

that it therefore has no liability under the SRD.

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, 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.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-39-000]

#### Quinque Oil & Gas Producing Company; Notice of Petition for Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Quinque Oil & Gas Producing Company (Quinque), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),<sup>1</sup> requesting on behalf of certain working interest owners (First Sellers)<sup>2</sup> for whom it operated that the Commission:

(1) Grant an extension of 90 days to allow First Sellers and Panhandle Eastern Pipeline Company (PEPL) to resolve any dispute as to the proper amount of the refund liability of First Sellers from the Kansas ad valorem tax reimbursements set forth in the Statement of Refunds Due (SRD) and to make refunds or to submit such dispute to the Commission 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 Sellers to place into escrow account only any disputed amount of the refund but also: (1) Principle and interest on amounts of tax reimbursements received in years after the subject well was deregulated, and (ii) principal and interest on amounts attributable to production prior to October 4, 1983.

First Sellers also request an order for reimbursement of the 1984 tax refund First Sellers have made to PEPL to the extent of any part of its is hereafter deemed to be attributable to production prior to October 4, 1983. Quinque also requests that it be determined that it has no liability under the SRD except as to amounts attributable solely to its own working interest. Quinque'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 would, with the Commission's prior approval, amortize their Kansas ad valorem tax refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

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. SA98-46-000]

#### Quinque Operating Company; Notice of Petition for Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Quinque Operating Company (Quinque) and certain working interest owners (First Sellers)<sup>1</sup> for whom it operated, filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures [15 U.S.C. 3142(c) (1982)] with respect to Quinque's Kansas ad valorem tax refund liability. Quinque'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>2</sup> in Docket No. RP97-369-000, *et al.*,<sup>3</sup> directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], stating therein that producers (first sellers) 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 their individual circumstances.

Quinque requests that the Commission: (1) Grant a 90 day extension to allow First Sellers and Colorado Interstate Gas Company (CIG) to resolve any dispute as to the proper amount of the refund liability of First Sellers for the Kansas ad valorem tax reimbursements set forth in the Statement of Refunds Due (SRD), filed in Docket No. RP98-54-000, and to make refunds or to submit such dispute to FERC for resolution if the parties cannot resolve it within such time, and

<sup>1</sup> First Sellers are Quinque Oil & Gas Producing Co.; Jane Moore; Margaret C. Moore; Penny Moore; David O. Wilson; Pete Balog; Robert Hatcher Estate; Clarence and Margaret Hoeme; George Thomas Estate; LewJlac Company (LewJlac Company's interest now owned by Estate of Jack Engle); Lyle Pringle Estate; Winifred Pringle; F.L. Shogrin; C. Dale Stromquist; Benjamin and Margaret Zane; and Jack and Edna Walker.

<sup>2</sup> *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).

<sup>3</sup> See 80 FERC ¶ 61,264 (1997); *order denying reh'g*, issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

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

<sup>2</sup> First Sellers are Quinque Oil & Gas Producing Co., John W. Moore, Margaret C. Moore, Michael Moore, David O. Wilson, Jack E. Engel Estate, Robert Hatcher Estate, Clarence and Margaret Hoeme, C. Dale Stromquist, J & J Enterprises, Lyle Pringle Estate, and Winifred Pringle.

<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).