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**Roy Truby,**

*Executive Director, National Assessment Governing Board.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket Nos. SA99-22-000, SA99-23-000, and SA99-24-000 (Not Consolidated)]

**Atlantic Richfield Corporation; Notice of Petitions for Dispute Resolution or, Alternatively, for Adjustment**

April 13, 1999.

Take notice that on March 9, 1999, Atlantic Richfield Corporation (Arco)

filed the above-referenced petitions, requesting the Commission to resolve disputes concerning its Kansas ad valorem tax refund obligation to the pipelines listed below.

Pipeline and docket No.	Refund claim
Colorado Interstate Gas Company, SA99-22-000 <sup>1</sup>	\$415,240.17
Northern Natural Gas Company, SA99-23-000 <sup>2</sup>	166,103.28
Williams Gas Pipelines Central, Inc., SA99-24-000 <sup>3</sup>	172,916.89

<sup>1</sup> Changed from Docket No. GP99-7-000.

<sup>2</sup> Changed from Docket No. GP99-8-000.

<sup>3</sup> Changed from Docket No. GP99-9-000.

Arco requests that the Commission resolve its dispute with Northern and Williams by holding that termination agreements and/or settlements with these two pipelines resolved all issues associated with Kansas ad valorem tax refund liability and extinguishes the pipeline's refund claim in its entirety. Arco contends that by agreeing in the settlement to forego claims it for nonperformance it otherwise could have continued to pursue, Arco agreed to accept total payments under the contracts that did not exceed the MLP ceilings multiplied by the total volumes represented by each pipeline's nonperformance. In such circumstances, no refund should be required. To order otherwise would prevent Arco from receiving the very benefits it bargained for in the settlements-settlements that the Commission itself strongly encouraged as a means to resolve the massive take-or-pay and underpayments liabilities of interstate pipelines and make the transition to a more market-responsive and competitive environment.

Arco maintains that Northern and consumers benefited from agreements and settlements because the settlements allowed the pipelines to avoid the much higher costs that full-performance of the contract would have entailed. By resolving "all claims" relating to, inter alia, "contractual price", the settlements resolved the Kansas ad valorem tax reimbursement issue. The Commission has found that these settlements served the public interest.

Arco also requests the Commission to establish procedure to verify the refund calculations in all three dockets to ensure fairness and equity.

Alternatively, Arco requests that the Commission waive Arco's refund liability pursuant to Section 502(c) of the NGPA. Arco asserts that the Commission has equitable discretion to grant adjustment relief from this refund requirement. Since the tax reimbursement payments made by the pipelines were for taxes that Arco in fact paid the State of Kansas, Arco maintains it did not retain any revenues in excess of the MPLs. Arco maintains that the equities in the case require the Commission to waive Arco's refund obligation. At a minimum, Arco continues, the Commission should waive the royalty portion of the refund. Arco notes that it sold its Kansas properties in 1993, and thus no longer has ongoing contractual relationships with its former Kansas royalty owners. The response from Arco's former royalty owners to Arco's mailing has been negligible. To engage in extensive searches or to pursue legal action against these interests would be a cost-prohibitive exercise in futility. Since Arco has transferred or otherwise ended the leases in question here, and thus has no ongoing relationship with the royalty owners, let alone relationships that would permit Arco to impose a unilateral reduction in future royalty payments as contemplated in Wylee. Arco asserts that the royalty portion of the refund claim is uncollectible, as a practical matter, due to the passage of time and the Kansas statute of limitations. Arco's petitions are on file with the Commission, and they are open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Any person desiring to be heard or to make any protest with reference to any of these petitions 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 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. RP99-227-000]

**High Island Offshore System; Notice of Technical Conference**

April 13, 1999.

In the Commission's order issued on March 31, 1999, 86 FERC ¶ 61,321 (1999), the Commission directed that a technical conference be held to address issues raised by the filing.