

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. TM97-3-25-005]

**Mississippi River Transmission Corporation; Notice of Refund Report**

March 16, 1998.

Take notice that on February 17, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing its refund report associated with the January 16, 1998 distribution of refunds, including interest, for its Miscellaneous Revenue Flowthrough Adjustment balance applicable to the period November 1, 1995 through August 31, 1996.

MRT states that based on inquiries from several customers, MRT has discovered that several FTS customers were inadvertently excluded from the refund distribution. MRT states that attached to the filing are revised exhibits for the corrected distribution of refunds to MRT's FTS customers.

MRT states that copies of the filing is being mailed to each of MRT's affected customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 23, 1998. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**David P. Boergers,**  
*Acting Secretary.*

[FR Doc. 98-7265 Filed 3-19-98; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. SA98-11-000]

**Mull Drilling Company, Inc.; Notice of Petition for Adjustment**

March 16, 1998.

Take notice that on March 5, 1998, Mull Drilling Company, Inc. (MDC), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) [15 U.S.C. 3142(c)

(1982)], requesting an order from the Commission determining: (1) that a Termination Agreement between MDC and Williams Gas Pipelines Central, Inc., formerly: Williams Natural Gas Company, (Williams) absolves MDC of its liability to make Kansas ad valorem tax refunds under those terminated contracts; (2) that MDC is only responsible for Kansas ad valorem tax refund amounts attributable to its working interest; (3) that the payment of Kansas ad valorem tax refunds will create a special hardship for MDC and, therefore, that MDC should be permitted to amortize its refunds over a reasonable period of time; and (4) that MDC's liability for Kansas ad valorem tax refunds attributable to the Clarke and Zundle leases should be waived, on the basis that MDC can no longer recoup any refunds from the owners of those leases.<sup>1</sup> Absent adjustment relief, the Kansas ad valorem tax refunds are required by the Commission's September 10, 1997 order in Docket No. RP97-369-000 *et al.*<sup>2</sup> MDC's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals<sup>3</sup> directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. That order also provided that first sellers could, with the Commission's prior approval, amortize their Kansas ad valorem tax refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

MDC states that it was a party to certain gas purchase contracts entered into with Cities Service Gas Company (Williams' predecessor in interest). MDC explains that, as the operator, of the leases dedicated under those contracts, MDC acted on behalf of itself and, in some cases, third-party working interest owners. MDC adds that it passed along the funds, including the Kansas ad valorem tax reimbursement funds, to the other working interest owners, and only retained those funds attributable to its own working interest. In addition, MDC states that all but two of the contracts with Williams were terminated on

<sup>1</sup> MDC states that the Clarke and Zundle leases were each dedicated to a Williams contract, and that the leases were sold to a third party some years ago. In view of this, MDC asserts that it has no ability to recoup refunds from future production of these two leases.

<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* versus, 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).

March 31, 1993, and that the Termination Agreement with Williams contained broad release and indemnity provisions under which the parties agreed that all existing claims on the effective date of the Termination Agreement, arising from the rights and obligations under the subject contracts, would be forever "released and discharged."

MDC asserts that, because Williams did not exclude the Kansas ad valorem tax refund liability from the terms of the Termination Agreement, MDC should not owe any refunds to Williams for the Kansas ad valorem tax reimbursements that Williams made (to MDC) under those contracts.<sup>4</sup>

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, 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 384.214, 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,**

*Acting Secretary.*

[FR Doc. 98-7264 Filed 3-19-98; 8:45 am]

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP98-265-000]

**Ozark Gas Transmission System; Notice of Application**

March 16, 1998.

Take notice that on March 5, 1998, Ozark Gas Transmission System (Ozark) filed an application pursuant to Section 7(b) of the Natural Gas Act (NGA) and the Regulations of the Federal Energy Regulatory Commission (Commission) thereunder, for a certificate of public convenience and necessity authorizing

<sup>4</sup> MDC's adjustment petition identifies its Williams contracts and the leases under those contracts, but does not specify which two contracts were not covered by the 1993 Termination Agreement.

the abandonment by sale to Enogex Interstate Transmission L.L.C. (Enogex Interstate) of all its pipeline facilities and services provided under the Commission's jurisdiction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Ozark has requested that the Commission expedite its review of the abandonment application and issue an order approving the transfer of the Ozark system to Enogex Interstate no later than July 1, 1998. Ozark states that it has entered into a Purchase and Sale Agreement wherein Ozark has agreed, subject to necessary Commission authorizations, to sell to Enogex Interstate all of Ozark's pipeline and appurtenant facilities that provide service under Ozark's FERC Gas Tariff and the Commission's jurisdiction under the Natural Gas Act. Ozark states that Enogex Interstate is simultaneously filing an application under Section 7(c) of the NGA seeking authority to own and operate, without interruption, the Ozark system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1998, file with 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 385.211 or 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction of the Federal Energy Regulatory Commission by sections 7 and 15 of the NGA, 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, and if the Commission on its own review of the matter finds that abandonment by sale of the facilities 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 procedures herein provided for, unless otherwise advised, it will be unnecessary for Ozark to appear or to be represented at the hearing.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-7251 Filed 3-19-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. GT98-17-002]

#### PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

March 16, 1998.

Take notice that on March 11, 1998, PG&E Gas Transmission, Northwest Corporation (PG&E GT-NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1-A, certain tariff sheets filed in compliance with the Commission's February 24, 1998 Letter Order in this Docket. PG&E GT-NW states that this compliance filing corrects certain pagination and formatting errors identified by the Commission.

PG&E GT-NW further states that a copy of this filing has been served on PG&E GT-NW's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-7257 Filed 3-19-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-276-000]

#### Texas Gas Transmission Corporation; Notice of Request Under Blanket Authorization

March 16, 1998.

Take notice that on March 9, 1998, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 20008, Owensboro, Kentucky 42304, filed in Docket No. CP98-276-000 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 construct and operate a delivery point under Texas Gas's blanket certificate issued in Docket No. CP82-407-000 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.

Texas Gas proposes to construct and operate a delivery point for Protein Technologies, Inc. (Protein Technologies) in Shelby County, Tennessee. Protein Technologies has requested that Texas Gas construct the delivery point and will reimburse Texas Gas in full for the cost of the facilities which is estimated to be \$121,500. Protein Technologies is requesting up to 12,000 MMBtu of natural gas per day of interruptible transportation service.

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.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-7256 Filed 3-19-98; 8:45 am]

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