

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-9-000]

Merleyn A. Calvin; Notice of Petition for Adjustment

March 5, 1998.

Take notice that on March 2, 1998, Merleyn A. Calvin (Calvin), filed a petition for adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),¹ requesting to be relieved of her obligation to make Kansas ad valorem tax refunds to Panhandle Eastern Pipe Line Company (Panhandle), with respect to her working interest certain wells operated by CLX Energy, Inc. (CLX),² otherwise required by the Commission's September 10, 1997, order in Docket Nos. RP97-369-000, GP97-3-000, GP97-4-000, and GP97-5-000.³ Calvin'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 Appeals⁴ directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

Calvin states that her husband purchased the subject gas well working interests for her, and that he now has an advanced case of Parkinson's disease, which has forced him to retire early. Calvin further indicates that she has limited means from which to pay the Kansas ad valorem tax refunds. Calvin also states that: (1) She and her husband filed for bankruptcy in 1989; (2) the bankruptcy court issued an order in 1990, discharging their debts; (3) the Colorado National Bank received all of their oil and gas assets; and (4) neither she nor her husband own an interest in the wells involved in CLS's refund claim.

Calvin also believes that her obligation to make the subject refunds may have been discharged by the bankruptcy. Therefore, Calvin requests to be relieved of her obligation to refund

her share of the Kansas ad valorem tax refunds owed by CLX, on the grounds that making the subject refunds would cause her to endure a special hardship. In the alternative, if the Commission does not grant the adjustment relief requested, Calvin requests that the Commission authorize her to amortize her refund obligation over a 5-year period.

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, 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 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. 98-6240 Filed 3-10-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-139-008]

Caprock Pipeline Company; Notice of Tariff Filing

March 5, 1998.

Take notice that on March 2, 1998, Caprock Pipeline Company (Caprock), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following actual tariff sheets, to be effective November 1, 1997:

First Revised Sheet No. 6A
Second Revised Sheet No. 10

Caprock states that the above referenced actual tariff sheets are being filed in compliance with the Commission's June 6, 1997 Order, to be effective November 1, 1997. The June 6 order approved the ProForma sheets Caprock filed on May 1, 1997, and directed Caprock to file actual tariff sheets. On October 1, 1997, Caprock filed actual tariff sheet Third Revised Sheet No. 29A in compliance with the Commission's order and which was

subsequently approved. However, due to an administrative oversight, Sheet Nos. 6A and 10 were not included in the October 1 filing as required. Therefore, Caprock is hereby submitting for filing and acceptance, to be effective November 1, 1997, First Revised Sheet No. 6A and Second Revised Sheet No. 10.

Caprock states that copies of the filing were served upon Caprock's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person desiring to protest said 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 in accordance with Section 154.210 of the Commission's Regulations. Protests 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. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,
Acting Secretary.

[FR Doc. 98-6245 Filed 3-10-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-7-000]

Dorchester Hugoton, Ltd.; Notice of Petition for Adjustment

March 5, 1998.

Take notice that on March 2, 1998, Dorchester Hugoton, Ltd. (Dorchester), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),¹ requesting that the refund procedures in the Commission's September 10, 1997 Order in Docket Nos. RP97-369-000, GP97-3-000, GP97-4-000, and GP97-5-000,² be altered with respect to Dorchester's Kansas and valorem tax refund liability.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals³ directed first sellers

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).¹ 15 U.S.C. § 3142(c) (1982).² CLX previously filed its own petition for adjustment in Docket No. SA98-2-000, in which it seeks to be relieved of any obligation to pay Kansas ad valorem tax refunds owed by its royalty interest, overriding royalty interest, and other working interest owners.³ See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).⁴ *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).

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.

Dorchester requests authorization, pursuant to the Commission's January 28 Order, to defer payment to Panhandle Eastern Pipe Line Company (Panhandle) of principal and interest refunds attributable to unrecovered royalties for one year until March 9, 1999. In addition, Dorchester requests that it be allowed to place into an escrow account during the requested 1-year deferral period: (1) An amount equal to the principal and interest on royalty refunds which have not been recovered as of February 27, 1998 (to curtail the level of interest); (2) an amount equal to the interest on royalty refunds recovered after February 27, 1998, where the principal of that royalty refund is paid to Panhandle, except for pre-October 3, 1983 production (to protect the interests of royalty owners); (3) an amount equal to the principal and interest attributable to production prior to October 3, 1983, excluding uncollected royalties attributable thereto (to protect Dorchester's and the royalty owners' property rights pending judicial review); and (4) an amount equal to the interest on the total remaining amount of refunds allegedly due (i.e., the interest due on principal), excluding royalties and pre-October 3, 1983, production (to protect Dorchester's property rights pending judicial review and potential legislative action).

Dorchester argues that it seeks to establish these procedures to ensure that it pays only that which is legitimately owed, and that it will be able to recover the overpayment, if it is subsequently determined that Dorchester's refund liability was less than the originally claimed by Panhandle. Dorchester asserts that a one-year deferral in the obligation to make royalty refunds is necessary in order to allow it to confirm the appropriate refund amounts due, to attempt to locate the prior royalty owners, and to seek recovery of such

amounts from the proper royalty owners.

On or before March 9, 1999, Dorchester proposes to file documentation with the Commission, of those royalties which were not collectible and disburse the recovered royalty refund principal to Panhandle, except for refunds attributable to pre-October 3, 1983, production. Until that time, Dorchester proposes to place the interest from royalty refunds which was recovered in its escrow account to protect the royalty owners. In addition, Dorchester argues that its proposal for an escrow account is necessary to protect its property and that of its royalty owners.

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. 98-6238 Filed 3-10-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98-22-000]

Egan Hub Partners, L.P.; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Egan Hub Partners, L.P. (Egan Hub), tendered for filing a part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheets Nos. 1, 58, 61, 82, 85, 88, 97, 102, 105, 109 and 112 replacing 2nd Sub., First Revised Sheets of the same numbers. Egan Hub proposes that the tariff sheets become effective on March 2, 1998.

Egan Hub states that the main purpose of its March 2 filing is to update Egan Hub's address, phone and fax numbers

in its tariff. In addition, Egan Hub provides Second Revised Sheet No. 82 to correct erroneous tariff language. Finally, Egan Hub provides Second Revised Sheet No. 112 which demonstrates that the proposed Columbia Gulf receipt/delivery point is now an actual receipt/delivery point.

Egan Hub states that copies of the filing have been served upon its affected customers and any interested State Commissions.

And person desiring to be heard or to protest this filing should file a motion to intervene or 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 protest must be filed in accordance with 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 proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-6243 Filed 3-10-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-8-000]

Ensign Oil & Gas Inc.; Notice of Petition for Adjustment and Dispute Resolution Request

March 5, 1998.

Take notice that on March 2, 1998, Ensign Oil & Gas Inc. (Ensign), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),¹ and a dispute resolution request, with respect to its Kansas ad valorem tax refund liability under the Commission's September 10, 1997 Order in Docket Nos. RP97-369-000, GP97-4-000, and GP97-5-000.²

The Commission's September 10 order on remand from the D.C. Circuit

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).

⁴ 82 FERC ¶ 61,059 (1998).