

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. TM97-1-130-004]

Gas Transport, Inc.; Notice of Report  
of Billings and Refunds

March 24, 1998.

Taking notice that on March 17, Gas Transport, Inc. (GTI) filed in compliance with a Letter Order issued by the Federal Energy Regulatory Commission (Commission) on March 5, 1998, directing GTI to make refunds to its customers any Annual Charge Adjustment surcharge amounts collected in excess of the Commission approved \$0.0020 per Dth rate for the period from October 1, 1996, through March 31, 1997.

GTI states that the Commission observed that, during the period from October 1, 1996 through March 31, 1997, GTI collected 9.0 cents per Dth, including the ACA surcharge of .22 cents per Dth. The Commission concluded that GTI's collection of .22 cents per Dth resulted in an overcharge of .02 cents per Dth when compared to the Commission-approved ACA surcharge.

GTI states that the refunds will be made by a credit to the March 1998 invoices for its IT customers.

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 31, 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. 98-8174 Filed 3-27-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. SA98-71-000]

Graham-Michaelis Corporation; Notice  
of Petition for Adjustment and Request  
for Extension of Time

March 24, 1998.

Take notice that on March 10, 1998, as supplemented on March 13, 1998, the Graham-Michaelis Corporation on behalf of the working interest owners for whom it operated leases (GMC and owners), filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures [15 U.S.C. § 3142(c) (1982)] with respect to the Kansas ad valorem tax refund liability. GMC and owners' petition is on file with the Commission and open to public inspection.

The Commission's September 10, 1997, order on remand from the D.C. Circuit Court of Appeals,<sup>1</sup> in Docket No. RP97-369-000, *et al.*,<sup>2</sup> directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its Order Clarifying Procedures [82 FERC ¶ 61,059 (1988)], stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers 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 their individual circumstances.

GMC and owners request an extension of 90 days from March 9, 1998, to allow GMC and owners and Colorado Interstate Gas Company (CIG) to resolve any dispute as to the correct amount of refund set forth in the Statement of Refunds Due [SRD] received from CIG and submit any unresolved dispute to FERC for resolution. Additionally, GMC and owners request that the Commission grant an adjustment to its procedures to allow SMC and owners to defer payment of principal and interest attributable to royalties for one year until March 9, 1999. Finally, GMC and owners request that the Commission grant an adjustment to its procedures to allow GMC and owners to place into an escrow account the amount of the

<sup>1</sup> Public Service Company of Colorado v. FERC, 91 F.3d 1478 (D.C. Cir. 1996), *cert. denied*, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96-954 and 96-1230).

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

refund which appears presently to be in dispute but which may still be resolved by agreement and (i) amounts attributable to royalty refunds which have not been collected from the royalty owners principal and interest; (ii) principal and interest on amounts attributable to production prior to October 4, 1983; (iii) interest on royalty amounts which have been recovered from the royalty owners (the principal of which was refunded); and (iv) interest on all reimbursed principal amounts determined to be refundable as being in excess of maximum lawful prices (excluding interest retained under (i), (ii), and (iii) above).

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.*

[FR Doc. 98-8171 Filed 3-27-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. SA98-67-000]

John O. Farmer, Inc.; Notice of Petition  
for Adjustment

March 24, 1998.

Take notice that on March 11, 1998, John O. Farmer, Inc. (Farmer) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),<sup>1</sup> for KN Interstate Gas Transmission Company with respect to its Kansas ad valorem tax refund liability under the Commission's September 10, 1997 order in Docket Nos

<sup>1</sup> 15 U.S.C. 3142(c) (1982).

RP97-369-000, GP97-3-000, GP97-4-000, and GP97-5-000.<sup>2</sup>

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals<sup>3</sup> directed first sellers 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),<sup>4</sup> 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.

Farmer states that it is an operator of natural gas production and also owns working interests in said wells along with numerous other working interest owners in Kansas, which was subject to that state's ad valorem tax during the period 1983 through 1988.

Farmer requests that the pipeline be directed to tender a revised statement of refunds to Farmer and separate statements to the other individual working interest owners. Farmer states that it will work with the pipeline to provide sufficient information to prepare separate statements. Farmer also requests an adjustment to its procedures to allow Farmer to place in an interest bearing fund over which Farmer would maintain control. Farmer requests that the Commission provide for protective language to clarify that any amounts paid would be refunded with interest.

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.*

[FR Doc. 98-8169 Filed 3-27-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-72-000]

#### John O. Farmer, Inc.; Notice of Petition for Adjustment

March 24, 1998.

Take notice that on March 11, 1998, John O. Farmer, Inc. (Farmer), as an operator who owns 100 percent working interest in the Ackerman Ratzlaff, and Stewart Leases (First Seller),<sup>1</sup> filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures [15 U.S.C. § 3142(c) (1982)] with respect to Farmer's Kansas ad valorem tax refund liability to Northern Natural Gas Company. Farmer'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>2</sup> in Docket No. RP97-369-000, *et al.*,<sup>3</sup> directed first Sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], stating therein that procedures (first Sellers) could request additional time to establish the uncollectability of royalty refunds, and that first Sellers 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 their individual circumstances.

Farmer requests that the Commission: 1) provide for protective language which would clarify that any amounts paid to the pipelines that are not ultimately

required to be paid would be refunded with interest; and 2) permit the disputed amounts to be placed in an interest bearing fund over which Farmer would maintain control.

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 appropriation 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. 98-8172 Filed 3-27-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-73-000]

#### John O. Farmer, Inc.; Notice of Petition for Adjustment

March 24, 1998.

Take notice that on March 11, 1998, John O. Farmer, Inc. (Farmer) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGNP) [15 U.S.C. 3142(c) (1982)], requesting relief from the Commission's refund procedures, with respect to Farmer's Kansas ad valorem tax refund liability, required by the Commission's September 10, 1997 order (in Docket No. RP97-369-000 *et al.*).<sup>1</sup> Farmer'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>2</sup> directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for

<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. Cir. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

<sup>4</sup> 82 FERC ¶ 61,059 (1998).

<sup>1</sup> Attachments filed by Farmer indicate 100% ownership.

<sup>2</sup> *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), cert. denied, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96-954 and 96-1230).

<sup>3</sup> See 80 FERC ¶ 61,264 (1997); order denying reh'g, issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

<sup>1</sup> See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

<sup>2</sup> *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).