

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.*

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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),<sup>1</sup> 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 RP97-369-000<sup>2</sup> 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 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'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

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

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

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 as provided in 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 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.

**David P. Boergers,**  
*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA87-43-000]

#### Leo Helzel; Notice of Petition for Adjustment

March 18, 1998.

Take notice that on March 9, 1998, Leo Helzel (First Seller), filed a petition for adjustment under section 502(c) of the Natural Gas Policy act of 1978 (NGPA), requesting 1) an extension of 90 days to allow First Seller and Williams Natural Gas Company (Pipeline) to resolve any dispute as to the proper amount of the refund liability of first Seller for the Kansas ad valorem tax reimbursements set forth in the Statement of Refunds Due (SRD) addressed to Benson Mineral Group, Inc. (BMG), the operator, or to submit such dispute to FERC for resolution if the parties cannot resolve it within such time, and 2) in order to stop the accrual of interest pending resolution of disputes and legal issues, grant an adjustment to its procedures to allow First Seller to place into escrow not only any disputed amount of the refund amount calculated by Pipeline but also principal and interest on amounts attributable to production prior to October 4, 1983, and interest on all other amounts claimed to be due under the SRD.

The procedures applicable to the conduct of this adjustment proceeding are in subpart K of the Commission's Rules of Practice and Procedure.

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. SA98-31-000]

#### Kaiser-Francis Oil Company; Notice of Petition for Adjustment

March 18, 1998.

Take notice that on March 9, 1998, Kaiser-Francis Oil Company (Kaiser-Francis) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),<sup>1</sup> requesting adjustment relief from refund procedures, as required by the Commission's September 10, 1997 order in Docket Nos. GP97-3-000, GP97-4-000, GP97-5-000, and RP97-369-000,<sup>2</sup> concerning Northern Natural Gas Company. Kaiser-Francis' 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>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's September 10 order also provided that first sellers could, with the Commission's prior approval, amortize their Kansas ad valorem tax

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

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

refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

Kaiser-Francis requests that the Commission: (1) grant an adjustment to its procedures to allow Kaiser-Francis to defer payment of principal and interest attributable to royalties for one year until March 9, 1999; and (2) grant an adjustment to the Commission's procedures to allow Kaiser-Francis to place into an escrow account in a federally-insured financial institution: (i) amounts attributable to royalty refunds which have not been collected from the royalty owner (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 the total amount of refunds allegedly due (excluding royalties, disputed amounts, and pre-October 4th production).

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. SA98-38-000]

#### John W. LeBosquet; Notice of Petition for Adjustment

March 18, 1998.

Take notice that on March 9, 1998, John W. LeBosquet (LeBosquet), and other working interest owners for whom LeBosquet operated, (Dorchester) filed a