

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 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 Columbia to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

APPENDIX—COLUMBIA GAS TRANSMISSION CORPORATION SUMMARY OF CERTIFICATED AND UNCERTIFICATED FACILITIES TO BE SPUNDOWN BY TRANSFER AND SALE TO CNR

Gathering system	Pipeline			System pressure (psig)	Compressor (HP)
	Length (miles)	Diameter (inches)	Total No.		
1 Summit	9	2-6	8	90-200	0
2 Ohiopyle	17	2-12	5	0
3 Walbridge	143	2-8	267	40-80	0
4 Hubball-Horse Creek-Nye	2-20	1,322	40-80	820
5 Buff Lick	212	(¹)	286	2-100	Yes
6 Inez-Kermit	635	1-18	984	40-80	959
7 Beaver Creek	93	1-12	133	10-70	0
8 Boldman	288	1-18	364	50-180	0
9 Johns Creek	21	2-8	26	35-60	300
10 Canada (P-74)	95	2-10	151	100-120	300
11 Canada (P-28)	13	2-8	9	40-100	0
12 Conaway	121	2-20	149	70-120	900
				250-400	
13 Majestic Thacker	152	1-10	184	30-70	950
14 Briar Mountain	16	2-6	19	20-60	300
15 Stafford	32	1-6	49	45-75	Yes
16 Huff Creek (V-38)	2-10	17	75-125	Yes
17 McDowell-Tazewell	41	2-6	46	30-50	0
18 Egeria	20	2-6	37	30-50	Yes

¹ Various.

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[Docket No. CP-96-385-000]

**Columbia Natural Resources, Inc.;
Notice of Petition for Declaratory Order**

Take notice that on April 29, 1996, Columbia Natural Resources, Inc. (CNR),¹ P.O. Box 6070, Charleston, West Virginia 25362-0070, filed in Docket No. CP96-385-000 a petition pursuant to Section 16 of the Natural Gas Act (NGA) and Rule 207(a)(2) of the

¹ CNR is a wholly-owned subsidiary of the Columbia Gas System, Inc.; headquartered in Charleston, West Virginia; and incorporated in Texas and licensed to do business in the States of Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia and West Virginia. CNR performs all the oil and gas drilling and production operations of The Columbia Gas System, Inc., in the Eastern United States. CNR owns an interest in over 6,500 oil and gas wells and has total acreage holdings of more than 2.3 million acres. Approximately two-thirds of CNR's natural gas production flows through the facilities subject to CNR's petition.

Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)), for a declaratory order disclaiming Commission jurisdiction over certain facilities, operations, rates and the services provided through the facilities, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

CNR seeks a declaratory order from the Commission finding that certain certificated and uncertificated natural gas gathering facilities, and the ownership and operation of those facilities, proposed to be acquired from Columbia Gas Transmission Corporation (Columbia) would not be subject to the jurisdiction of the Commission under the NGA upon transfer of the facilities.² CNR seeks a determination that the Commission's authority to regulate rates under Sections 4 and 5 of the NGA does

² A companion application was filed by Columbia in Docket No. CP96-386-000 for authorization to abandon the certificated portion of the facilities by sale to CNR.

not extend to CNR's gathering system as it is proposed to be operated.

CNR states that the facilities are located in Fayette and Somerset Counties, Pennsylvania; Dickenson, Tazewell and Buchanan Counties, Virginia; Pike, Knott, Breathitt, Magoffin, Floyd, Johnson, Lawrence, Letcher and Martin Counties, Kentucky; and Kanawha, Boone, Cabell, Logan, Putnam, Wyoming, Raleigh, Fayette, Mercer, McDowell, Mingo, Wayne and Lincoln Counties, West Virginia. CNR describes the facilities as eighteen gathering systems composed of "web-type" or "backbone" configurations of lines that are of a size and operated at pressures consistent with the gathering function, located in a production area, upstream of processing facilities, and gather gas from receipt points for subsequent delivery to Columbia's transmission lines or to other points of delivery on the gathering system.

CNR asserts that the individual elements of the "Modified Primary Function" Test, when applied to these

eighteen gathering systems, demonstrate that these Facilities would perform a gathering function in CNR's possession. The following statements are those of CNR.

(1) Length and Diameter of the Lines—Although it is difficult to generalize about so many lines, it is clear that the great majority of these lines are small diameter, short lines, consistent with the configuration of gathering area lines. While some lines are larger than the 2.375" to 8.625" lines which predominate, or greater than a mile in length, such lines do not exceed a size or a length appropriate for a gathering function in similar circumstances, e.g., to transport gas gathered from other lines either directly or indirectly to transmission lines.

(2) Extension Beyond a Central Point in the Field—Unlike other production areas such as those in the Southwest, the "central point in the field test" is not generally applicable to those systems, given the unique geography and development of the Appalachian gathering area. Therefore, this test provides little guidance in determining the primary function of Appalachian gathering systems such as those under consideration here.

(3) Location of Compressors and Processing Plants—There are no processing plants upstream of these Facilities, and only twelve compressors on these eighteen gathering systems. Those twelve compressors are either field boosters which are necessary to move gas over these low pressure systems, or compress the gas for entry into transmission lines.

(4) Geographic Configuration—An examination of the maps contained in Exhibits Z and Z1 of Columbia's abandonment application shows that these Facilities form a "web-type" or "backbone" configuration and are located in a production area where they function as a production area gathering network.

(5) Location of Wells—Each of these eighteen gathering systems collects gas from wells at production area receipt points located along or throughout each system.

(6) Operating Pressure of the Lines—The operating pressure of the lines is low, typically less than 100 psig, and in all cases entirely consistent with a gathering facility characterization in these low pressure production areas.

(7) Purpose, Location and Operation of the Facilities—The facilities are located in a production area, and used to provide gathering service by their present owner and operator. Even the few facilities functionalized on Columbia's books of account as

transmission either now perform a gathering function or would do so when owned and operated by CNR.

(8) The Owner's General Business Activity—CNR, the proposed owner of these Facilities, would be a gatherer, not an interstate transporter, of gas. It intends to have no jurisdictional transmission facilities. Therefore, these Facilities would be gathering facilities after the proposed transfer.

CNR states that it would operate the facilities as an independent gas gatherer to provide gas gathering and related services on an open access, nonjurisdictional, nondiscriminatory basis to all customers. CNR states that no existing shipper on any of these eighteen gathering systems would be faced with any reduction or loss of gathering service. CNR explains that it intends to provide substitute nonjurisdictional alternatives to the service provided by Columbia in connection with its transportation service under certain rate schedules in Columbia's Second Revised Volume No. 1 FERC Gas Tariff. Further, CNR would attempt to negotiate new gathering agreements with Columbia's shippers. However, if CNR is unable to reach agreement with an existing gathering shipper, CNR would offer such existing shippers a default contract under which they would continue to be able to receive gathering service for a two-year period, under rates, terms and conditions consistent with those under which Columbia currently provides these gathering services. Proposed default gathering contracts would be submitted if the parties were unable to negotiate mutually agreeable arrangements.

CNR advises that Columbia currently utilizes certain of the Facilities to deliver gas scheduled under Rate Schedules FTS, NTS,³ and SST to Mountaineer Gas Company (Mountaineer) and Columbia Gas of Kentucky, Inc. (CKY), at Town Border Stations. CNR plans to provide nonjurisdictional direct delivery service to Mountaineer and CKY, after the proposed sale. Negotiations are progressing with these two local distribution companies for the development of agreements for such service by CNR.

CNR advises that, in addition to direct delivery service at Town Border Stations, Columbia utilizes many of the Facilities to also deliver gas to certain Mainline Tap Consumers served by these local distribution companies and by Columbia Gas of Pennsylvania, Inc. These Mainline Tap Consumers are

attached directly to Columbia gathering lines and, typically, are found in areas which are remote from the nearest measured distribution system and may own land over which Columbia's gathering lines have been laid. Upon the transfer of the Facilities to CNR, deliveries to these Mainline Tap Consumers would be continued by CNR on a nonjurisdictional basis.

CNR further advises that, in the companion application filed in Docket No. CP96-386-000, Columbia proposes to abandon two Points of Delivery at exchange points on the Facilities with CNG Transmission Corporation under Columbia's Rate Schedule X-35 and X-84. However, the remaining exchange points under these rate schedules would not be affected by the proposed transfer of the Facilities to CNR and exchange services would continue to be provided under Rate Schedules X-35 and X-84.

CNR also advises that Ashland Exploration, Inc., delivers gas from its own production into Columbia's Canada (P-28) Gathering System. Some of that gas is delivered to approximately 170 customers of Ashland located on that system. CNR intends to work with Ashland to develop an appropriate replacement, if necessary, for the service currently provided by Columbia.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 20, 1996, 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 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.

Linwood A. Watson, Jr.,

Acting Secretary.

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[Docket No. CP96-97-000]

Eastern Shore Natural Gas Company; Notice of Technical Conference

May 8, 1996.

Take notice that a technical conference will be convened in the above-docketed proceeding on

³ Only Mountaineer receives NTS service.