

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. SA98-22-000]

Sally L. Bone; Notice of Petition for
Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Sally L. Bone (Mrs. Bone) 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. GP97-3-000, GP97-4-000, GP97-5-000, and RP97-369-000.² Mrs. Bone'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 Appeals³ 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 would continue to accrue on any outstanding balance.

Mrs. Bone states that the wells in question are the Sudan, Porter, Pinegar, Moyer, Campbell and Williamson located in Kearny County, Kansas. Mrs. Bone owes \$104,608.92 to the Enron Corporation (Enron) for the Kansas ad valorem tax refund.

Mrs. Bone states that the Commission will need to resolve a potential dispute between her and Enron as to there being another working interest holder involved in four of the six wells in question. Mrs. Bone objects to paying this person's share of the property tax reimbursement and requests that Enron be ordered to bill the other working interest holder directly. She states that Enron should also bill all royalty interest owners for that person's share of the property tax reimbursement for the same reasons. Mrs. Bone states that Enron made disbursements to all working interest and royalty owners during the time in question.

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) (Public Service).

Mrs. Bone states that she has requested from Enron additional information as to Enron's having made royalty payments directly to royalty interest holders for every well except the Sudan. She is requesting more details on the royalty owners for the entire time in question and based on that information Mrs. Bone can then determine whether any claims against royalty holders are collectible. Mrs. Bone states that a reimbursement was made on May 13, 1986 not January 18, 1986 as Enron had reported and she is requesting that Enron refigure the interest computation from May 13, 1986. Mrs. Bone has requested that Enron investigate the fact that there was another working interest holder in four of the wells. Mrs. Bone has requested more detailed information about the maximum lawful prices determined and was paid for gas during the subject years. Mrs. Bone states that until these questions are satisfactorily resolved, the \$104,608.82 will not be paid to Enron. Mrs. Bone requests that the Commission grant staff adjustment and dispute resolution in connection with the Statement of Refunds Due submitted by Enron to her on November 10, 1997. Mrs. Bone states that the sums are in dispute and is asking for a determination that she should not be responsible for the amount until additional information has been received from Enron.

Any person desiring to be heard or to make a 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 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 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 Nos. EC96-19-020 and ER96-1663-021]

California Power Exchange
Corporation; Notice of Filing

March 19, 1998.

Take notice that on March 18, 1998, the California Power Exchange Corporation (PX) filed for Commission acceptance in this docket, pursuant to Section 205 of the Federal Power Act, an application to amend the PX Operating Agreement and Tariff (including Protocols) (PX Tariff) and a motion for waiver of the 60-day notice requirement. The PX requests that the proposed PX Tariff amendments be made effective as of the PX operations date because the amendments are needed for initial operations.

The proposed amendments would correct a potential inequity in the PX's Overgeneration procedures that could result from applying the equation included in step 2 of PX Tariff Section 3.3.10 and Section 5.6 of the Bidding and Bid Evaluation Protocol. The proposed amendments would also implement a Congestion Fee regime for Zonal Market Clearing Prices to eliminate a potential "gaming" problem that could result from the application of the ISO's Usage Charge. Finally, the amendments would amend Section 2 of the PX Scheduling and Control Protocol to reflect that the deadlines in the timeline may be temporarily amended or suspended during operations.

Any person desiring to be heard or to protest said 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 27, 1998. Protests will be considered by the Commission 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 must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

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