

under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission issued a January 28, 1998 order in Docket No. RP98-39-001, *et al.* (January 28 Order),⁴ clarifying the refund procedures, stating that producers could request additional time to establish the uncollectability of royalty refunds, and that first seller may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on the individual circumstances applicable to each first seller.

Cabot (as well as a predecessor-in-interest) has received Statements of Refunds Due ("Statements") from two of its then pipeline purchasers for Tax reimbursements received in conjunction with sales of Kansas natural gas for the period October 3, 1983 through June 28, 1988. Cabot is in the process of reviewing such Statements to determine their accuracy, as well as to address various other issues concerning whether Cabot, in fact, owes all or only a portion of such Tax refunds. Cabot's review includes whether such refund amounts are "uncollectible" pursuant to the standard set forth by the Commission. To date, Cabot has not completed its review of the Statements.

Cabot also is aware that numerous issues are either pending rehearing before the Commission, or for which appellate review has been sought. Cabot believes that these issues could, depending on their ultimate disposition, directly impact, and possibly significantly decrease, Cabot's Tax refund obligation.

Accordingly, to ensure that Cabot does not pay the Statements before their accuracy is verified and prior to these issues that are pending rehearing or appeal are finally resolved, Cabot is placing in escrow all invoiced amounts, together with interest, set forth in the Statements. Cabot also is requesting that the Commission grant Cabot an extension beyond March 9, 1998, to determine the accuracy of the Statements and what, if any, involved amounts are, in fact, uncollectible or otherwise improperly or unlawfully invoiced.

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., 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 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.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-256-000]

Clear Creek Storage Company, L.L.C.; Notice of application

March 18, 1998.

Take notice that on March 2, 1998, Clear Creek Storage Company, L.L.C. (Clear Creek), 180 East 100 South, P.O. Box 45601, Salt Lake City, Utah 84145-0601, filed in Docket No. CP98-256-000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for a certificate of public convenience and necessity authorizing Clear Creek to construct and operate facilities necessary to convert a depleted gas production reservoir in Uinta County, Utah into a storage facility, all as more fully set forth in application which is on file with the Commission and open to public inspection.

Clear Creek states that it is a limited liability corporation owned by two gas marketers, Questar Trading Company (QTC) and Montana Power Ventures Inc. (MPV) which own 75% and 25% of Clear Creek, respectively.

Clear Creek anticipates that the planned storage field will have approximately 4 bcf of working gas, 2 to 4 bcf of cushion gas, and projects injection and withdrawal rates of 35 Mmcf per day and 50 Mmcf per day, respectively. To convert the production field, Clear Creek proposes to install two 2,100 hp compressors, a liquid removal plant, and certain natural gas liquid and water tanks. Clear Creek also proposes to reinsulate and install heat tracing on an existing pipeline that connects the planned injection/withdrawal well to the compressors.

Clear Creek proposes to operate the storage field solely for the use of the two owners, QTC and MPV. The owners would use the storage capacity of the field to buy and market natural gas and manage their individual portfolios of natural gas supplies and customer demands. Because Clear Creek does not propose to offer open access service it is not requesting a blanket transportation certificate. Therefore, to the extent necessary, Clear Creek requests a waiver of any applicable open access requirement.

Any person desiring to be heard or making any protest with reference to said application should on or before April 8, 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 385.211) and the Regulations under the NGA (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. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. 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 issued by the Commission, filed by the applicant, or filed by all other 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 serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 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 such 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

⁴ 82 FERC ¶ 61,059 (1998).

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 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, 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 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 Clear Creek to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-7529 Filed 3-23-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-32-000]

Devon Energy Corporation; Notice of Petition for Adjustment

March 18, 1998.

Take notice that on March 9, 1998, Devon Energy Corporation (Devon) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),¹ requesting to be relieved of its obligation to pay Kansas ad valorem tax refunds, as required by the Commission's September 10, 1997 order in Docket Nos. GP97-3-000, GP97-4-000, GP97-5-000, and RP97-369-000² to Panhandle Eastern Pipe Line Company solely with respect to amounts which are attributable to the holders of working interests and royalty

interests who Devon cannot identify or locate or from whom Devon cannot recoup such amounts. Devon'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 Appeals³ directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission's September 10 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 could continue to accrue on any outstanding balance.

Devon states that it would be inequitable and cause an unfair distribution of burdens for it to be held liable for amounts collected on behalf of, and distributed to, other parties. Devon proposes to file by September 1, 1998, a report with the Commission detailing its efforts to recover Kansas ad valorem tax amounts paid to third-parties which Devon has been unable to recoup.

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., 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,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98-2-24-000 and RP98-161-000]

Equitrans, L.P.; Notice of Proposed Changes in FERC Gas Tariff

March 18, 1998.

Take notice that on March 13, 1998, Equitrans, L.P. (Equitrans) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with an effective date of April 1, 1998:

Eleventh Revised Sheet No. 6
Fourth Revised Sheet No. 264
Third Revised Sheet No. 265
Third Revised Sheet No. 266
Fourth Revised Sheet No. 267

Equitrans states that it is proposing to make a change in the method of charging shippers for gas processing service. Equitrans states that the filing constitutes Equitrans' annual products extraction rate adjustment filing under Section 32 of the General Terms and Conditions of its FERC Gas Tariff.

Equitrans states that its contracts for gas processing services from Gulf Energy Gathering and Processing Company (Gulf Energy), and that Gulf Energy has made a contractual election, beginning in January, 1998, to "keep whole" Equitrans for the processing services it provides under the contracts. Based on this contractual change, Equitrans proposes to eliminate its currently effective \$0.2004/Dth products extraction charge. No extraction charge will be recovered from shippers prospectively. In addition, Equitrans will provide a monetary credit to these shippers for the shrinkage of their gas which occurs due to processing operations as these credits are received monthly from Gulf Energy.

Equitrans states that the credits will be calculated on a unit basis using the same tariff mechanism in Section 32 of the General Terms and Conditions which was previously used for the crediting of liquid revenues. The proposed method of charging Equitrans' West Virginia shippers for gas processing services will result in a significant reduction in processing costs to these shippers. Equitrans requests any waivers which are necessary to make the proposed tariff sheets effective beginning April 1, 1998.

Equitrans states that copies of this rate filing were served on Equitrans' jurisdictions customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion

¹ 15 U.S.C. 3142(c) (1982).

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

³ *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).