

It is stated that BMB's petition is filed in response to the Commission's September 10, 1997, order in Docket Nos. RP97-369-000, GP97-3-000, GP97-5-000¹ on remand from the D.C. Circuit Court of Appeals², which directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

BMG requests that the Commission grant an adjustment to its procedures to allow First Sellers to place into an escrow account the disputed amount of the refund set forth in the Statement of Refunds Due (SRD) from KN,³ and, after resolution of the dispute, to retain in the account (a) principal and interest on amounts attributable to production prior to October 4, 1983, and (b) interest on all reimbursed principal amount determined to be refundable as being in excess of maximum lawful prices (excluding interest retained under (a) above). It is stated that the SRD received from KN was \$39,853.44, including interest accrued through November 30, 1997.

BMG also requests an extension of time to permit an additional 90 days to resolve any dispute as to the correct amount of its actual refund liability and to reach an agreement on the amount before submitting the dispute to the Commission.

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

¹ See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *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).

³ See Docket No. RP98-53-000.

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. SA98-58-000]

Benson Mineral Group, Inc.; Notice of Petition for Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Benson Mineral Group, Inc. (First Seller), 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 First Seller's Kansas ad valorem tax refund liability. First Seller'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,¹ in Docket No. RP97-369-000, *et al.*,² 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.

First Seller requests that the Commission: (1) Grant a 90 day extension to allow First Seller and Panhandle Eastern Pipe Line Company (Panhandle) 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), filed in Docket No. RP98-40-000, and to make refunds 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

¹ *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).

² See 80 FERC ¶ 61,264 (1997); order denying reh'g, issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

interest pending resolution of disputes and legal issues, grant an adjustment to its procedures to allow First Seller to place into escrow account not only any disputed amount of the refund 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. First Seller 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.

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 Rules.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-59-000]

Benson Mineral Group, Inc.; Notice of Petition for Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Benson Mineral Group, Inc. (Benson—First Seller), 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 Benson's Kansas ad valorem tax refund liability.

The Commission's September 10, 1997 order on remand from the D.C. Circuit Court of Appeals,¹ in Docket No.

¹ *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), cert. denied, Nos. 96-954