution or, Alternatively, for Adjustment

December 9, 1998.

Take notice that on November 17, 1998, Harken Energy Corporation (Harken) filed a petition pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), requesting that the Commission resolve the dispute between Harken's wholly-owned subsidiary—Kennedy & Mitchell, Inc. (KMI)—and Northern Natural Gas Company (Northern) over whether KMI owes Northern any Kansas ad valorem tax refunds or, in the alternative, for

relief from paying Kansas ad valorem tax refunds to Northern, under the Commission's September 10, 1997 order in Docket No. RP97-369-000, *et al.* [80 FERC ¶ 61,264 (1977); rehearing denied, 82 FERC ¶ 61,058 (1998)]. The September 10 order directed First Sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. Harken's petition is on file with the Commission and open to public inspection.

Harken contends that KMI has no Kansas ad valorem refund liability to Northern for the period from 1983-1988, due to a 1990 Settlement between KMI and Northern, the provisions of which release KMI and Northern from any future claims against one another, including refund claims.

Should the Commission hold that the 1990 Settlement does not relieve KMI/Harken from making Kansas ad valorem tax refunds to Northern, Harken requests that the Commission grant refund relief to KMI/Harken on equity grounds, due to KMI and Harken's good faith reliance upon the provisions of the 1990 Settlement. Harken asserts that to deny such relief would cause KMI/Harken an undue hardship, inequity, and an unfair distribution of burdens.

Harken asserts that it would be inequitable and an unfair distribution of burdens to require KMI/Harken to make these refunds, when KMI/Harken negotiated the 1990 Settlement with Northern, in good faith, and because there was no exclusion in the provisions of the 1990 Settlement for Kansas ad valorem refunds. Harken further argues that it would be inequitable and an unfair distribution of burdens to leave Northern whole, while requiring KMI/Harken to make the subject refunds.

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

in accordance with the Commission's Rules.

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

*Acting Secretary.*

[FR Doc. 98-33144 Filed 12-14-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP99-95-000]

#### NorAm Gas Transmission Company; Notice of Request Under Blanket Authorization

December 9, 1998.

Take notice that on December 1, 1998, NorAm Gas Transmission Company (NGT), 1111 Louisiana, Houston, Texas 77002-5231, filed in Docket No. CP99-95-000 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 construct and operate facilities in Oklahoma under NGT's blanket certificate issued in Docket No. CP82-384-000 and CP82-384-001 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.

NGT proposes to construct and operate one 2-inch delivery tap and first-cut regulator to serve ARKLA, a division of NorAm Energy Corp. (ARKLA). ARKLA will construct, own and operate at its costs, a 1-inch domestic meter. NGT will own and operate the delivery tap and first-cut regulator. The 2-inch tap will be located on NGT's Line O in Section 17, Township 5 North, Range 19 East, Latimer County, Oklahoma. The estimated volumes to be delivered to this tap are approximately 400 Dth annually and 6 Dth on a peak day. The tap and first-cut regulator will be constructed at an estimated cost of \$2,667 and ARKLA will reimburse NGT the construction costs.

NGT states that this proposal is not prohibited by its existing tariff, that there is sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers, that its peak day and annual deliveries will not be effected and that the total volumes delivered will not exceed the total volumes authorized prior to this request.

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 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 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. 98-33150 Filed 12-14-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA99-9-000]

#### W.A.R. Gas Company; Notice of Petition For Adjustment

December 9, 1998.

Take notice that on November 20, 1998, W.A.R. Gas Company (WAR), filed a petition for adjustment, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for relief from paying approximately \$15,130.70 in Kansas ad valorem tax refunds to Panhandle Eastern Pipe Line Company, under the Commission's September 10, 1997 order in Docket No. RP97-369-000, *et al.* [80 FERC ¶ 61,264 (1977); rehearing denied, 82 FERC ¶ 61,058 (1998)]. The Commission's September 10 order directed First Sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. WAR's petition is on file with the Commission and open to public inspection.

WAR's attorney states that it is a corporation with no assets, such that any attempt to collect the subject refunds from WAR would be fruitless. WAR's attorney contends that refund relief should be granted to WAR on the following grounds: (1) that WAR would suffer a special hardship if required to make the subject refunds; and (2) that it would be inequitable to require WAR to make the subject refunds.

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, N.E.,