

March 13 and March 26 supplements amending the March 9 petition are on file with the Commission and open to public inspection.

GMC filed the March 9 petition pursuant to section 502(c) of the Natural Gas Policy Act of 1978, in response to the Commission's September 10, 1997, order in Docket No. RP97-369-000 *et al.*² on remand from the D.C. Circuit Court of appeals,³ which directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

The Commission also 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 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 the individual circumstances applicable to each first seller. Pursuant to that order, GMC's March 9 petition requested the Commission: (1) to authorize a 90-day extension of the Commission's March 9, 1998 refund deadline, to allow GMC resolve any disputes with Northern over Applicants' refund liability or, if necessary, to file a dispute resolution request with the Commission; (2) to grant Applicants a 1-year deferral (i.e. to March 9, 1999) on the payment of principal and interest attributable to royalties; and (3) to allow Applicants to escrow (a) amounts that remain in dispute (b) principal and interest amounts attributable to royalty refunds which have not been collected from the royalty owners, (c) principal and interest on amounts attributable to production prior to October 4, 1983, (d) interest on royalty amounts that have been recovered from the royalty owners (where the principal has been refunded), and (e) interest on all reimbursed principal amounts determined to be refundable as being in excess of maximum lawful prices, excluding interest retained under (b), (c), and (d) above.

Any person desiring to answer GMC's March 13 and March 20 amendments should file such answer with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

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

⁴ See 82 FERC ¶ 61,059 (1998).

20426, on or before 15 days after the date of publication of this notice in the **Federal Register**, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.213, 385.215, 385.1101, and 385.1106).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-9170 Filed 4-7-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent to File an Application for a New License

April 2, 1998.

a. *Type of filing:* Notice of Intent to File an Application for a New License.

b. *Project No.:* 401

c. *Date filed:* March 23, 1998

d. *Submitted By:* Indiana Michigan Power Company, current licensee

e. *Name of Project:* Mottville Hydroelectric Project

f. *Location:* On the St. Joseph River, in St. Joseph County, Michigan

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations

h. *Effective date of current license:* February 1, 1978

i. *Expiration date of current license:* September 18, 2003

j. *The project consists of:* (1) a 20-foot-high, 846-foot-long dam comprising (a) a 241-foot-long spillway containing eight 7.5-foot-high by 22-foot-long Taintor gates and two 13-foot-high by 22-foot-long Taintor gates, and (b) a 4-foot fish ladder section; (2) a 378-acre reservoir at normal full pool elevation 771.0 feet m.s.l.; (3) an integral powerhouse containing four generating units with a total installed capacity of 1,715 kW; (4) transmission facilities; and (5) appurtenant facilities.

k. *Pursuant to 18 CFR 16.7, information on the project is available at:* Indiana Michigan Power Company, Hydro Generation, 13840 East Jefferson Road, Mishawaka, IN 46545, (219) 255-8946.

l. *FERC contact:* Tom Dean (202) 219-2778.

m. Pursuant to 18 CFR 16.9 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for

license for this project must be filed by September 18, 2001.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 98-9158 Filed 4-7-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-306-000]

KN Interstate Gas Transmission Company; Notice of Application

April 2, 1998

Take notice that on March 26, 1998, KN Interstate Gas Transmission Company (KN), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP98-306-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by transfer to Warren Energy Resources, Limited Partnership (Warren), the compression, treating and appurtenant facilities comprising its Pawnee Rock Station which is located in Rush County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

KN states that, by abandoning the facilities to Warren, it would eliminate the expenses associated with the operation of the facilities without diminishing or abandoning the services available to the producers connected to Warren's Pawnee Rock gathering system.

KN requests that the Commission declare that the facilities are gathering facilities exempt from the Commission's jurisdiction under Section 1(b) of the Natural Gas Act.

Any person desiring to be heard or any person desiring to make any protest with reference to said application should on or before April 23, 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 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.

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 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 permission and approval for the proposed abandonment are 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 K N to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-9157 Filed 4-7-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-169-000]

Kern River Gas Transmission Company; Notice of Petition for Grant of Expedited Limited Waiver of Tariff

April 2, 1998.

Take notice that on March 30, 1998, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Kern River Gas Transmission Company (Kern River) tendered for filing a Petition for Grant of Expedited Limited Waiver of Tariff, Section 3.1 of Rate Schedule KRF-1 in its FERC Gas Tariff, First Revised Volume No. 1.

Kern River seeks a one-time waiver of Section 3.1 of its Rate Schedule KRF-1 to allow its customers to request KRF-1 service earlier than the ninety days currently specified in its tariff. Kern River proposes to post and award for competitive bid up to 40,000 Mcf per day of firm capacity that is available during the 1998-99 winter heating season, and wishes to post the capacity and receive bids earlier than ninety days before the proposed commencement date of that service. Kern River also requests that the Commission grant any

other waivers it may deem necessary to allow Kern River to proceed as outlined.

Kern River states that a copy of this filing has been served upon its jurisdictional customers and affected states regulatory commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or 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 Rules and Regulations. All such motions or protests must be filed on or before April 9, 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-9166 Filed 4-7-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 469-MN]

Minnesota Power & Light Company; Notice of Minnesota Power & Light Company's Request for Waiver and to Use Alternative Procedures in Filing a License Application

April 2, 1998.

On March 30, 1998, the existing licensee, Minnesota Power & Light Company (Minnesota Power), filed a request to waive certain Commission regulations and to use alternative procedures for submitting an application for new license for the existing Winton Hydroelectric Project No. 469. The project is located on the Kawishiwi River, in Lake and St. Louis Counties, Minnesota, and consists of the Winton Dam and a 4.0-MW powerhouse, Garden Lake Reservoir, Birch Lake Dam, and Birch Lake Reservoir. The project occupies lands of the United States within the Superior National Forest.

Minnesota Power has demonstrated that it has made an effort to contact all resource agencies, Indian tribes, nongovernmental organizations (NGOs), and others affected by the proposal, and that a consensus exists that the use of alternative procedures is appropriate in

this case. Further, waiving the Commission's regulations will be automatic upon approval of the alternative procedures stipulated in Order No. 596.¹

Minnesota Power has submitted a communications protocol that is supported by the interested entities.

The purpose of this notice is to invite any additional comments on Minnesota Power's request to use the alternative procedures, pursuant to Section 4.34(i) of the Commission's regulations. Additional notices seeking comments on the specific project proposal, interventions and protests, and recommended terms and conditions will be issued at a later date.

The alternative procedures being requested here combine the prefiling consultation process with the environmental review process, allowing Minnesota Power to complete and file an Environmental Assessment (EA) in lieu of Exhibit E of the license application. This differs from the traditional process, in which an applicant consults with agencies, Indian tribes, and NGOs during preparation of the application for the license and before filing it, but the Commission staff performs the environmental Project No. 469 review after the application is filed. The alternative procedures are intended to simplify and expedite the licensing process by combining the prefiling consultation and environmental review processes into a single process, to facilitate greater participation, and to improve communication and cooperation among the participants.

Applicant Prepared EA Process and Winton Project Schedule

Minnesota Power has distributed an Initial Consultation Packet for the proposed project to state and federal resource agencies and NGOs. Minnesota Power has submitted a proposed schedule for the alternative procedures that leads to the filing of a license application by October 2001.

Comments

Interested parties have 30 days from the date of this notice to file with the Commission, any comments on Minnesota Power's proposal to use the alternative procedures to file an application for the Winton Hydroelectric Project.

Filing Requirements

The comments must be filed by providing an original and 8 copies as required by the Commission's

¹ Order No. 596, Regulations for the Licensing of Hydroelectric Projects, 81 FERC ¶ 61,103 (1997).