

required under the Commission's September 10 order. Dahlgren's attorney also asserts that the payment of the refunds would leave the beneficiaries destitute. Dahlgren's attorney contends that refund relief should be granted to Dahlgren (i.e., to the beneficiaries of the Trust) on the grounds: (1) That the beneficiaries would suffer a special hardship if required to make the subject refunds; and (2) that it would be inequitable to require the beneficiaries to make the subject refunds.

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, NE, 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 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.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-94-000]

Florida Gas Transmission Company; Notice of Application

December 9, 1998.

Take notice that on December 1, 1998, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in the above docket an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to: (I) construct, own, and operate certain pipeline facilities and additional compression on FGT's system (Phase IV Expansion), (II) allow FGT to roll-in the costs associated with the proposed Phase IV Expansion with FGT's Phase III System in any NGA Section 4 rate proceeding which becomes effective following the in-service date of the Phase IV Expansion,

and (iii) authorize certain accounting treatment related to certain of the proposed facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT proposes to construct, own, and operate approximately 205 miles of various diameter pipelines, additional compression totaling 48,570 horsepower, four new delivery points including three new measurement stations, and various other miscellaneous facilities in the States of Mississippi, Alabama, and Florida as listed below:

Pipeline Additions

(1) West Leg Extension: Approximately 113.6 miles of 30-inch and 26-inch lines, starting at the intersection of the existing West Leg and the existing St. Petersburg/Sarasota Connector in Hillsborough County, Florida, traversing through Polk, Hardee, DeSoto, and Charlotte Counties, Florida, and ending at the proposed Florida Power and Light Company (FPL) Ft. Myers Measurement Station in Lee County, Florida. The first segment will consist of 75.6 miles of 30-inch line and the second segment will consist of 38.0 miles of 26-inch line.

(2) Mainline Looping: Approximately 9.3 miles of 36-inch line, starting near mile post 152.7 in George County, Mississippi and ending near mile post 162.0 in Greene County, Mississippi. Approximately 5.5 miles of 30-inch line, starting near mile post 515.3 in Suwannee County, Florida and ending near mile post 520.8 in Columbia County, Florida.

Approximately 14.0 miles of 30-inch line, starting near mile post 548.1 and ending near mile post 562.1, all in Bradford County, Florida. Approximately 6.0 miles of 30-inch line, starting near mile post 607.9 and ending near mile post 613.9, all in Marion County, Florida.

(3) Tampa South Lateral Extension: Extension of the existing 6-inch Tampa South Lateral by constructing approximately 5.62 miles of 4-inch line, starting at mile post 16.0 and ending at the proposed National Gypsum Measurement Station, all in Hillsborough County, Florida.

(4) Sarasota Lateral Loop Extension: Extension of the existing 8-inch Sarasota Lateral Loop by constructing approximately 4.09 miles of 12-inch line, starting near mile post 69.5 and ending near mile post 73.6, all in Manatee County, Florida.

(5) Lake Wales Lateral Loop Extension: Extension of the existing 6-inch Lake Wales Lateral Loop by

constructing approximately 0.9 miles of 6-inch line in Polk County, Florida, which will loop a portion of the existing 3-inch Lake Wales Lateral, starting at milepost 2.5 and ending near milepost 3.4, at the inlet side of the existing Citrus World Plant delivery point.

(6) New Lateral Construction: The New Smyrna Beach Lateral which will consist of approximately 45.8 miles of 16-inch line, starting near mile post 646.8 on FGT's existing 24-inch and 26-inch mainlines, traversing Lake and Seminole Counties and ending at the proposed Duke Energy Measurement Station in Volusia County, Florida.

(7) Compressor Station Additions: A new 10,350 horsepower compressor unit (to be referred to as Compressor Station No. 12A) at its existing Compressor Station No. 12 in Santa Rosa County, Florida. A new 10,350 horsepower compressor unit (to be referred to as Compressor Station No. 13A) at its existing Compressor Station No. 13 in Washington County, Florida. A new 10,350 horsepower compressor unit (to be referred to as Compressor Station No. 14A) at its existing Compressor Station No. 14 in Gadsden County, Florida. A new Compressor station (to be referred to as Compressor Station No. 24), consisting of one 10,350 horsepower unit, on the existing 30-inch mainline in Gilchrist County, Florida. A new 7,170 horsepower compressor unit at its existing Compressor Station No. 26 in Citrus County, Florida.

(8) Delivery Points/Measurement Stations: A new measurement station near Ft. Myers, to be used as FGT's delivery point to FPL, located at the terminus of the proposed West Leg Extension in Lee County, Florida. A new measurement station which will be used as FGT's delivery point to National Gypsum and located at the terminus of the proposed Tampa South Lateral in Hillsborough County, Florida. A new measurement station which will be used as FGT's delivery point to Duke Energy New Smyrna Beach Power Company. Ltd., L.L.P., located at the terminus of the proposed New Smyrna Beach Lateral in Volusia County, Florida. A new tap, electronic flow measurement and approximately 100 feet of 4-inch tie-in line on the proposed West Leg Extension near mile post 111.7 in Lee County, Florida to connect to PGS at PGS' Ft. Myers Measurement Station which will be built by PGS. The costs to construct the meter stations, taps and tie-in will be reimbursed by the respective customers.

(9) Other Miscellaneous Facilities: A crossover from the proposed West Leg Extension, near mile post 28.3, to the existing 20-inch Agricola Lateral, near

mile post 0.0 where the two lines will cross in Polk County, Florida. Install a regulator at the interconnection of the existing Agricola and Sarasota Laterals. Re-stage its two existing 12,600 horsepower gas turbine-driven compressors and add a gas cooler and scrubber at Compressor Station No. 11A in Mobile County, Alabama. Re-stage its existing 12,600 horsepower gas turbine driven compressor at Compressor Station No. 15A in Taylor County, Florida. Construct other appurtenant facilities, including but not limited to regulation and separation facilities.

The proposed Phase IV Expansion will add incremental mainline capacity to FGT's existing pipeline system of approximately 272,000 MMBtu per day at an estimated construction cost of \$350.8 million. The projected in-service date is May 1, 2001.

FGT states that it conducted an open season to solicit interest and receive requests for transportation capacity in its proposed mainline expansion. As a result, eight (8) shippers have committed to firm transportation service for an annual average of approximately 327,000 MMBtu per day (including turnback capacity). Such service will be rendered pursuant to FGT's blanket certificate under Subpart G of Part 284 of the Commission's Regulations and Rate Schedule FTS-2 of FGT's Third Revised FERC Gas Tariff, Volume No. 1, subject to the receipt of all necessary regulatory approvals, including rolled-in rate treatment with Rate Schedule FTS-2 and the construction of the proposed Phase IV Expansion facilities. FGT states that it will conduct a supply area capacity allocation process in order to allocate mainline capacity and receipt point turnback capacity prior to the in-service date of the Phase IV Expansion.

FGT requests that the Commission grant FGT rolled-in rate treatment of the costs associated with the Phase IV Expansion since the rate impact on existing FTS-2 customers of rolling in the costs is below the five percent (5%) threshold specified in the Commission's Statement of Policy, 71 FERC 61,241 (1995), for establishing a presumption in favor of rolled-in rates.

FGT submitted *pro forma* tariff sheets for its FTS-2 service proposing to change defined levels of seasonal Maximum Daily Transportation Quantities from the current two seasonal periods of November through April and May through October to (1) October, (2) November through March, (3) April, and (4) May through September.

FGT requests that the Commission issue a preliminary determination on the non-environmental aspects of its

proposal by June 1, 1999, and a final order granting the authorizations requested herein by January 1, 2000.

FGT further requests it be allowed to phase-in gas deliveries to FPL at its Fort Myers Plant. FPL states that it needs this service to prepare each new generating turbine including purging of lines, test firing, full power testing and environmental and acceptance testing. FGT states that certain of the Phase IV facilities will have to be placed in service prior to the entire expansion, and at the time these certain facilities are place in service, FGT requests authorization to cease calculating AFUDC on those specific facilities and capture and defer, as a regulatory asset, depreciation and a calculated amount for pretax return, from the time these certain facilities are placed in service until the entire Phase IV Expansion is placed in service.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before December 31, 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 358.211) 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 proceedings. 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.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order.

However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be

able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all 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 Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and 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 believe 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 FGT to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA99-6-000]

Harken Energy Corporation; Notice of Petition for Dispute Resolution or, Alternatively, for Adjustment

December 9, 1998.

Take notice that on November 17, 1998, Harken Energy Corporation (Harken) filed a petition pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), requesting that the Commission resolve the dispute between Harken's wholly-owned subsidiary—Kennedy & Mitchell, Inc. (KMI)—and Northern Natural Gas Company (Northern) over whether KMI owes Northern any Kansas ad valorem tax refunds or, in the alternative, for